

Calendar No. 620

114TH CONGRESS
2D SESSION**S. 815****[Report No. 114–345]**

To provide for the conveyance of certain Federal land in the State of Oregon
to the Cow Creek Band of Umpqua Tribe of Indians.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2015

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

SEPTEMBER 8, 2016

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for the conveyance of certain Federal land in
the State of Oregon to the Cow Creek Band of Umpqua
Tribe of Indians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cow Creek Umpqua
5 Land Conveyance Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ~~COUNCIL CREEK LAND.~~—The term “Council
4 Creek land” means the approximately 17,519 acres
5 of land, as generally depicted on the map entitled
6 “Canyon Mountain Land Conveyance” and dated
7 June 27, 2013.

8 (2) ~~TRIBE.~~—The term “Tribe” means the Cow
9 Creek Band of Umpqua Tribe of Indians.

10 (3) ~~SECRETARY.~~—The term “Secretary” means
11 the Secretary of the Interior.

12 **SEC. 3. CONVEYANCE.**

13 (a) ~~IN GENERAL.~~—Subject to valid existing rights,
14 including rights-of-way, all right, title, and interest of the
15 United States in and to the Council Creek land, including
16 any improvements located on the land, appurtenances to
17 the land, and minerals on or in the land, including oil and
18 gas, shall be—

19 (1) held in trust by the United States for the
20 benefit of the Tribe; and

21 (2) part of the reservation of the Tribe.

22 (b) ~~SURVEY.~~—Not later than 1 year after the date
23 of enactment of this Act, the Secretary shall complete a
24 survey of the boundary lines to establish the boundaries
25 of the land taken into trust under subsection (a).

1 **SEC. 4. MAP AND LEGAL DESCRIPTION.**

2 (a) ~~IN GENERAL.~~—As soon as practicable after the
3 date of enactment of this Act, the Secretary shall file a
4 map and legal description of the Council Creek land
5 with—

6 (1) the Committee on Energy and Natural Re-
7 sources of the Senate; and

8 (2) the Committee on Natural Resources of the
9 House of Representatives.

10 (b) ~~FORCE AND EFFECT.~~—The map and legal de-
11 scription filed under subsection (a) shall have the same
12 force and effect as if included in this Act, except that the
13 Secretary may correct any clerical or typographical errors
14 in the map or legal description.

15 (c) ~~PUBLIC AVAILABILITY.~~—The map and legal de-
16 scription filed under subsection (a) shall be on file and
17 available for public inspection in the Office of the Sec-
18 retary.

19 **SEC. 5. ADMINISTRATION.**

20 (a) ~~IN GENERAL.~~—Unless expressly provided in this
21 Act, nothing in this Act affects any right or claim of the
22 Tribe existing on the date of enactment of this Act to any
23 land or interest in land.

24 (b) ~~PROHIBITIONS.~~—

25 (1) ~~EXPORTS OF UNPROCESSED LOGS.~~—Fed-
26 eral law (including regulations) relating to the ex-

1 port of unprocessed logs harvested from Federal
 2 land shall apply to any unprocessed logs that are
 3 harvested from the Council Creek land.

4 (2) NON-PERMISSIBLE USE OF LAND.—Any real
 5 property taken into trust under section 3 shall not
 6 be eligible, or used, for any gaming activity carried
 7 out under Public Law 100–497 (25 U.S.C. 2701 et
 8 seq.).

9 (c) FOREST MANAGEMENT.—Any forest management
 10 activity that is carried out on the Council Creek land shall
 11 be managed in accordance with all applicable Federal
 12 laws.

13 **SEC. 6. LAND RECLASSIFICATION.**

14 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
 15 RAILROAD GRANT LAND.—Not later than 180 days after
 16 the date of enactment of this Act, the Secretary of Agri-
 17 culture and the Secretary shall identify any Oregon and
 18 California Railroad grant land that is held in trust by the
 19 United States for the benefit of the Tribe under section
 20 3.

21 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—
 22 Not later than 18 months after the date of enactment of
 23 this Act, the Secretary shall identify public domain land
 24 in the State of Oregon that—

1 (1) is approximately equal in acreage and con-
 2 dition as the Oregon and California Railroad grant
 3 land identified under subsection (a); and

4 (2) is located in the vicinity of the Oregon and
 5 California Railroad grant land.

6 (c) MAPS.—Not later than 2 years after the date of
 7 enactment of this Act, the Secretary shall submit to Con-
 8 gress and publish in the Federal Register 1 or more maps
 9 depicting the land identified in subsections (a) and (b).

