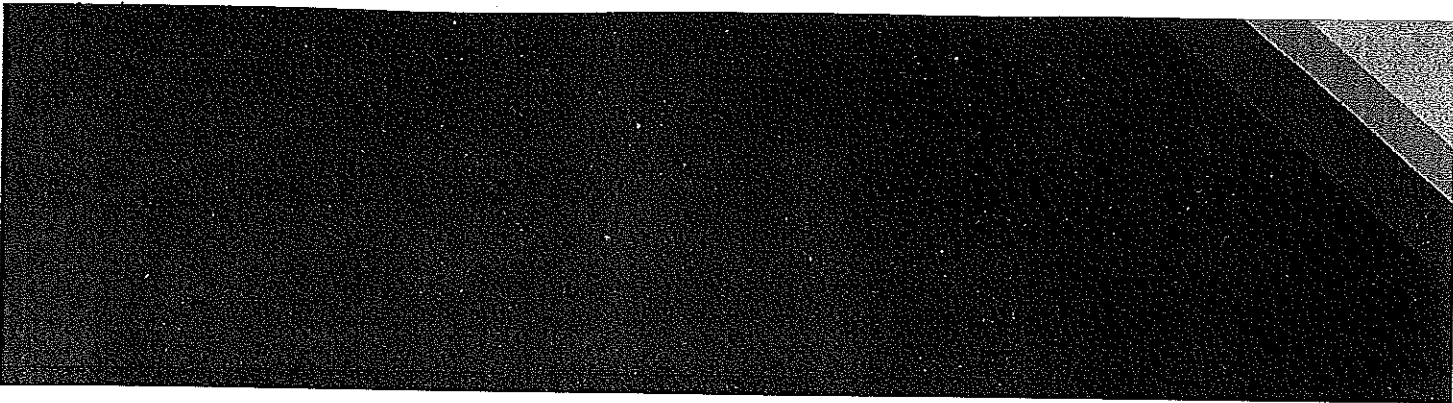


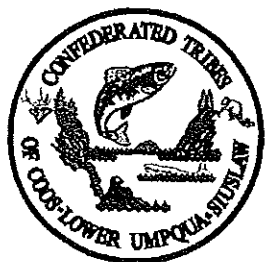
**A**

**Tract-By-Tract Analysis of  
Public Lands Affected By  
S. 1414/Title III, Subtitle D,  
Part 2 of H.R. 1526  
(113<sup>th</sup> Congress)**

**(Separately Bound)**



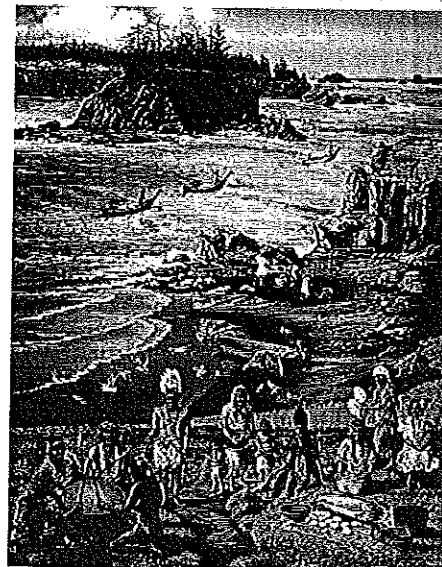
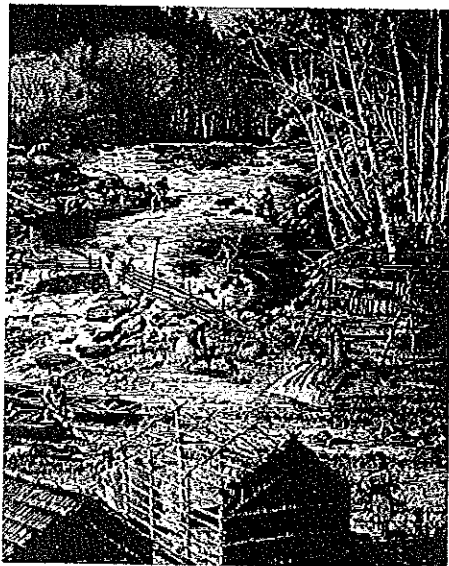
S. 1414



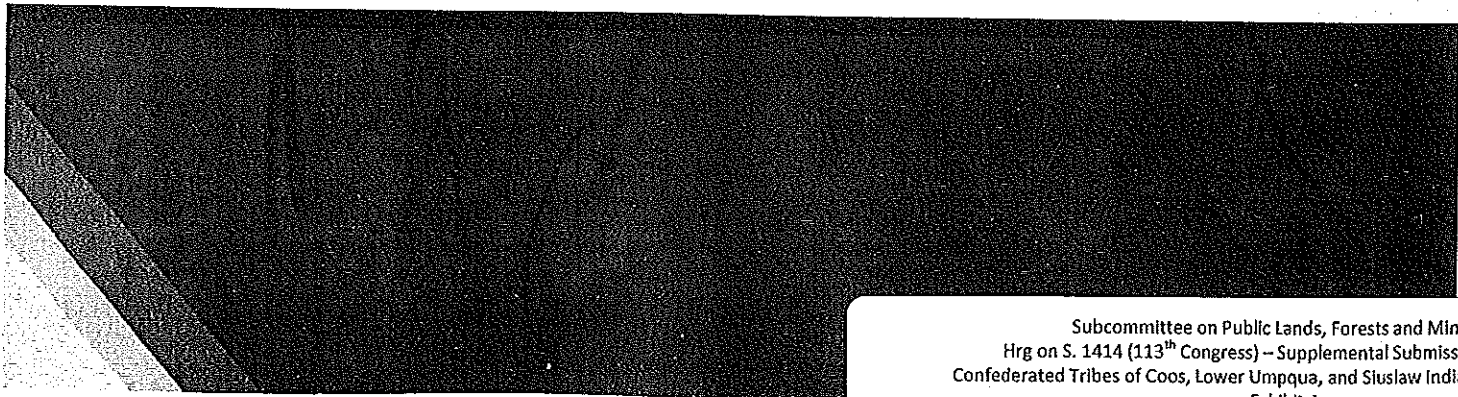
# H.R. 1526 [Title III, Subtitle D, Part 2]

## Oregon Coastal Land Conveyance

Tract-by-Tract Analysis of Historical and Current Land Use



November 20, 2013



## **I. ALL TRACT SUMMARY**

## Breakdown by Acres

11/20/2013

Tracts	Acres	Land Use Allocations (LUA)				Timber Age Categories (Years)				Federal Status				NSO 2012 Proposed Northern Spotted Owl Critical Habitat
		Late Successional Reserve (ISR)	Matrix	Administratively Withdrawn	0-74	75-124	125 or older	Not Forest	Coos Bay Wagon Road	Oregon and California	Public Domain	Acquired		
Huunat'a (Lower Smith)	4,974	1,526	3,448	0	3,638	25	1,303	8	0	4,974	0	0	608	
Tekeat (Tioga)	4,563	721	3,842	0	4,001	0	546	16	0	4,563	0	0	635	
Pkittii (Lake)	4,977	0	4,977	0	4,911	33	27	6	0	4,937	40	0	4,977	
Takimiya (Umpqua Eden)	146	0	146	0	0	0	146	0	0	0	0	146	0	
Macy	37	0	0	37	0	0	37	0	0	0	37	0	0	
Xitlxaldich (Coos Head)	54	0	0	54	0	54	0	0	0	0	54	0	0	
Talbot	36	0	36	0	36	0	0	0	0	0	36	0	0	
<b>Total</b>	<b>14,787</b>	<b>2,247</b>	<b>12,449</b>	<b>91</b>	<b>12,586</b>	<b>112</b>	<b>2,059</b>	<b>30</b>	<b>0</b>	<b>14,474</b>	<b>167</b>	<b>146</b>	<b>6,220</b>	

## Breakdown by Percentage

Tracts	% of Total	Land Use Allocations (LUA)				Timber Age Categories (Years)				Federal Status				NSO 2012 Proposed Northern Spotted Owl Critical Habitat
		Late Successional Reserve (ISR)	Matrix	Administratively Withdrawn	0-74	75-124	125 or older	Not Forest	Coos Bay Wagon Road	Oregon and California	Public Domain	Acquired		
Huunat'a (Lower Smith)	33.6%	30.7%	69.3%	0.0%	73.1%	0.5%	26.2%	0.2%	0.0%	100.0%	0.0%	0.0%	12.2%	
Tekeat (Tioga)	30.9%	15.8%	84.2%	0.0%	87.7%	0.0%	12.0%	0.4%	0.0%	100.0%	0.0%	0.0%	13.9%	
Pkittii (Lake)	33.7%	0.0%	100.0%	0.0%	98.7%	0.7%	0.5%	0.1%	0.0%	99.2%	0.8%	0.0%	100.0%	
Takimiya (Umpqua Eden)	1.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	
Macy	0.3%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	
Xitlxaldich (Coos Head)	0.4%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	
Talbot	0.2%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	
<b>Total</b>	<b>100.0%</b>	<b>15.2%</b>	<b>84.2%</b>	<b>0.6%</b>	<b>85.1%</b>	<b>0.8%</b>	<b>13.9%</b>	<b>0.2%</b>	<b>0.0%</b>	<b>97.9%</b>	<b>1.1%</b>	<b>1.0%</b>	<b>42.1%</b>	

## **II. UPPER LAKE TRACT**

## Pkiitii (Lake Tract)

The large forested tracts are by and large homogenous in that they are dominated by second-growth Douglas-fir plantation stands. These tracts were chosen for their relative lack of controversial characteristics including stand composition. Douglas-fir plantations are not typically associated with traditional cultural values. Second-growth Douglas-fir plantation stands are characteristic of large portions of the Tribe's ancestral lands today. Second-growth Douglas-fir plantation stands contribute relatively little to the ecological diversity of the forest landscape.

### Siuslaw



*"It was never my wish to give up my country."*  
Siuslaw Dick, Headman

*"I understand the Washington Chief wants to send us money. What for? I know the mind of my people. They do not want money."*  
Siuslaw John, Chief of the Siuslaw

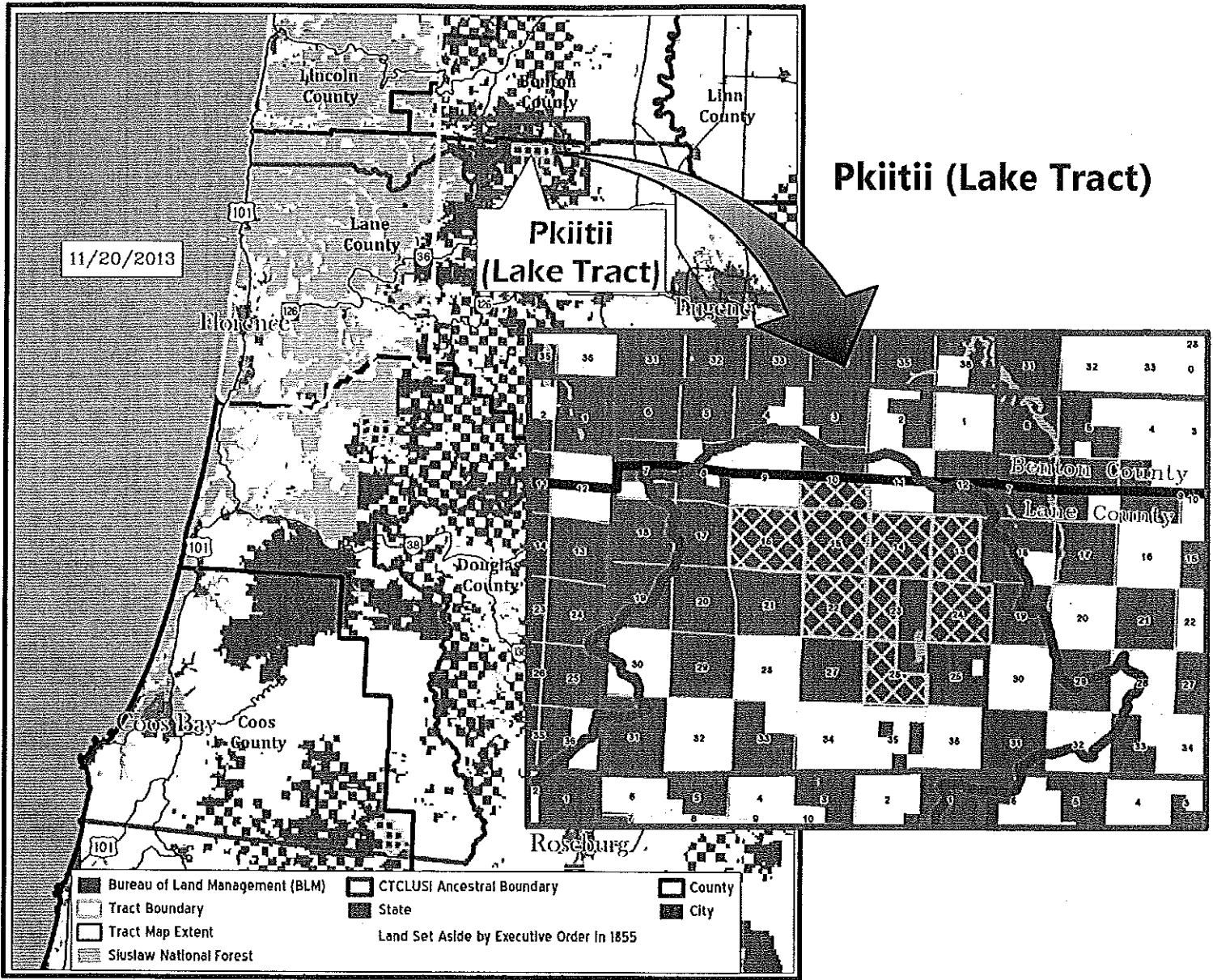
The Lake / Pkiitii Tract is in the headwaters of Lake Creek, which ultimately feeds into Triangle Lake. Andrew S. Charles described seeing the evidence of tribal hunting in the hills around Triangle Lake. Charles testified before the US Court of Claims and later was interviewed by the ethnologist and linguist John P. Harrington. As Charles testified and later told to Harrington::