10 (d) RECLASSIFICATION.—

11 (1) IN GENERAL.—After providing an oppor-
 12 tunity for public comment, the Secretary shall re-
 13 classify the land identified in subsection (b) as Or-
 14 egon and California Railroad grant land.

15 (2) APPLICABILITY.—The Act of August 28,
 16 1937 (43 U.S.C. 1181a et seq.), shall apply to land
 17 reclassified as Oregon and California Railroad grant
 18 land under paragraph (1).

19 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

20 (a) *SHORT TITLE.*—*This Act may be cited as the*
 21 *“Western Oregon Tribal Fairness Act”.*

22 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 23 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—COW CREEK UMPQUA LAND CONVEYANCE

Sec. 101. Definitions.

Sec. 102. Land to be held in trust.

Sec. 103. Map and legal description.
Sec. 104. Administration.
Sec. 105. Land reclassification.

TITLE II—OREGON COASTAL LAND CONVEYANCE

Sec. 201. Definitions.
Sec. 202. Land to be held in trust.
Sec. 203. Map and legal description.
Sec. 204. Administration.
Sec. 205. Land reclassification.

TITLE III—AMENDMENTS TO COQUILLE RESTORATION ACT

Sec. 301. Amendments to Coquille Restoration Act.

1 **TITLE I—COW CREEK UMPQUA**
2 **LAND CONVEYANCE**

3 **SEC. 101. DEFINITIONS.**

4 *In this title:*

5 (1) *COUNCIL CREEK LAND.*—*The term “Council*
6 *Creek land” means the approximately 17,519 acres of*
7 *land, as generally depicted on the map entitled “Can-*
8 *yon Mountain Land Conveyance” and dated May 24,*
9 *2016.*

10 (2) *TRIBE.*—*The term “Tribe” means the Cow*
11 *Creek Band of Umpqua Tribe of Indians.*

12 (3) *SECRETARY.*—*The term “Secretary” means*
13 *the Secretary of the Interior.*

14 **SEC. 102. LAND TO BE HELD IN TRUST.**

15 (a) *IN GENERAL.*—*Subject to valid existing rights, in-*
16 *cluding rights-of-way, all right, title, and interest of the*
17 *United States in and to the Council Creek land, including*
18 *any improvements located on the land, appurtenances to*

1 *the land, and minerals on or in the land, including oil and*
 2 *gas, shall be—*

3 *(1) held in trust by the United States for the*
 4 *benefit of the Tribe; and*

5 *(2) part of the reservation of the Tribe.*

6 *(b) SURVEY.—Not later than 2 years after the date of*
 7 *enactment of this Act, the Secretary shall complete a survey*
 8 *to establish the boundaries of the land taken into trust*
 9 *under subsection (a).*

10 *(c) EFFECTIVE DATE.—Subsection (a) shall take effect*
 11 *on the day after the date on which the Secretary records*
 12 *the agreement entered into under section 104(d)(1).*

13 **SEC. 103. MAP AND LEGAL DESCRIPTION.**

14 *(a) IN GENERAL.—As soon as practicable after the*
 15 *date of enactment of this Act, the Secretary shall file a map*
 16 *and legal description of the Council Creek land with—*

17 *(1) the Committee on Energy and Natural Re-*
 18 *sources of the Senate; and*

19 *(2) the Committee on Natural Resources of the*
 20 *House of Representatives.*

21 *(b) FORCE AND EFFECT.—The map and legal descrip-*
 22 *tion filed under subsection (a) shall have the same force and*
 23 *effect as if included in this title, except that the Secretary*
 24 *may correct any clerical or typographical errors in the map*
 25 *or legal description.*

1 (c) *PUBLIC AVAILABILITY.*—*The map and legal de-*
 2 *scription filed under subsection (a) shall be on file and*
 3 *available for public inspection in the Office of the Secretary.*

4 **SEC. 104. ADMINISTRATION.**

5 (a) *IN GENERAL.*—*Unless expressly provided in this*
 6 *title, nothing in this title affects any right or claim of the*
 7 *Tribe existing on the date of enactment of this Act to any*
 8 *land or interest in land.*

9 (b) *PROHIBITIONS.*—

10 (1) *EXPORTS OF UNPROCESSED LOGS.*—*Federal*
 11 *law (including regulations) relating to the export of*
 12 *unprocessed logs harvested from Federal land shall*
 13 *apply to any unprocessed logs that are harvested from*
 14 *the Council Creek land.*

15 (2) *NON-PERMISSIBLE USE OF LAND.*—*Any real*
 16 *property taken into trust under section 102 shall not*
 17 *be eligible, or used, for any gaming activity carried*
 18 *out under Public Law 100–497 (25 U.S.C. 2701 et*
 19 *seq.).*

20 (c) *FOREST MANAGEMENT.*—*Any forest management*
 21 *activity that is carried out on the Council Creek land shall*
 22 *be managed in accordance with all applicable Federal laws.*

23 (d) *AGREEMENTS.*—

24 (1) *MEMORANDUM OF AGREEMENT FOR ADMINIS-*
 25 *TRATIVE ACCESS.*—*Not later than 180 days after the*

1 *date of enactment of this Act, the Secretary shall seek*
2 *to enter into an agreement with the Tribe that secures*
3 *existing administrative access by the Secretary to the*
4 *Council Creek land.*

5 (2) *RECIPROCAL RIGHT-OF-WAY AGREEMENTS.—*

6 (A) *IN GENERAL.—On the date on which*
7 *the agreement is entered into under paragraph*
8 *(1), the Secretary shall provide to the Tribe all*
9 *reciprocal right-of-way agreements to the Council*
10 *Creek land in existence as of the date of enact-*
11 *ment of this Act.*

12 (B) *CONTINUED ACCESS.—Beginning on the*
13 *date on which the Council Creek land is taken*
14 *into trust under section 102, the Tribe shall con-*
15 *tinue the access provided by the agreements re-*
16 *ferred to in subparagraph (A) in perpetuity.*

17 (e) *LAND USE PLANNING REQUIREMENTS.—Except as*
18 *provided in subsection (c), once the Council Creek land is*
19 *taken into trust under section 102, the Council Creek land*
20 *shall not be subject to the land use planning requirements*
21 *of the Federal Land Policy and Management Act of 1976*
22 *(43 U.S.C. 1701 et seq.) or the Act of August 28, 1937 (43*
23 *U.S.C. 1181a et seq.).*

1 **SEC. 105. LAND RECLASSIFICATION.**

2 (a) *IDENTIFICATION OF OREGON AND CALIFORNIA*
 3 *RAILROAD GRANT LAND.*—Not later than 180 days after
 4 the date of enactment of this Act, the Secretary of Agri-
 5 culture and the Secretary shall identify any Oregon and
 6 California Railroad grant land that is held in trust by the
 7 United States for the benefit of the Tribe under section 102.

8 (b) *IDENTIFICATION OF PUBLIC DOMAIN LAND.*—Not
 9 later than 2 years after the date of enactment of this Act,
 10 the Secretary shall identify public domain land in the State
 11 of Oregon that—

12 (1) *is approximately equal in acreage and condi-*
 13 *tion as the Oregon and California Railroad grant*
 14 *land identified under subsection (a); and*

15 (2) *is located within the 18 western Oregon and*
 16 *California Railroad grant land counties (other than*
 17 *Klamath County, Oregon).*

18 (c) *MAPS.*—Not later than 3 years after the date of
 19 enactment of this Act, the Secretary shall submit to Con-
 20 gress and publish in the Federal Register 1 or more maps
 21 depicting the land identified in subsections (a) and (b).

22 (d) *RECLASSIFICATION.*—

23 (1) *IN GENERAL.*—After providing an oppor-
 24 tunity for public comment, the Secretary shall reclas-
 25 sify the land identified in subsection (b) as Oregon
 26 and California Railroad grant land.

1 (2) *APPLICABILITY.*—*The Act of August 28, 1937*
 2 *(43 U.S.C. 1181a et seq.), shall apply to land reclassi-*
 3 *fied as Oregon and California Railroad grant land*
 4 *under paragraph (1).*

5 ***TITLE II—OREGON COASTAL***
 6 ***LAND CONVEYANCE***

7 ***SEC. 201. DEFINITIONS.***

8 *In this title:*

9 (1) *CONFEDERATED TRIBES.*—*The term “Confed-*
 10 *erated Tribes” means the Confederated Tribes of Coos,*
 11 *Lower Umpqua, and Siuslaw Indians.*

12 (2) *OREGON COASTAL LAND.*—*The term “Oregon*
 13 *Coastal land” means the approximately 14,742 acres*
 14 *of land, as generally depicted on the map entitled*
 15 *“Oregon Coastal Land Conveyance” and dated July*
 16 *11, 2016.*

17 (3) *SECRETARY.*—*The term “Secretary” means*
 18 *the Secretary of the Interior.*