*"Well, at Chickahominy Hill [south of Triangle Lake] you can see the holes that are left where the pitfalls were made for the big game, and you can see the old fire remains there and you can see the bones there under the ground where you scrape the ground away; that is what we found at Chickahominy Hill, and then toward the Triangle Lake we find the same thing - the holes in the ground, the remains of the pitfalls, and another one at Cummins Camp you can see a lot of remains of pitfalls and the fire places where the fires were, the ashes and burned rocks."*

Charles also mentioned the Triangle Lake area as a place where the Siuslaw would welcome their Kalapuya neighbors from the east to trade, socialize, and gamble.

The Lake Tract also includes the former allotment of Abbie Mashell, a member of the Barrett Family. The Barrett family is the largest family within the Siuslaw Tribe. The Lake Tract holds symbolic value for its inclusion of an allotment which was lost due to the naivety or misfortune of an earlier generation of Tribal Members who were struggling to learn to live in the new world.

The Lake Tract does not include any land set aside by President Pierce in 1855. It also excludes the Hult Log Storage Reservoir, a recreational area frequented by local residents.



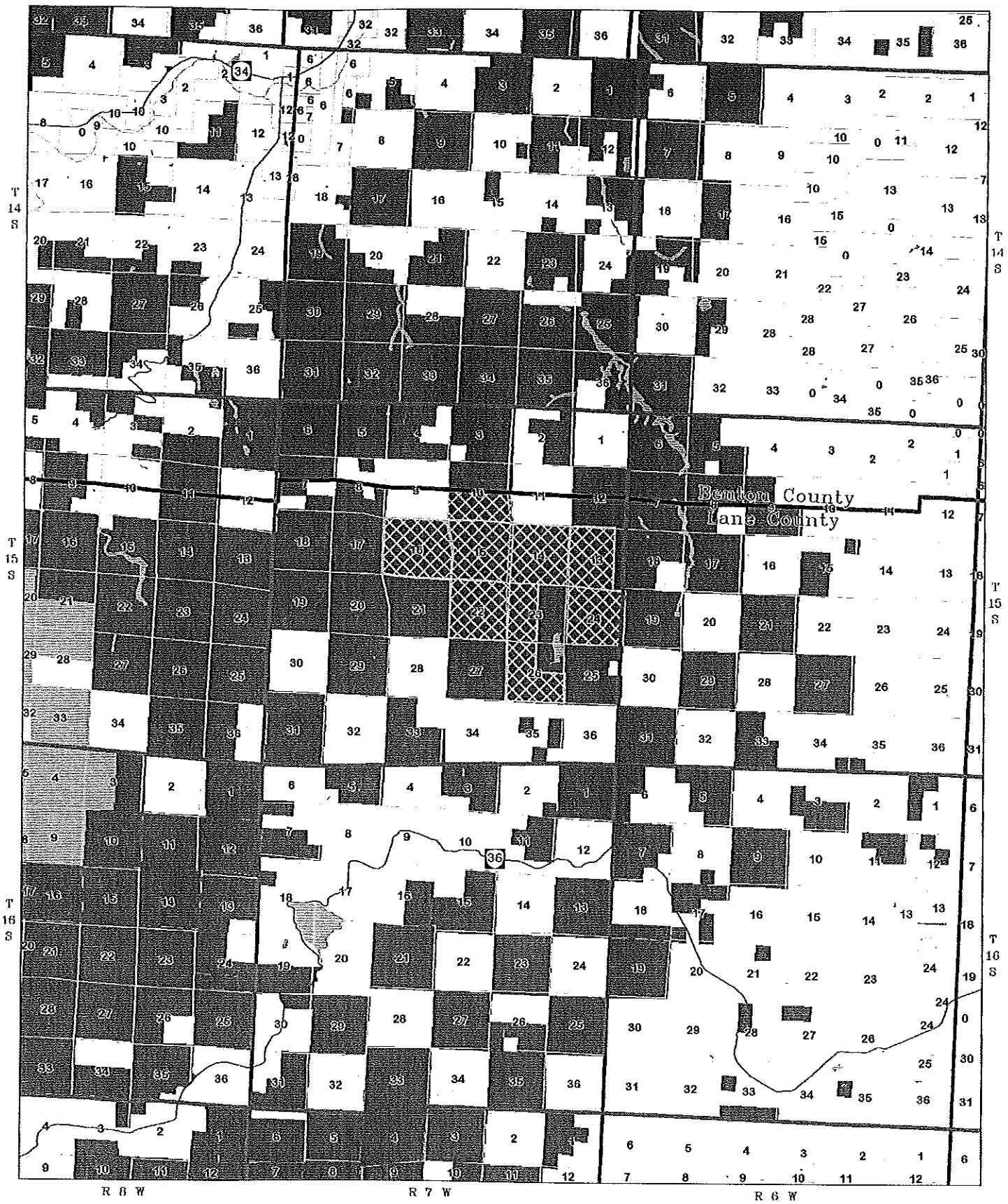
**Pkiitii (Lake Tract)**

**Pkiitii  
(Lake Tract)**

**Pkiitii (Lake Tract) Statistics**

Current Manager	BLM
Acres	4,977
O & C Railroad Revested Land	99%
Acres Within Land Set Aside by Executive Order in 1855	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	1%
Acquired	0%
County	Lane
Matrix and Adjacent Riparian Reserve	100%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	0%
Timber Stands under 75 years	98%
Timber Stands 75 – 124 years	1%
Timber Stands over 124 years	1%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	100%
Legal Description: S <sup>1/2</sup> Sec. 10, W <sup>1/2</sup> E <sup>1/2</sup> , W <sup>1/2</sup> Sec. 13, Sec. 14, Sec.15, Sec. 16, Sec. 22, W <sup>1/2</sup> Sec. 23, Sec. 24, NW <sup>1/4</sup> , S <sup>1/2</sup> Sec. 26, T. 15 S., R. 7 W., WM	

\*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.



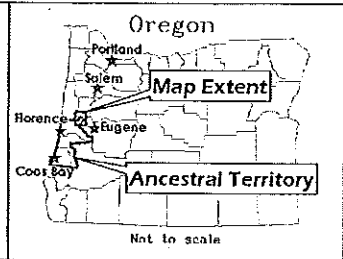
**Pkiltii (Lake Tract)**

- |  |                    |
|--|--------------------|
| Bureau of Land Management (BLM)  | State              |
| Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians | Township and Range |
| Siuslaw National Forest  | County             |
|  | Section            |
|  | City               |

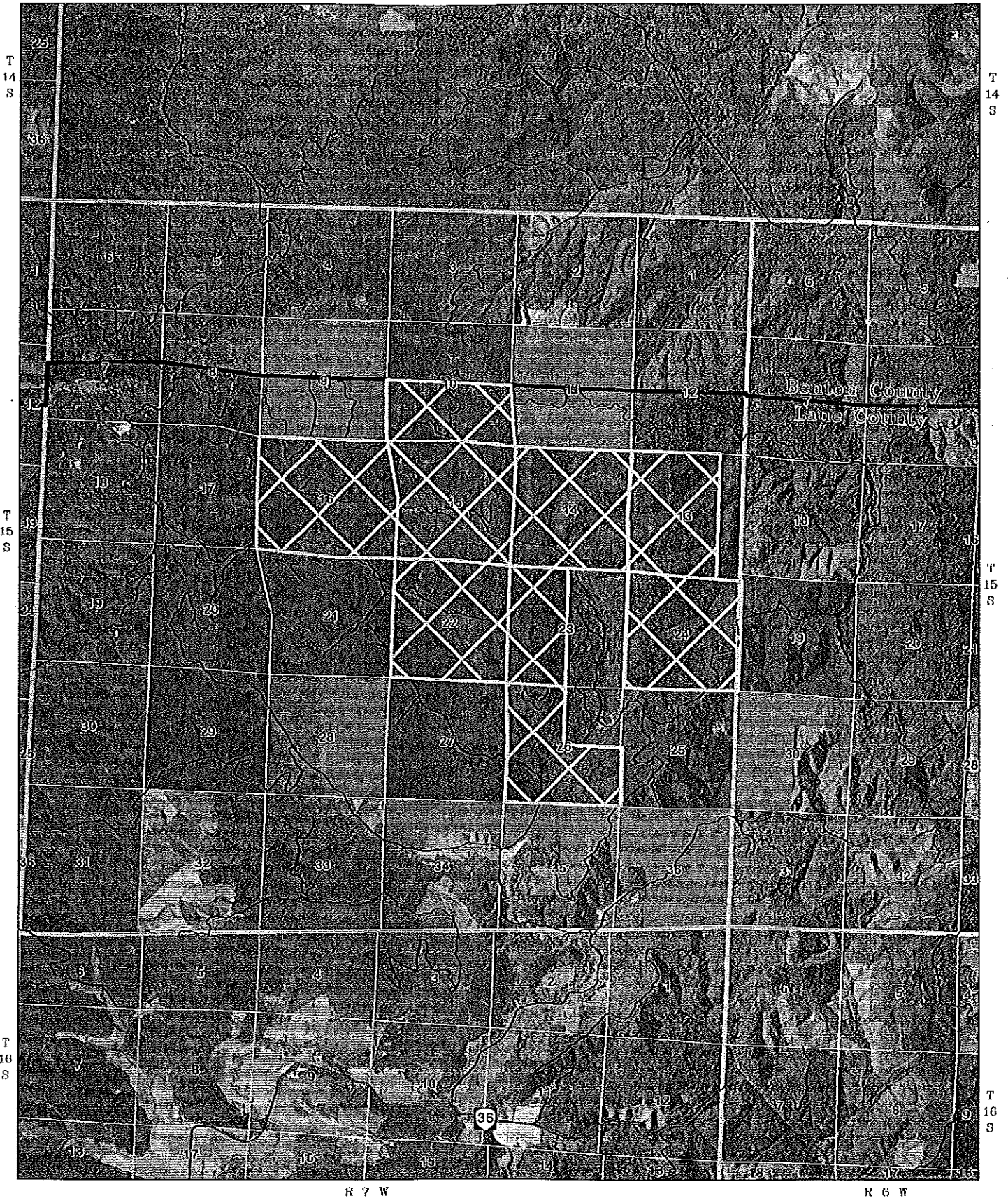
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**Pkiltli (Lake Tract)**