19 ***SEC. 202. LAND TO BE HELD IN TRUST.***

20 (a) *IN GENERAL.*—*Subject to valid existing rights, in-*
 21 *cluding rights-of-way, all right, title, and interest of the*
 22 *United States in and to the Oregon Coastal land, including*
 23 *any improvements located on the land, appurtenances to*
 24 *the land, and minerals on or in the land, including oil and*
 25 *gas, shall be—*

1 (1) *held in trust by the United States for the*
 2 *benefit of the Confederated Tribes; and*

3 (2) *part of the reservation of the Confederated*
 4 *Tribes.*

5 (b) *SURVEY.*—*Not later than 2 years after the date of*
 6 *enactment of this Act, the Secretary shall complete a survey*
 7 *to establish the boundaries of the land taken into trust*
 8 *under subsection (a).*

9 (c) *EFFECTIVE DATE.*—*Subsection (a) shall take effect*
 10 *on the day after the date on which the Secretary records*
 11 *the agreement entered into under section 204(d)(1).*

12 **SEC. 203. MAP AND LEGAL DESCRIPTION.**

13 (a) *IN GENERAL.*—*As soon as practicable after the*
 14 *date of enactment of this Act, the Secretary shall file a map*
 15 *and legal description of the Oregon Coastal land with—*

16 (1) *the Committee on Energy and Natural Re-*
 17 *sources of the Senate; and*

18 (2) *the Committee on Natural Resources of the*
 19 *House of Representatives.*

20 (b) *FORCE AND EFFECT.*—*The map and legal descrip-*
 21 *tion filed under subsection (a) shall have the same force and*
 22 *effect as if included in this title, except that the Secretary*
 23 *may correct any clerical or typographical errors in the map*
 24 *or legal description.*

1 (c) *PUBLIC AVAILABILITY.*—*The map and legal de-*
 2 *scription filed under subsection (a) shall be on file and*
 3 *available for public inspection in the Office of the Secretary.*

4 **SEC. 204. ADMINISTRATION.**

5 (a) *IN GENERAL.*—*Unless expressly provided in this*
 6 *title, nothing in this title affects any right or claim of the*
 7 *Confederated Tribes existing on the date of enactment of*
 8 *this Act to any land or interest in land.*

9 (b) *PROHIBITIONS.*—

10 (1) *EXPORTS OF UNPROCESSED LOGS.*—*Federal*
 11 *law (including regulations) relating to the export of*
 12 *unprocessed logs harvested from Federal land shall*
 13 *apply to any unprocessed logs that are harvested from*
 14 *the Oregon Coastal land taken into trust under sec-*
 15 *tion 202.*

16 (2) *NON-PERMISSIBLE USE OF LAND.*—*Any real*
 17 *property taken into trust under section 202 shall not*
 18 *be eligible, or used, for any gaming activity carried*
 19 *out under Public Law 100–497 (25 U.S.C. 2701 et*
 20 *seq.).*

21 (c) *FOREST MANAGEMENT.*—*Any forest management*
 22 *activity that is carried out on the Oregon Coastal land shall*
 23 *be managed in accordance with all applicable Federal laws.*

24 (d) *AGREEMENTS.*—

1 (1) *MEMORANDUM OF AGREEMENT FOR ADMINIS-*
 2 *TRATIVE ACCESS.*—*Not later than 180 days after the*
 3 *date of enactment of this Act, the Secretary shall seek*
 4 *to enter into an agreement with the Confederated*
 5 *Tribes that secures existing administrative access by*
 6 *the Secretary to the Oregon Coastal land and that*
 7 *provides for—*

8 (A) *access for certain activities, including—*
 9 (i) *forest management;*
 10 (ii) *timber and rock haul;*
 11 (iii) *road maintenance;*
 12 (iv) *wildland fire protection and man-*
 13 *agement;*
 14 (v) *cadastral surveys;*
 15 (vi) *wildlife, cultural, and other sur-*
 16 *veys; and*
 17 (vii) *law enforcement activities;*

18 (B) *the management of the Oregon Coastal*
 19 *land that is acquired or developed under chapter*
 20 *2003 of title 54, United States Code, consistent*
 21 *with section 200305(f)(3) of that title; and*

22 (C) *the terms of public vehicular transit*
 23 *across the Oregon Coastal land to and from the*
 24 *Hult Log Storage Reservoir located in T. 15 S.,*
 25 *R. 7 W., as generally depicted on the map de-*

scribed in section 201(2), subject to the requirement that if the Bureau of Land Management discontinues maintenance of the public recreation site known as “Hult Reservoir”, the terms of any agreement in effect on that date that provides for public vehicular transit to and from the Hult Log Storage Reservoir shall be void.