**Adjacent Land Ownership**

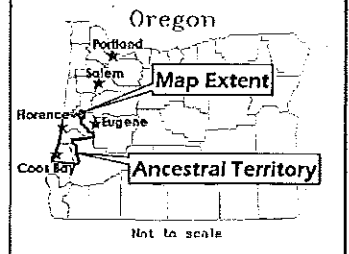
-  Bureau of Land Management
-  Industrial Timber Company
-  Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

-  Highway
-  Main Road
-  Township and Range
-  County
-  Section

**11/20/2013**



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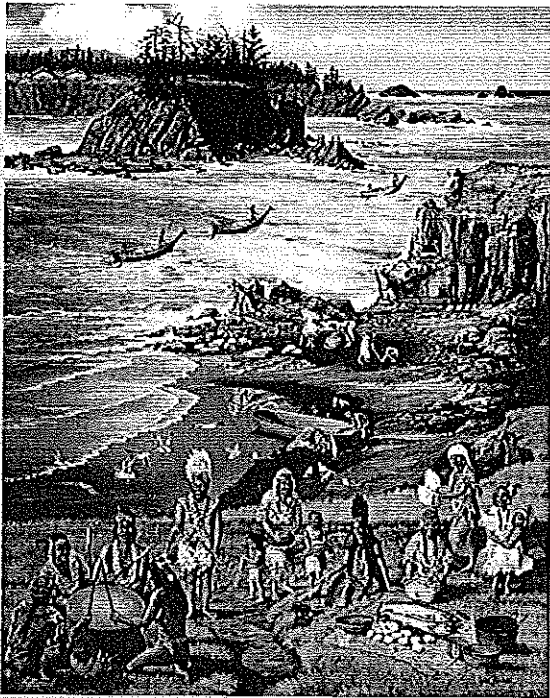


### **III. TIoga TRACT**

## Tekeat (Tioga Tract)

The large forested tracts are by and large homogenous in that they are dominated by second-growth Douglas-fir plantation stands. These tracts were chosen for their relative lack of controversial characteristics including stand composition. Douglas-fir plantations are not typically associated with traditional cultural values. Second-growth Douglas-fir plantation stands are characteristic of large portions of the Tribe's ancestral lands today. Second-growth Douglas-fir plantation stands contribute relatively little to the ecological diversity of the forest landscape.

### Coos



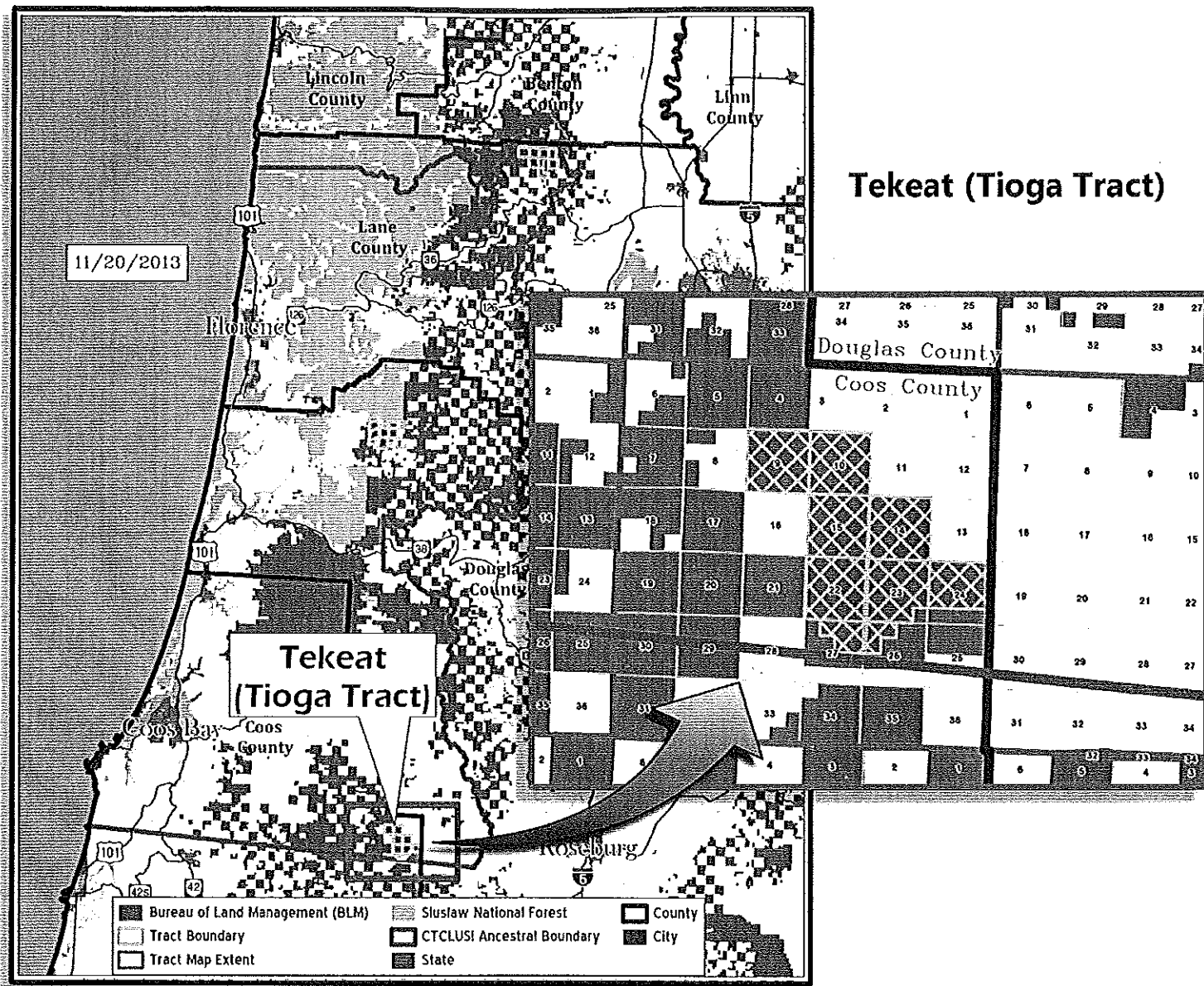
*"We are in trouble. I was ashamed when one man said 'He did not want to be driven like the Coos.' The whites had made us poor by driving us from our old country. I have a heavy heart on account of the treaty we made with General Palmer ... It was not a small country we gave the whites. It was a large country ... When we sold our land we never received any pay. You do not see me with a team or wagon. I do not owe anybody anything, but the Great Chief owes me a great deal for the Country we sold.*

Coos Jeff, Headman

In his testimony before the US Court of Claims, James Buchanan described the southeast boundary of the Coos Indian country as the summit mountain called Tekeat Mountain. The Tioga/Tekeat Tract includes land in the Coos Watershed by the summit of the ridge dividing the Coos, Coquille, and Umpqua drainages, but the tract boundary does not cross the watershed divide.

At the end of his testimony in the afternoon of November 11, 1931, James Buchanan was asked if he had "anything further that he desires to say that is material and pertinent to the issues in this case." Speaking through his translator, Mr. Buchanan answered:

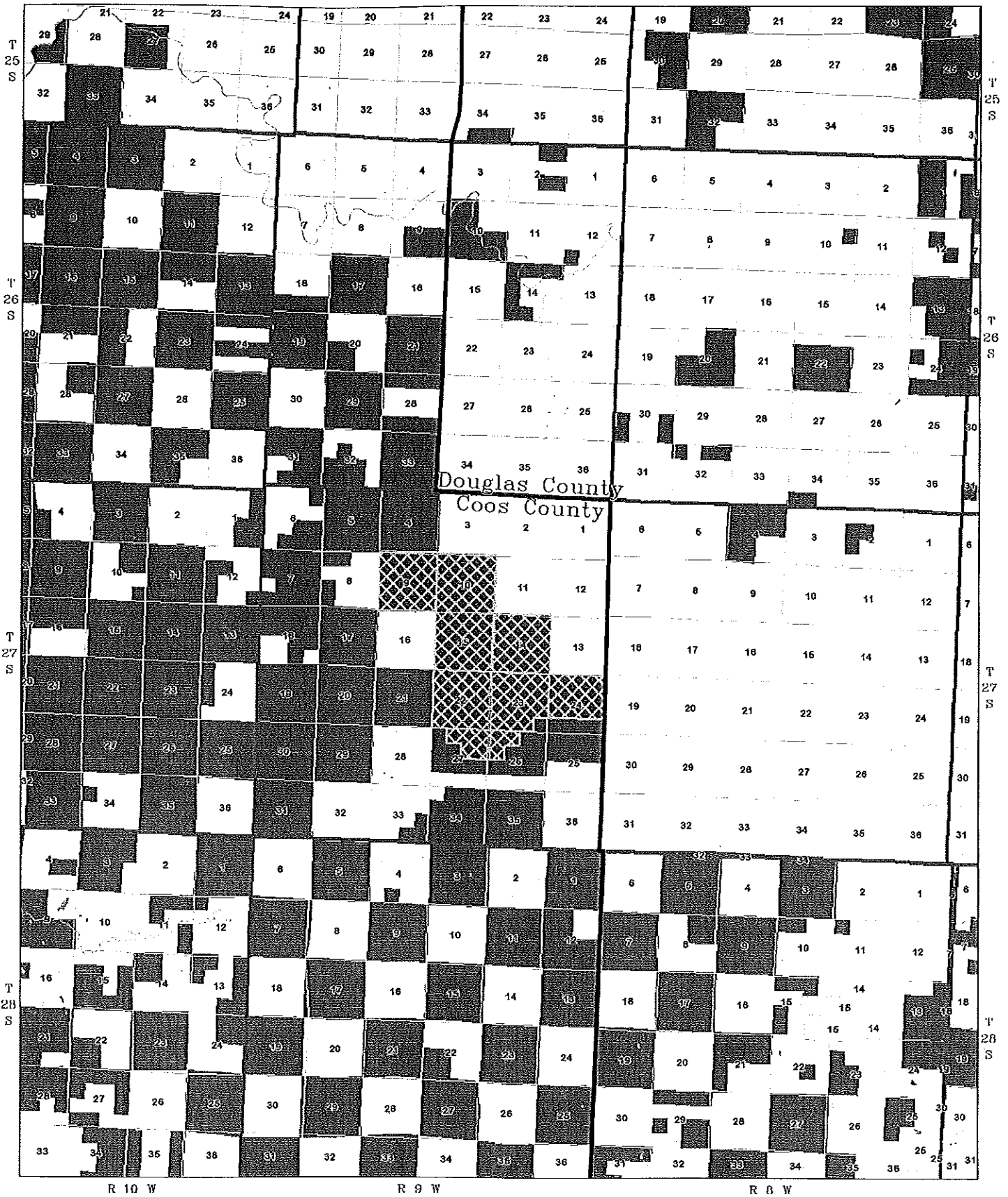
*"Prior to taking possession of our country we were happy and there was no trouble between us and the white residents and I feel sorry to think that we are in most destitute circumstances; that the white people have come and reaped the golden harvest of our country while a number of us are now today living from hand to mouth. At the time when the country was taken away from us we believed within our heart's own hearts that the promises of the whites were fully as good as the promises of the Indians. Through the promises we moved away and gave up everything. I think under the terms of the treaty that it would [be] a wise thing if the Government of the United States would reconsider the situation of these destitute Indians. We have waited in vain for the period of seventy-six long years and we would like to have a settlement of some kind from our Government."*



## Tekeat (Tioga Tract)

Tekeat (Tioga Tract) Statistics	
Current Manager	BLM
Acres	4,563
O & C Railroad Revested Land	100%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	0%
County	Coos
Matrix and Adjacent Riparian Reserve	84%
Late Successional Reserve and Adjacent Riparian Reserve	16%
Administratively Withdrawn	0%
Timber Stands under 75 years	88%
Timber Stands 75 – 124 years	0%
Timber Stands over 124 years	12%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	14%
Legal Description: Sec. 9,10,14,15,22,SW <sup>1/4</sup> SE <sup>1/4</sup> ,N <sup>1/2</sup> SE <sup>1/4</sup> ,SW <sup>1/4</sup> ,N <sup>1/2</sup> Sec. 23, N <sup>1/2</sup> S <sup>1/2</sup> , N <sup>1/2</sup> Sec. 24, SW <sup>1/4</sup> NW <sup>1/4</sup> , N <sup>1/2</sup> NW <sup>1/4</sup> Sec.26, NE <sup>1/4</sup> NW <sup>1/4</sup> , NE <sup>1/4</sup> Sec. 27, T. 27 S., R. 9 W., WM	

\*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.



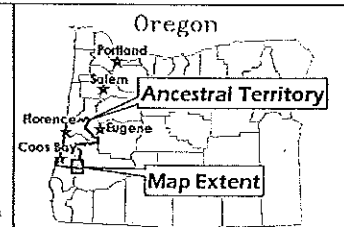
**Tekeet (Tioga Tract)**

- |                                 |  |                          |       |
|---------------------------------|--|--------------------------|-------|
| Bureau of Land Management (BLM) | Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians | Siu-slaw National Forest | State |
| Township and Range              | County   | Section                  | City  |

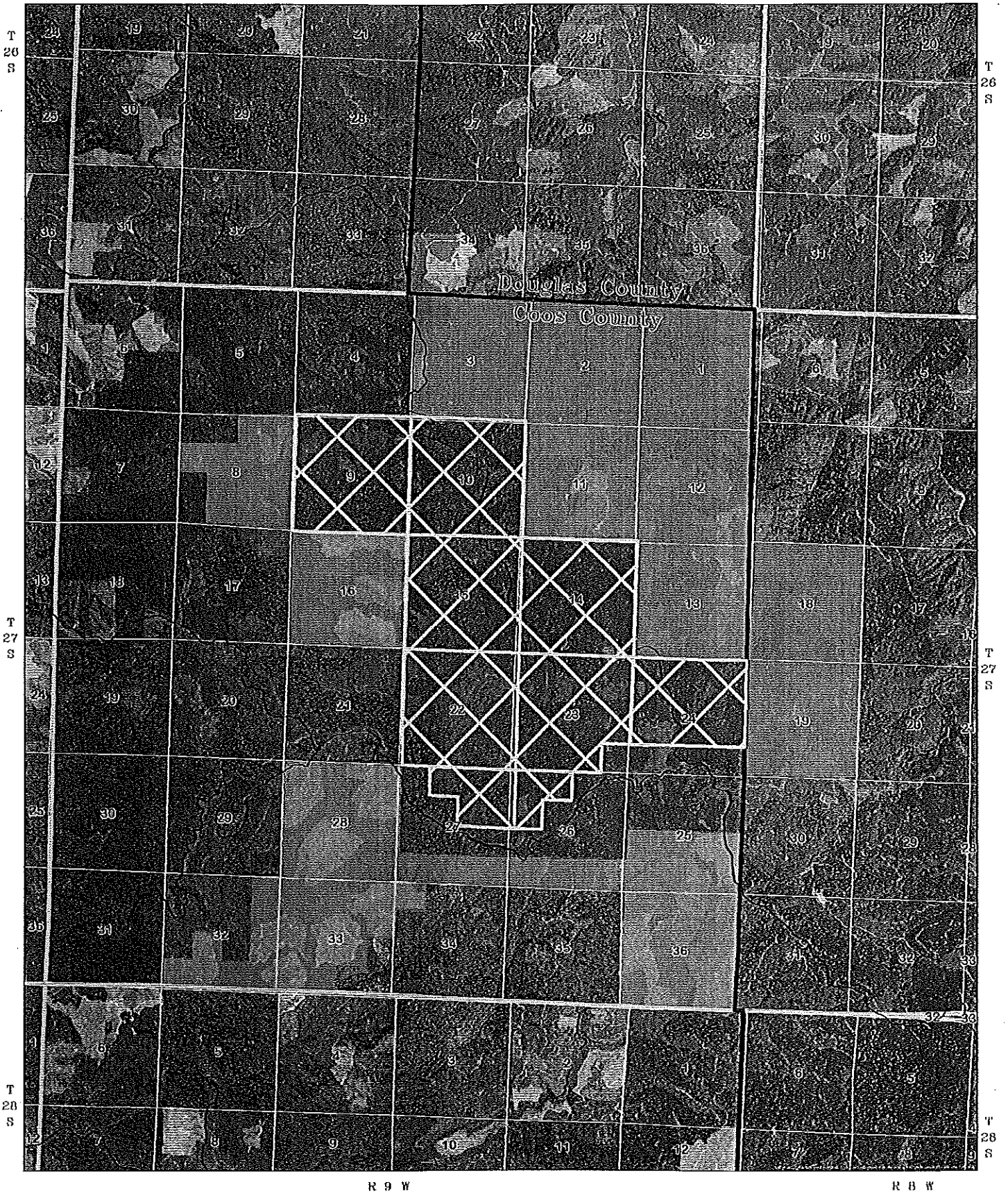
11/20/2013



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Not to scale



**Tekeat (Tloqa Tract)**

**Adjacent Land Ownership**

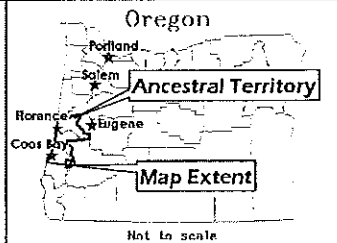
- Bureau of Land Management
- Industrial Timber Company
- Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

- Main Road
- Township and Range
- County
- Section

**11/20/2013**



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## **IV. LOWER SMITH TRACT**

## Húunat'a (Lower Smith Tract)

The large forested tracts are by and large homogenous in that they are dominated by second-growth Douglas-fir plantation stands. These tracts were chosen for their relative lack of controversial characteristics including stand composition. Douglas-fir plantations are not typically associated with traditional cultural values. Second-growth Douglas-fir plantation stands are characteristic of large portions of the Tribe's ancestral lands today. Second-growth Douglas-fir plantation stands contribute relatively little to the ecological diversity of the forest landscape.

The falls at Smith River were an especially important gathering place for fishing, especially for lamprey (eels) and salmon.

### Lower Umpqua



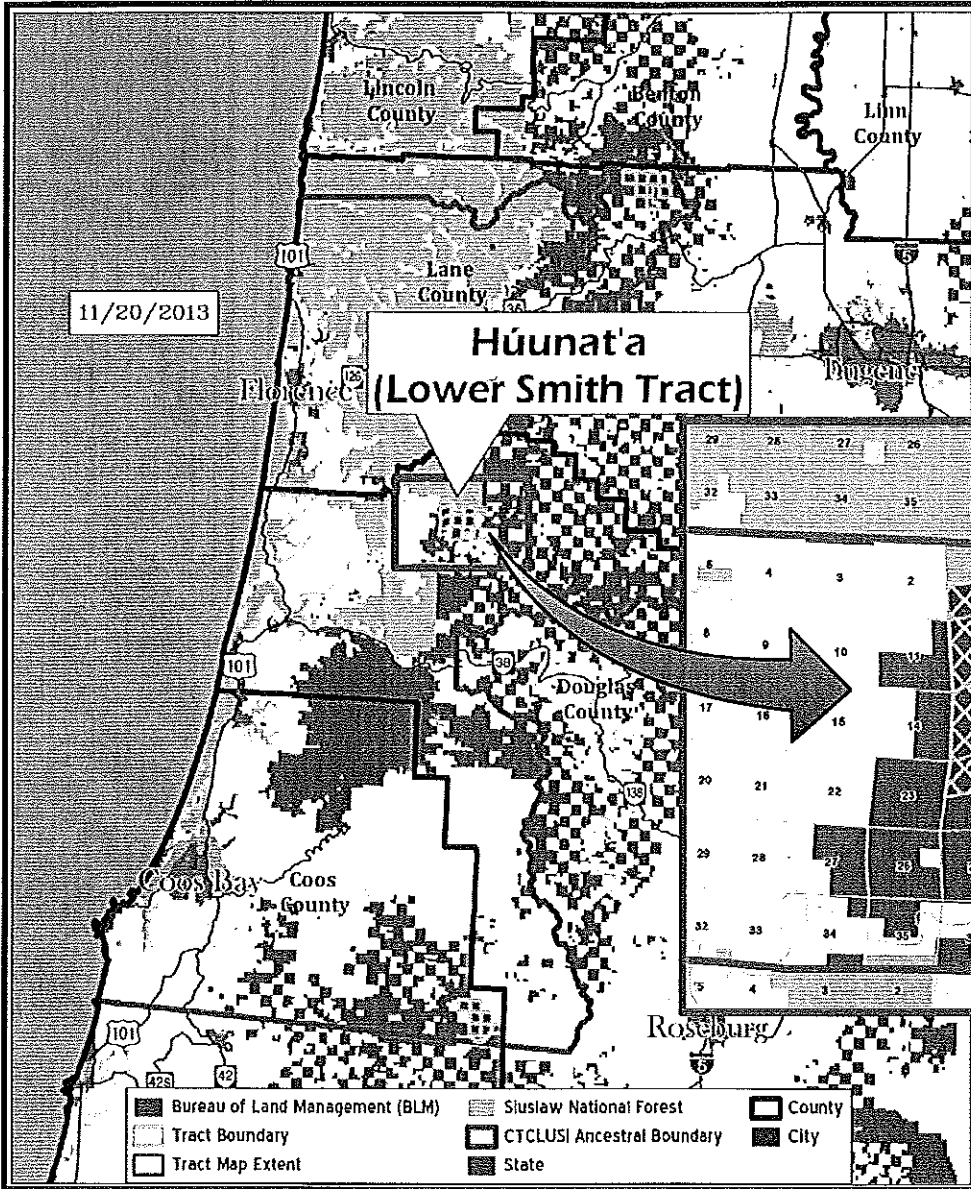
*"We will not give up our land. I know the whites have much money, but I want none of it, though I am poor."*  
Sopenny, Umpqua Headman

Lower Umpqua tribal member Spencer Scott was interviewed by ethnographer and linguist John P. Harrington in 1942. Scott said his mother Louisa (who in 1909 was one of Leo Frachtenberg's Siuslaw/Lower Umpqua language informants) told him the place name for Smith River Falls but he could not recall it. We do have this story, though ...

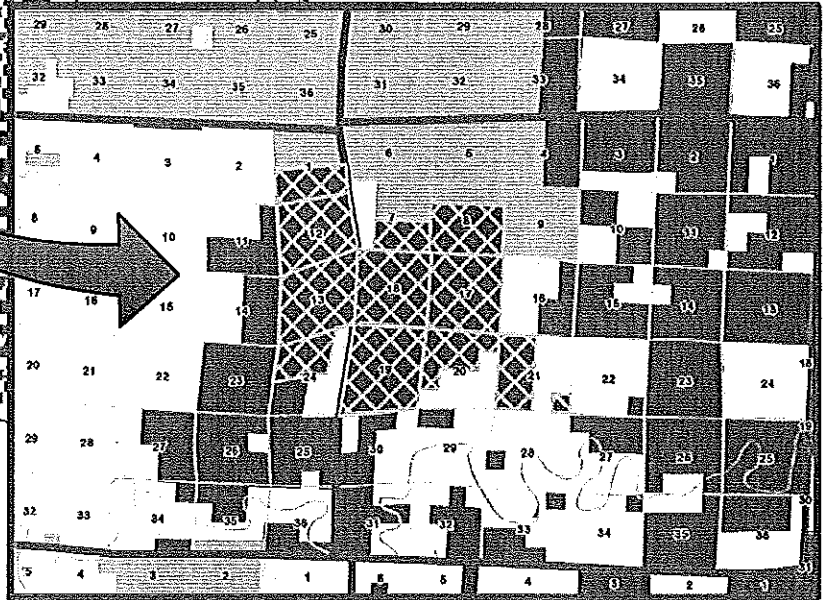
*"Story takes place in Smith River's Falls (Umpqua). Butter Ball-old-lady raised grandchild. [Butter Ball is another name for the Bufflehead duck.] They were poor. Parents were dead. They went to Tide Water to get fish to dry for winter. They boy grows up to be a man. He went out getting fish, she cut it and dried it. The grandmother showed him to make spears to fish. One night while sleeping he dreamed that he saw a pretty bird on a rock way up the falls. When he woke up he saw grandma crying. He asked her for reason. She said "I heard you talking". Boy never said anything but fixed his spear and went up to Falls. He travelled all day and when dark came he could not get back at night. He slept under a tree not eating anything a whole day and night.*