(2) *RECIPROCAL RIGHT-OF-WAY AGREEMENTS.*—

(A) *IN GENERAL.*—On the date on which the agreement is entered into under paragraph (1), the Secretary shall provide to the Confederated Tribes all reciprocal right-of-way agreements to the Oregon Coastal land in existence on the date of enactment of this Act.

(B) *CONTINUED ACCESS.*—Beginning on the date on which the Oregon Coastal land is taken into trust under section 202, the Confederated Tribes shall continue the access provided by the reciprocal right-of-way agreements referred to in subparagraph (A) in perpetuity.

(e) *LAND USE PLANNING REQUIREMENTS.*—Except as

provided in subsection (c), once the Oregon Coastal land is taken into trust under section 202, the Oregon Coastal land shall not be subject to the land use planning requirements of the Federal Land Policy and Management Act of

1 1976 (43 U.S.C. 1701 *et seq.*) or the Act of August 28, 1937
 2 (43 U.S.C. 1181a *et seq.*).

3 **SEC. 205. LAND RECLASSIFICATION.**

4 (a) *IDENTIFICATION OF OREGON AND CALIFORNIA*
 5 *RAILROAD GRANT LAND.*—Not later than 180 days after
 6 the date of enactment of this Act, the Secretary of Agri-
 7 culture and the Secretary shall identify any Oregon and
 8 California Railroad grant land that is held in trust by the
 9 United States for the benefit of the Confederated Tribes
 10 under section 202.

11 (b) *IDENTIFICATION OF PUBLIC DOMAIN LAND.*—Not
 12 later than 2 years after the date of enactment of this Act,
 13 the Secretary shall identify public domain land in the State
 14 of Oregon that—

15 (1) is approximately equal in acreage and condi-
 16 tion as the Oregon and California Railroad grant
 17 land identified under subsection (a); and

18 (2) is located within the 18 western Oregon and
 19 California Railroad grant land counties (other than
 20 Klamath County, Oregon).

21 (c) *MAPS.*—Not later than 3 years after the date of
 22 enactment of this Act, the Secretary shall submit to Con-
 23 gress and publish in the Federal Register 1 or more maps
 24 depicting the land identified in subsections (a) and (b).

25 (d) *RECLASSIFICATION.*—

(1) *IN GENERAL.*—After providing an opportunity for public comment, the Secretary shall reclassify the land identified in subsection (b) as Oregon and California Railroad grant land.

(2) *APPLICABILITY.*—The Act of August 28, 1937 (43 U.S.C. 1181a et seq.), shall apply to land reclassified as Oregon and California Railroad grant land under paragraph (1).

TITLE III—AMENDMENTS TO COQUILLE RESTORATION ACT

SEC. 301. AMENDMENTS TO COQUILLE RESTORATION ACT.

Section 5(d) of the Coquille Restoration Act (25 U.S.C. 715c(d)) is amended—

(1) by striking paragraph (5) and inserting the following:

“(5) *MANAGEMENT.*—

“(A) *IN GENERAL.*—Subject to subparagraph (B), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall manage the Coquille Forest in accordance with the laws pertaining to the management of Indian trust land.

“(B) *ADMINISTRATION.*—

“(i) *UNPROCESSED LOGS.*—Unprocessed logs harvested from the Coquille Forest

1 *shall be subject to the same Federal statu-*
 2 *tory restrictions on export to foreign na-*
 3 *tions that apply to unprocessed logs har-*
 4 *vested from Federal land.*

5 “(ii) *SALES OF TIMBER.—Notwith-*
 6 *standing any other provision of law, all*
 7 *sales of timber from land subject to this sub-*
 8 *section shall be advertised, offered, and*
 9 *awarded according to competitive bidding*
 10 *practices, with sales being awarded to the*
 11 *highest responsible bidder.”;*

12 *(2) by striking paragraph (9); and*

13 *(3) by redesignating paragraphs (10) through*
 14 *(12) as paragraphs (9) through (11), respectively.*

Calendar No. 620

114TH CONGRESS
2D Session

S. 815

[Report No. 114-345]

A BILL

To provide for the conveyance of certain Federal
land in the State of Oregon to the Cow Creek
Band of Umpqua Tribe of Indians.

SEPTEMBER 8, 2016

Reported with an amendment