*He dreamed same dream. He woke up and made another start. He was told a dream that if he get up to Falls he will discover wealth. He finally came within sight of Falls. He saw all kind of salmon. Close to Fall he saw a rock sticking out from water and on it a bird. He wanted to catch it. He threw stones at it and could not hit it. Bird dove into water and he saw it was down into water. He decided to dive after it. When he dove down he got to a house ... "*



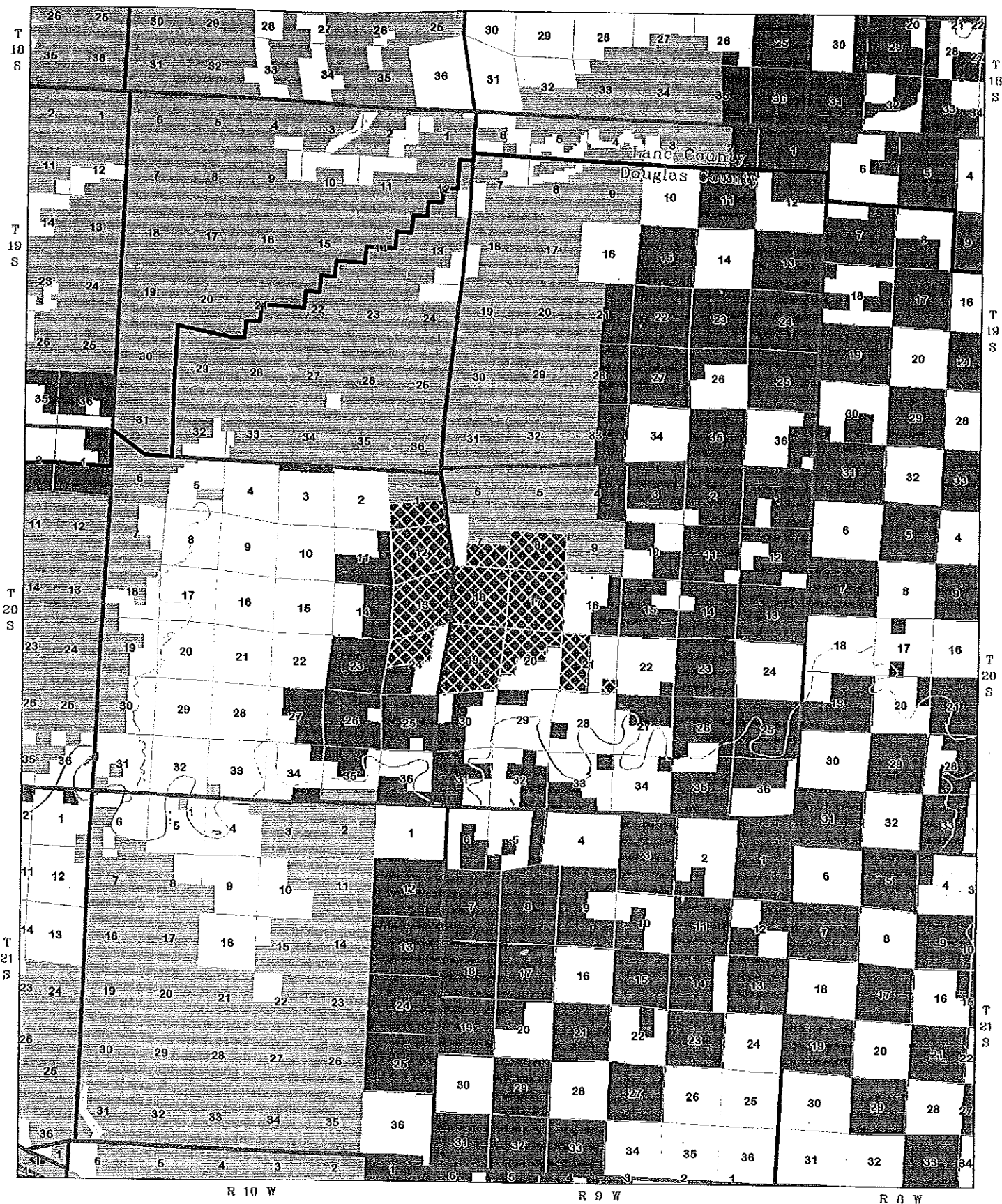


## Húunat'a (Lower Smith Tract)



Húunat'a (Lower Smith Tract) Statistics	
Current Manager	BLM
Acres	4,974
O & C Railroad Revested Land	100%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	0%
Acquired	0%
County	Douglas
Matrix and Adjacent Riparian Reserve	69%
Late Successional Reserve and Adjacent Riparian Reserve	31%
Administratively Withdrawn	0%
Timber Stands under 75 years	73%
Timber Stands 75 – 124 years	1%
Timber Stands over 124 years	26%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	12%
Legal Description: S <sup>1/2</sup> Sec 1, Sec. 12, Sec. 13, W <sup>1/2</sup> NE <sup>1/4</sup> ,NW <sup>1/4</sup> Sec. 24, T. 20 S., R. 10 W., WM E <sup>1/2</sup> SW <sup>1/4</sup> , SE <sup>1/4</sup> Sec. 7, S <sup>1/2</sup> N <sup>1/2</sup> ,S <sup>1/2</sup> Sec. 8, Sec. 17, Sec. 18, Sec.19, NE <sup>1/4</sup> NE <sup>1/4</sup> ,W <sup>1/2</sup> NE <sup>1/4</sup> ,NW <sup>1/4</sup> SW <sup>1/4</sup> ,NW <sup>1/4</sup> Sec. 20, SE <sup>1/4</sup> SE <sup>1/4</sup> ,W <sup>1/2</sup> Sec.21, T. 20 S., R. 9 W., WM	

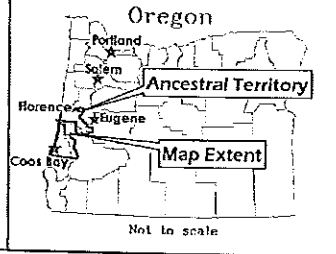
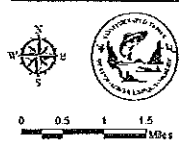
\*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.

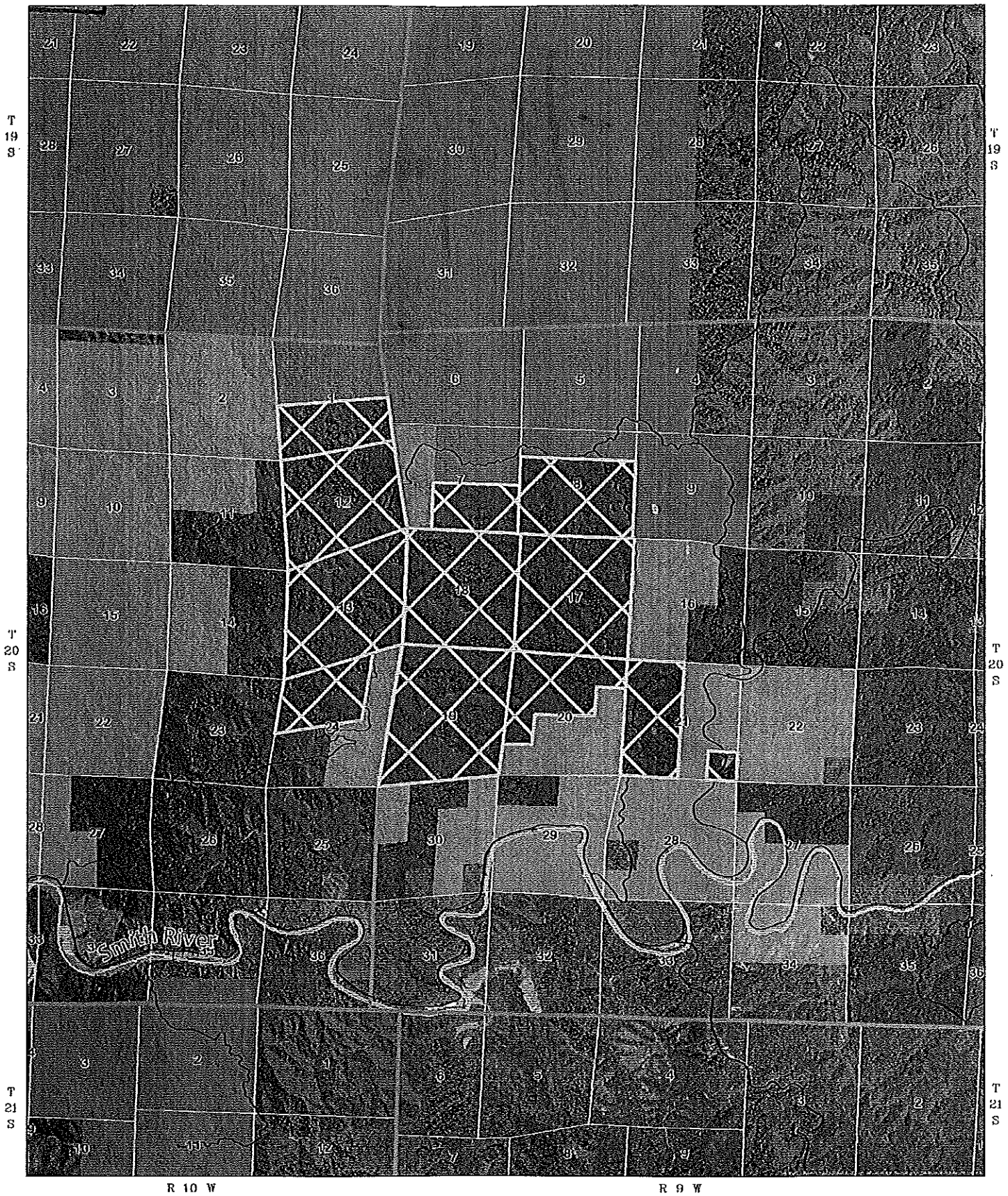


**Húnat'a (Lower Smith Tract)**

- Bureau of Land Management (BLM)
- State
- Siuslaw National Forest
- Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Township and Range
- County
- Section
- City

11/20/2013





**Húunat'a (Lower Smith Tract)**

- Adjacent Land Ownership**
- Bureau of Land Management
  - Industrial Timber Company
  - Siuslaw National Forest
  - Main Road
- Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians**
- Township and Range Section

**11/20/2013**

0 0.25 0.5 0.75 Miles

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**Map Extent**

Not to scale

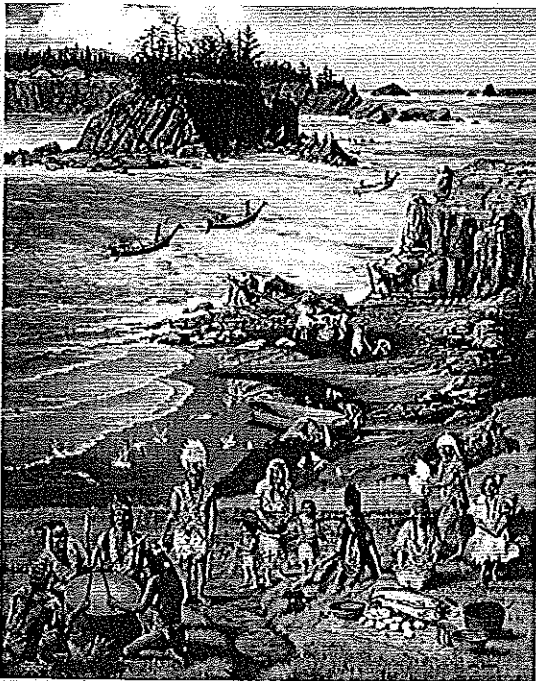
## **V. COOS HEAD TRACT**

## Xitlxaldich (Coos Head Tract)

The Xitlxaldich Tract contains a mix of trees typically between 74 and 125 years old which struggle to thrive in the shallow soil immediately adjacent to the wind and salt spray of the coast. Some pockets of the tract contain trees or small stands of cultural, aesthetic, or scenic value. Such trees and small stands would likely be incorporated into the planned redevelopment of this former Army and Naval facility.

In his 1932 interview with the anthropologist Melville Jacobs, James Buchanan reported the name Xitlxaldich (meaning the place of dim light becoming daylight) for the tunnel by Coos Head known today as Tunnel Point and which gives its name to the geological Tunnel Point Formation. The Xitlxaldich Tract surrounds on three sides the former 41-acre Coos Head Naval facility that the Tribes regained in 2005.

### Coos

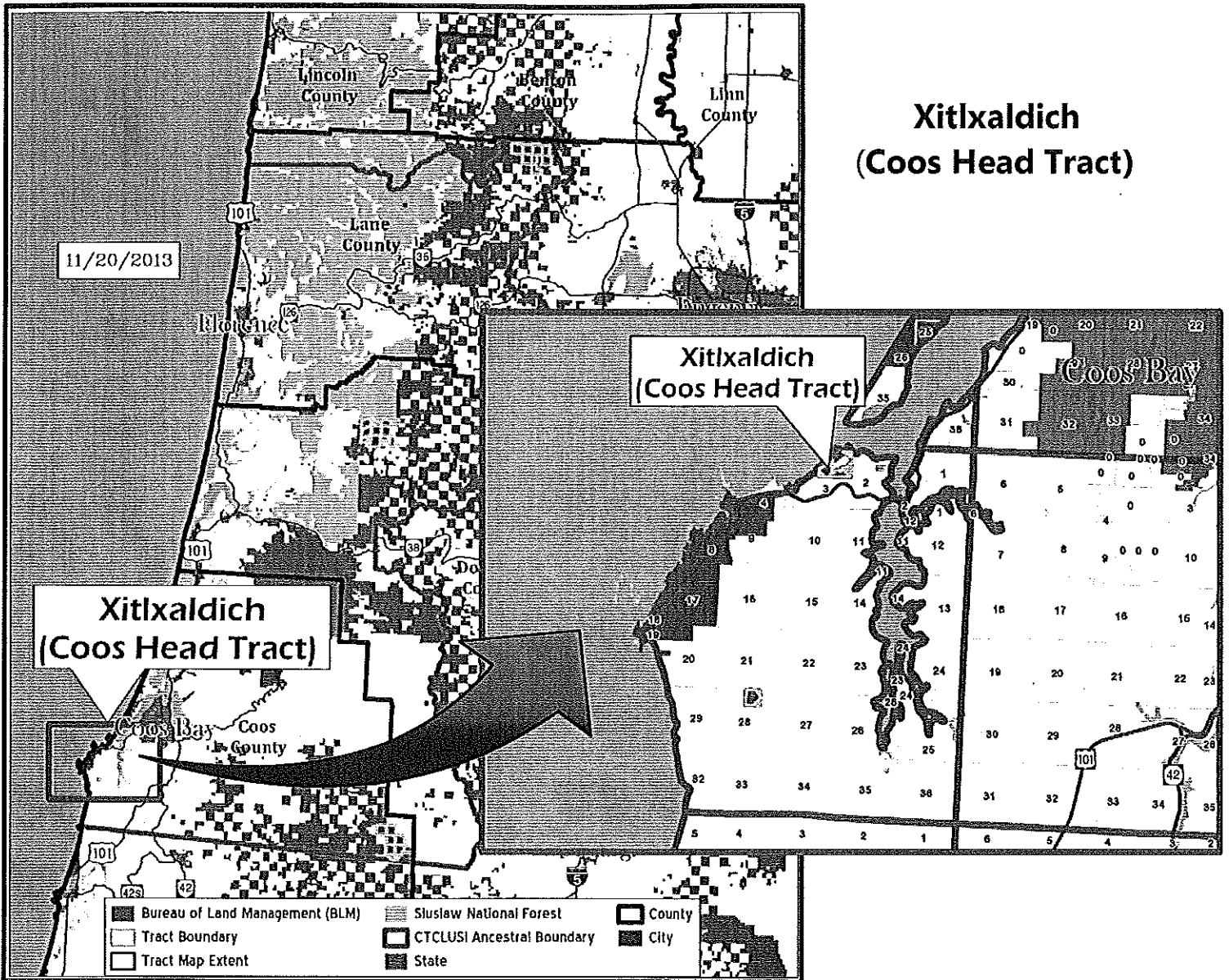


*"We are in trouble. I was ashamed when one man said 'He did not want to be driven like the Coos.' The whites had made us poor by driving us from our old country. I have a heavy heart on account of the treaty we made with General Palmer ... It was not a small country we gave the whites. It was a large country ... When we sold our land we never received any pay. You do not see me with a team or wagon. I do not owe anybody anything, but the Great Chief owes me a great deal for the Country we sold.*  
Coos Jeff, Headman

The Xitlxaldich Tract provides a view of nearly the entire coastline of the ancestral territories of the Coos, Lower Umpqua, and Siuslaw Tribes: such a vista is very significant to the Tribes. The Xitlxaldich Tract will complement the Tribe's existing Coos Head Tract which the Xitlxaldich Tract surrounds on three sides. The combined Coos Head – Xitlxaldich Tract will serve as the Confederated Tribes' seat of government, provide some housing, and is planned to be the home of a cultural and natural history interpretive center to educate the tribal membership and the general public about the unique natural and cultural history of the area. In so doing, the interpretive center will promote economic self-sufficiency for the Tribal economy and provide economic stimulus and long-term economic support to the broader community.

Archaeological sites are found all around the Xitlxaldich Tract – such as at Yoakam Point and Balidich (Gregory Point) along the coast to the south, and such as Kiltlich on the lower Bay and Milukwitch on South Slough – but to date no archaeological sites have been found at Coos Head, presumably due to the history of extensive site disturbance and development by the US Army and Navy and the Oregon Air National Guard.

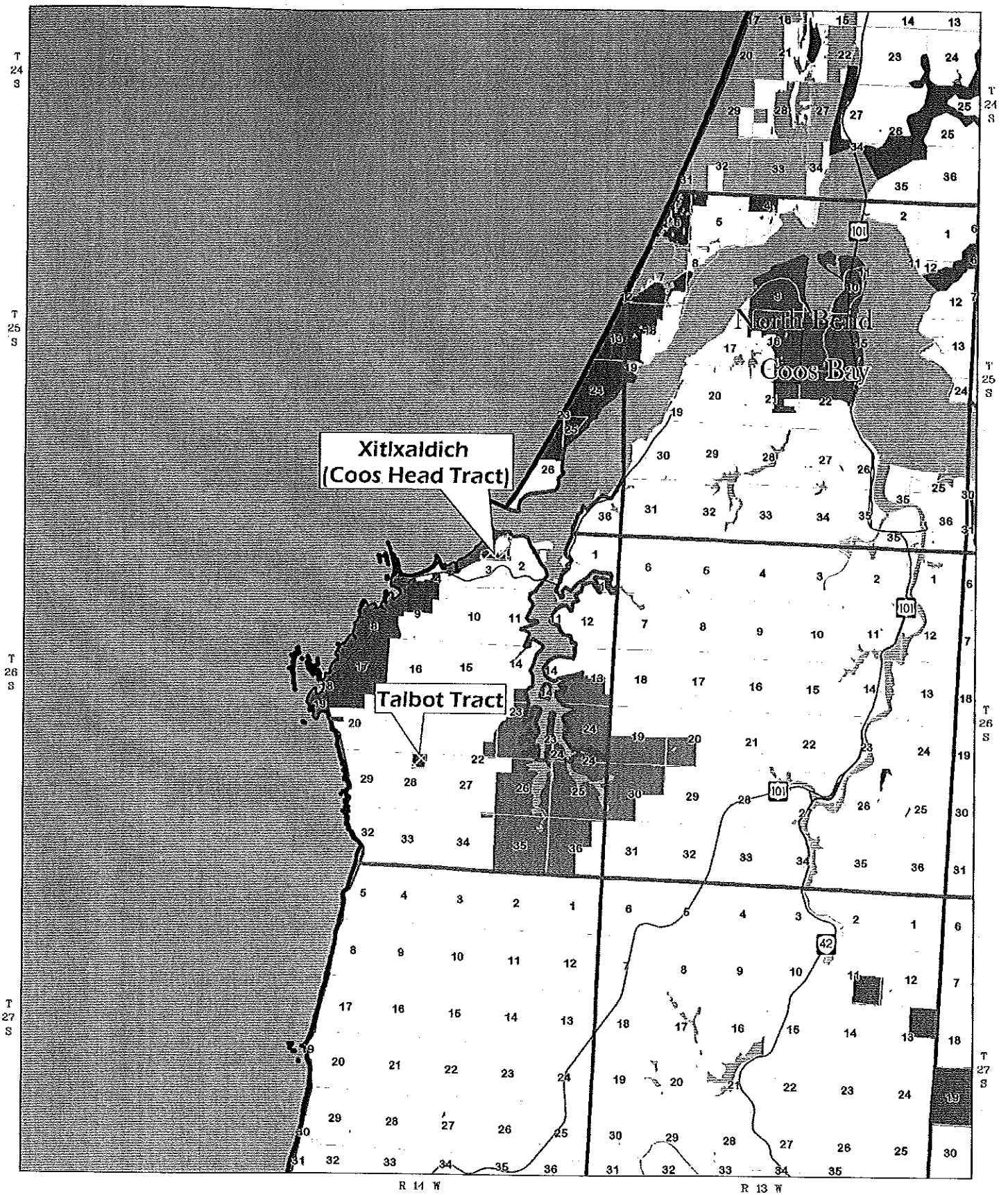
## Xitlxaldich (Coos Head Tract)



### Xitlxaldich (Coos Head Tract) Statistics

Current Manager	BLM
Acres	54
O & C Railroad Revested Land	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	100%
Acquired	0%
County	Coos
Matrix and Adjacent Riparian Reserve	0%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	100%
Timber Stands under 75 years	0%
Timber Stands 75 – 124 years	100%
Timber Stands over 124 years	0%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	0%
Legal Description: Tax Lot: 26S14W03TL0010100, 26S14W03TL0010300, 26S14W02TL0190000, 26S14W02TL0190200	

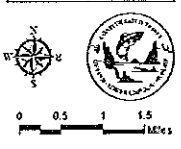
\*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.



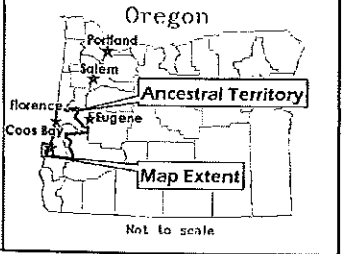
**Xitlxaldich (Coos Head Tract) and Talbot Tract**

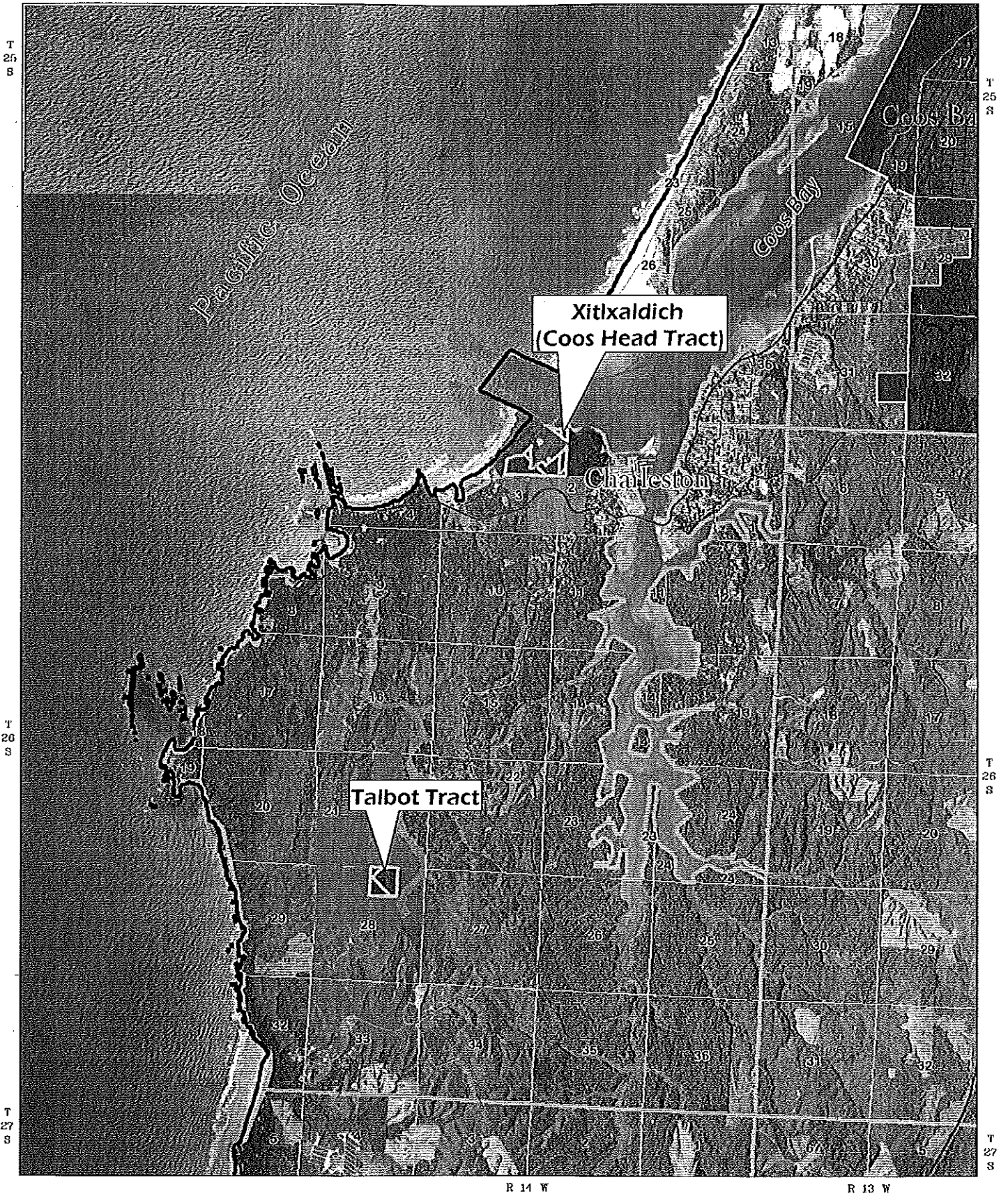
- Bureau of Land Management (BLM)
- Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Siuslaw National Forest
- State
- Township and Range
- County
- South Slough National Reserve
- Section
- City

**11/20/2013**



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**Xitlxaldich (Coos Head Tract) and Talbot Tract**

**Adjacent Land Ownership**

- Bureau of Land Management
- Industrial Timber Company
- Small Private Ownership
- University of Oregon
- Tribal

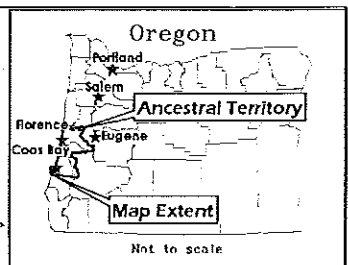
- Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Cape Arago Highway
- Township and Range Section

11/20/2013



0 0.25 0.5 0.75 Miles

This data is for display purposes only. No liability is assumed as to the data date stated herein.



Not to scale



## **VI. UMPQUA EDEN TRACT**

## Takimiya (Umpqua Eden Tract)

Takimiya is a village site. As such, Takimiya contains the elements typical of the many other traditional villages in the Tribe's ancestral lands: level ground, proximity to a drinking-water source, proximity to food (here shellfish beds,) proximity to a navigable waterway, and a generally pleasant place for generations to live, die, and be buried. Takimiya became the site of a post office and small Euro-American settlement before it reverted to forest. Open space remains in and around the site of archaeological excavations which were undertaken in the later 20th century. Otherwise, Takimiya is now dominated by alder, but there are two iconic old spruce which surely saw daily life at the village of Takimiya and which draw tribal members to them today.

### Lower Umpqua

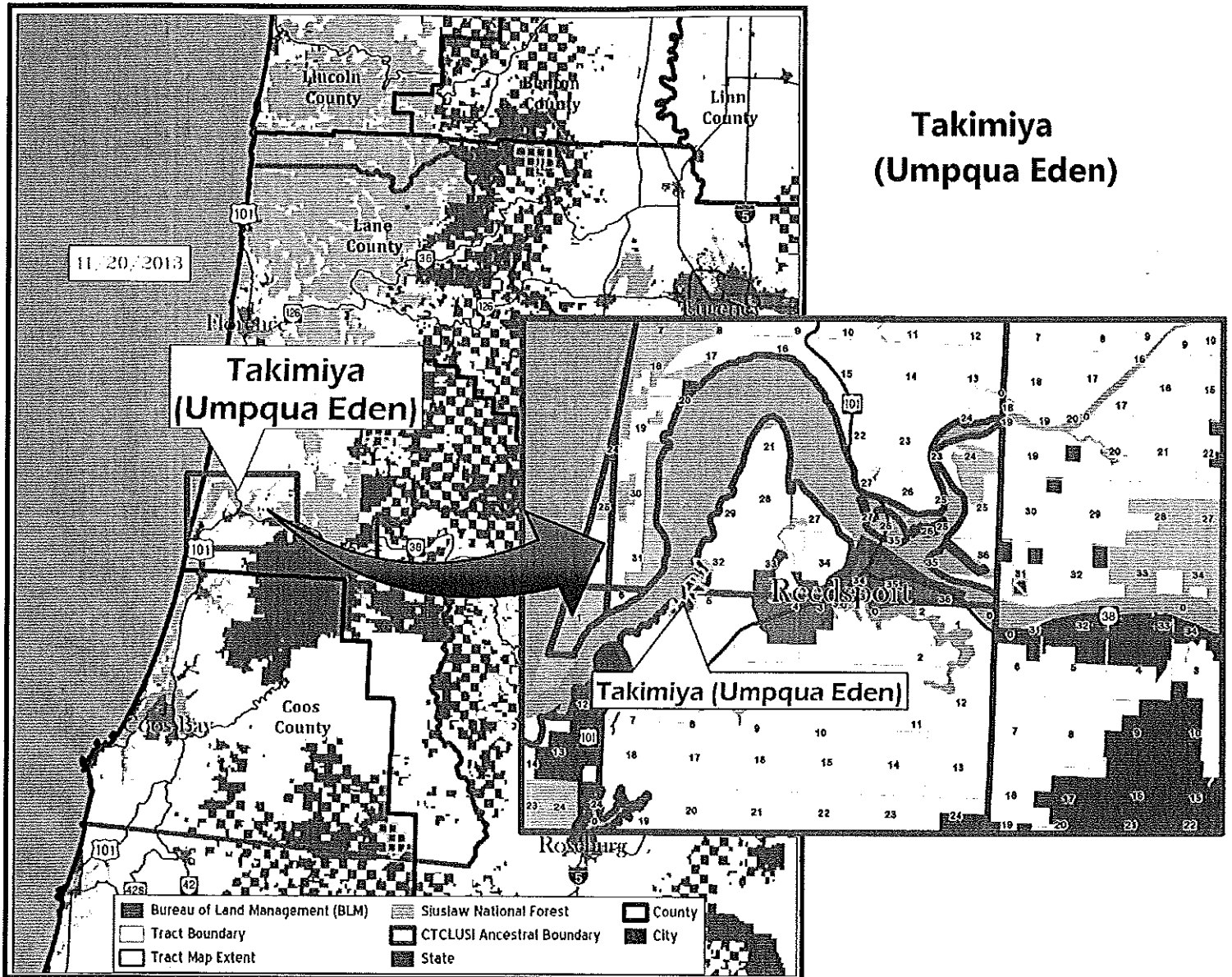


*"We will not give up our land. I know the whites have much money, but I want none of it, though I am poor."*  
Sopenny, Umpqua Headman

Takimiya was, is, and will always remain a traditional village site of upmost cultural significance to the Tribe. Forest management of Takimiya will consist of the type of low intensity – low impact forest management practiced by the Ancestors who lived a Takimiya. Open space will be maintained, and traditional and sustainable cultural levels of harvest of trees and shrubs will be done to support cultural activities while maintaining the unique cultural and environmental qualities of the site.

Takimiya (Umpqua Eden) was the first prehistoric site on private land (at that time) along the Oregon Coast to be nominated to the National Register of Historic Places. Several coastal sites have been occupied earlier, but Takimiya remains an important site based on the quality and quantity of retrieved artifacts and of potential ethnographic information.

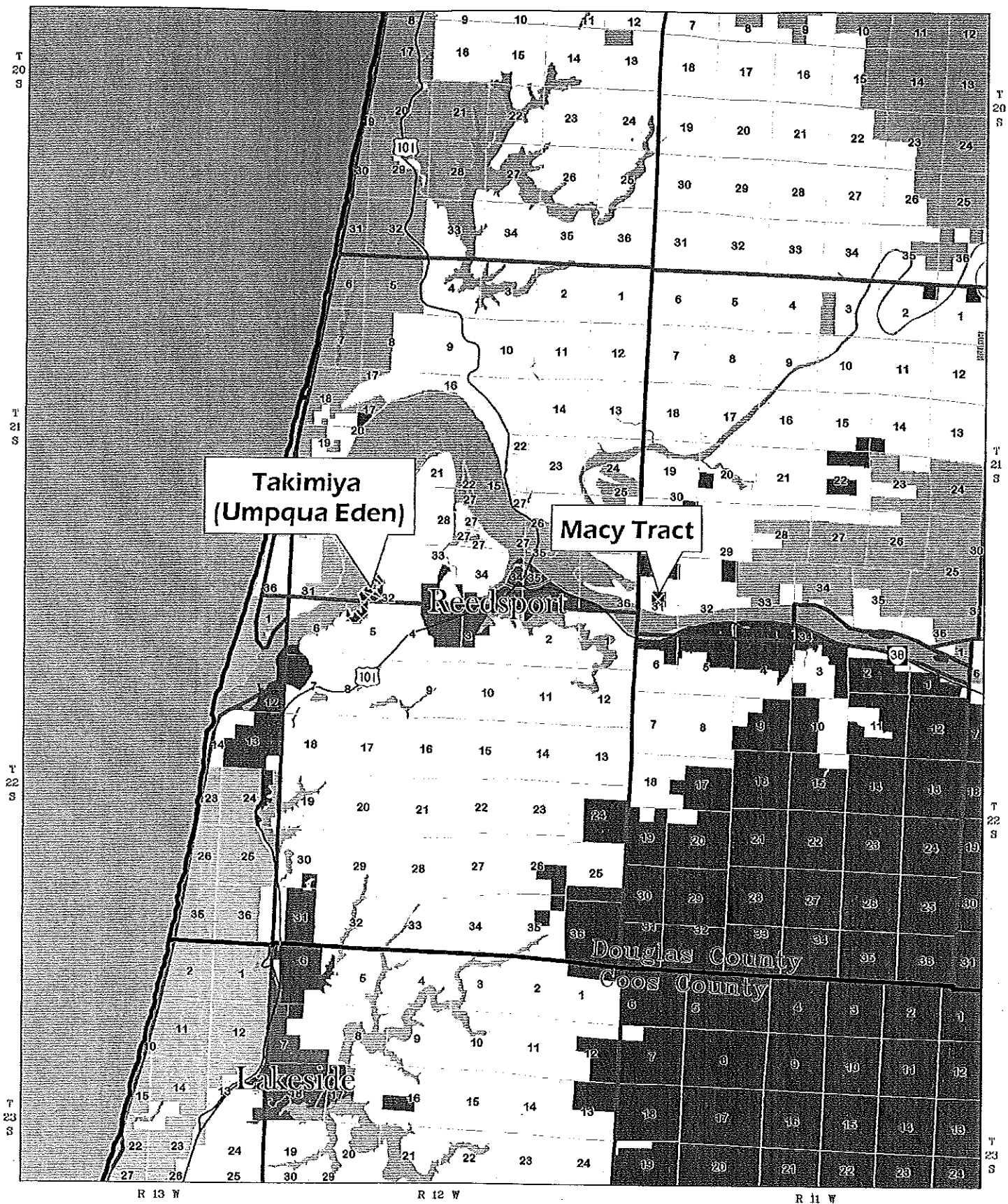
Takimiya is remarkable because it spans thousands of years of history. Fish and seal bones retrieved in the excavation have been carbon dated at 3,000 BP. The presence of wealth blades and pipes point to trading activity. Obsidian debitage was found in high concentration compared to other coastal sites. Archaeological deposits also include a whale bone platter, gaming sticks and pipes, and horse bones (possibly from the Jedidiah Smith incident.) Clay pipe and stone sculptures found here are unique on the coast and hold religious significance. Archeologists believe that the people of Takimiya retained traditional habits longer than peoples in other parts of Oregon: this may be because of its remote location. The unbroken historical timeline, confirmation of seasonal round activities, and locality of ancient myth texts make this place an especially important piece of the Tribe's identity.











## Takimiya (Umpqua Eden)

Takimiya (Umpqua Eden) Statistics	
Current Manager	BLM
Acres	146
O & C Railroad Revested Land	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	0%
Acquired	100%
County	Douglas
Matrix and Adjacent Riparian Reserve	100%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	0%
Timber Stands under 75 years	0%
Timber Stands 75 – 124 years	0%
Timber Stands over 124 years	100%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	0%
Legal Description: Tax Lot: 21123200300, 21123200500, 22120500200	

\*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.



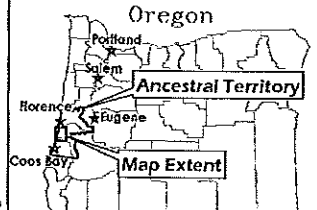
**Takimiya and Macy (Umpqua Eden and Macy Tract)**

- |  |  |
|--|--|
|  Bureau of Land Management (BLM)  |  State              |
|  Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians |  Township and Range |
|  Siuslaw National Forest  |  County             |
|  |  Section            |
|  |  City               |

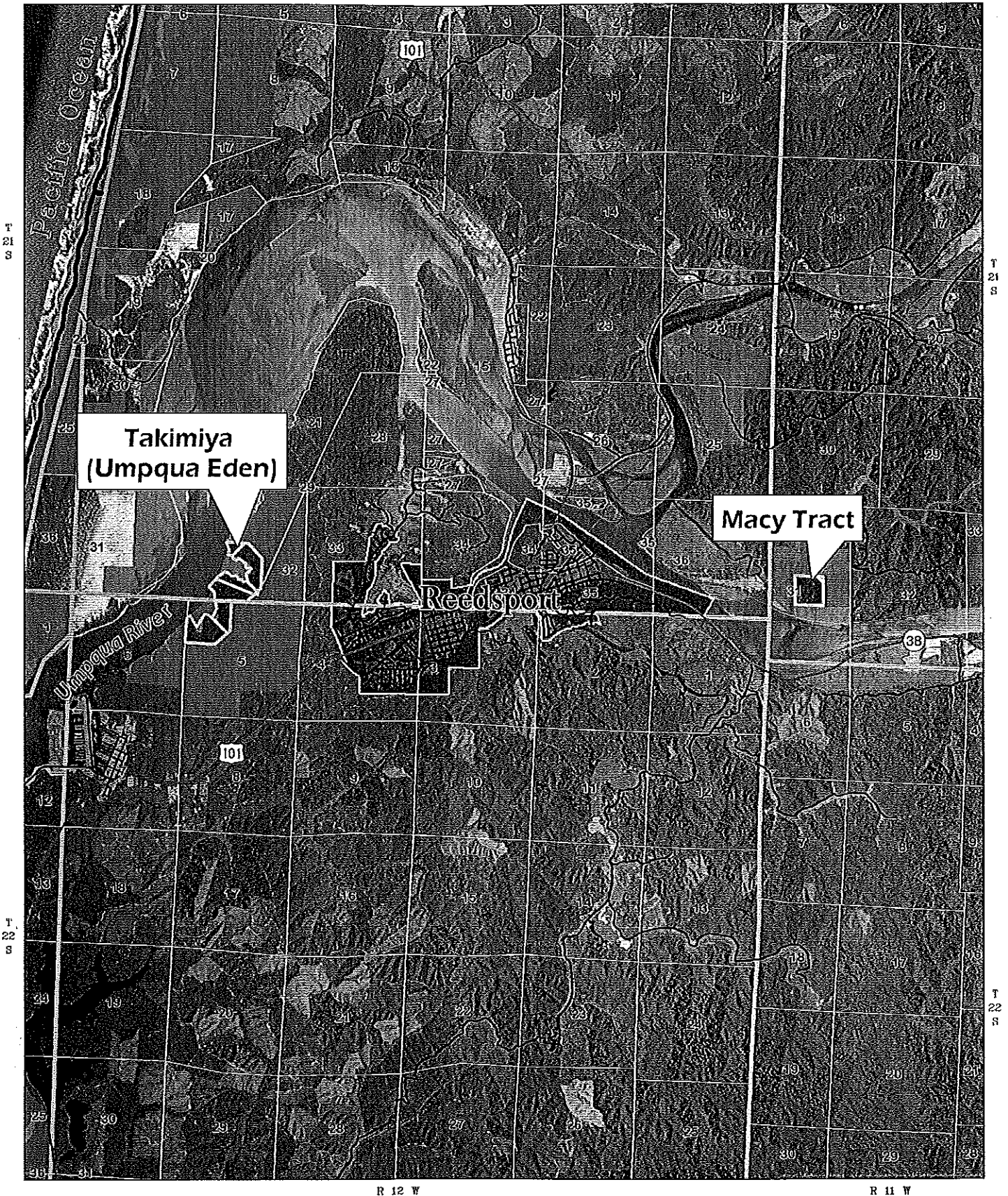
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**Takimiya and Macy (Umpqua Eden and Macy Tract)**

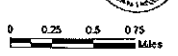
**Adjacent Land Ownership**

-  Bureau of Land Management
-  Industrial Timber Company
-  Small Private Ownership
-  State of Oregon
-  Siuslaw National Forest

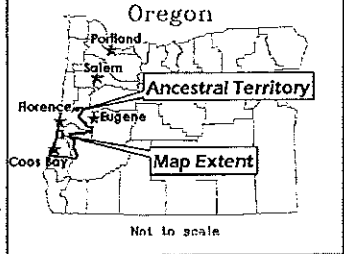
 Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

-  Highway
-  Township and Range Section

**11/20/2013**



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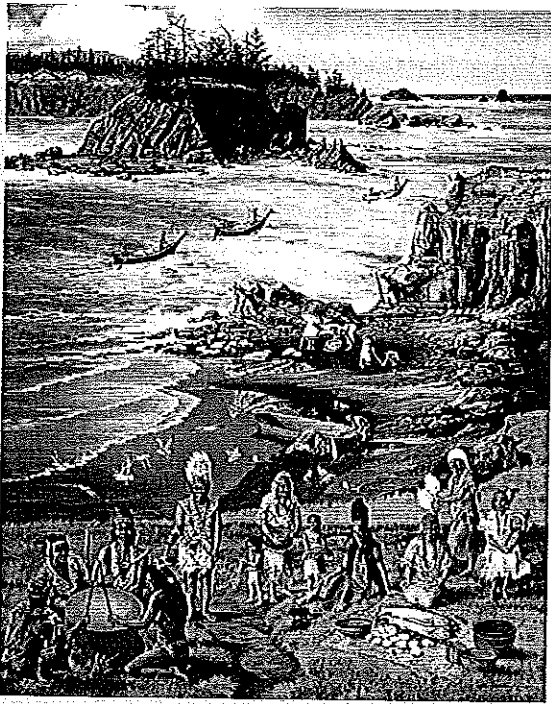
## **VII. TALBOT TRACT**

## Talbot Tract

The Talbot Tract is forested predominantly by second-growth Douglas-fir stands which also include a significant Sitka spruce component due to the tract's proximity to the coast.

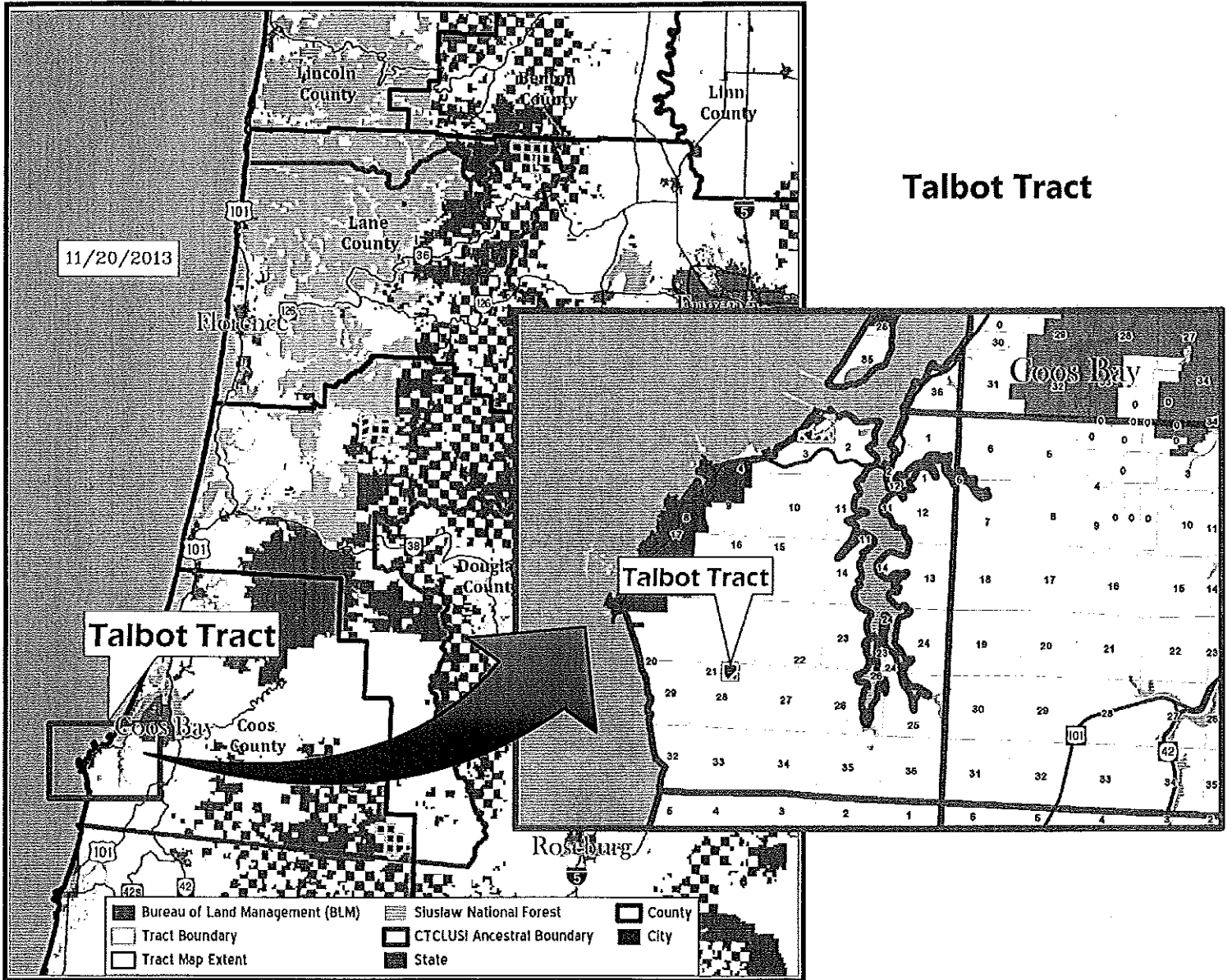
The Talbot Tract is a very small isolated stand of second-growth Douglas-fir stands including a significant Sitka spruce component. In the development of the Tribal Forest Management Plan, the Tribe will consider the cultural and ecological values of the stand and the management of the surrounding forest.

### Coos



*"We are in trouble. I was ashamed when one man said 'He did not want to be driven like the Coos.' The whites had made us poor by driving us from our old country. I have a heavy heart on account of the treaty we made with General Palmer ... It was not a small country we gave the whites. It was a large country ... When we sold our land we never received any pay. You do not see me with a team or wagon. I do not owe anybody anything, but the Great Chief owes me a great deal for the Country we sold.*  
Coos Jeff, Headman

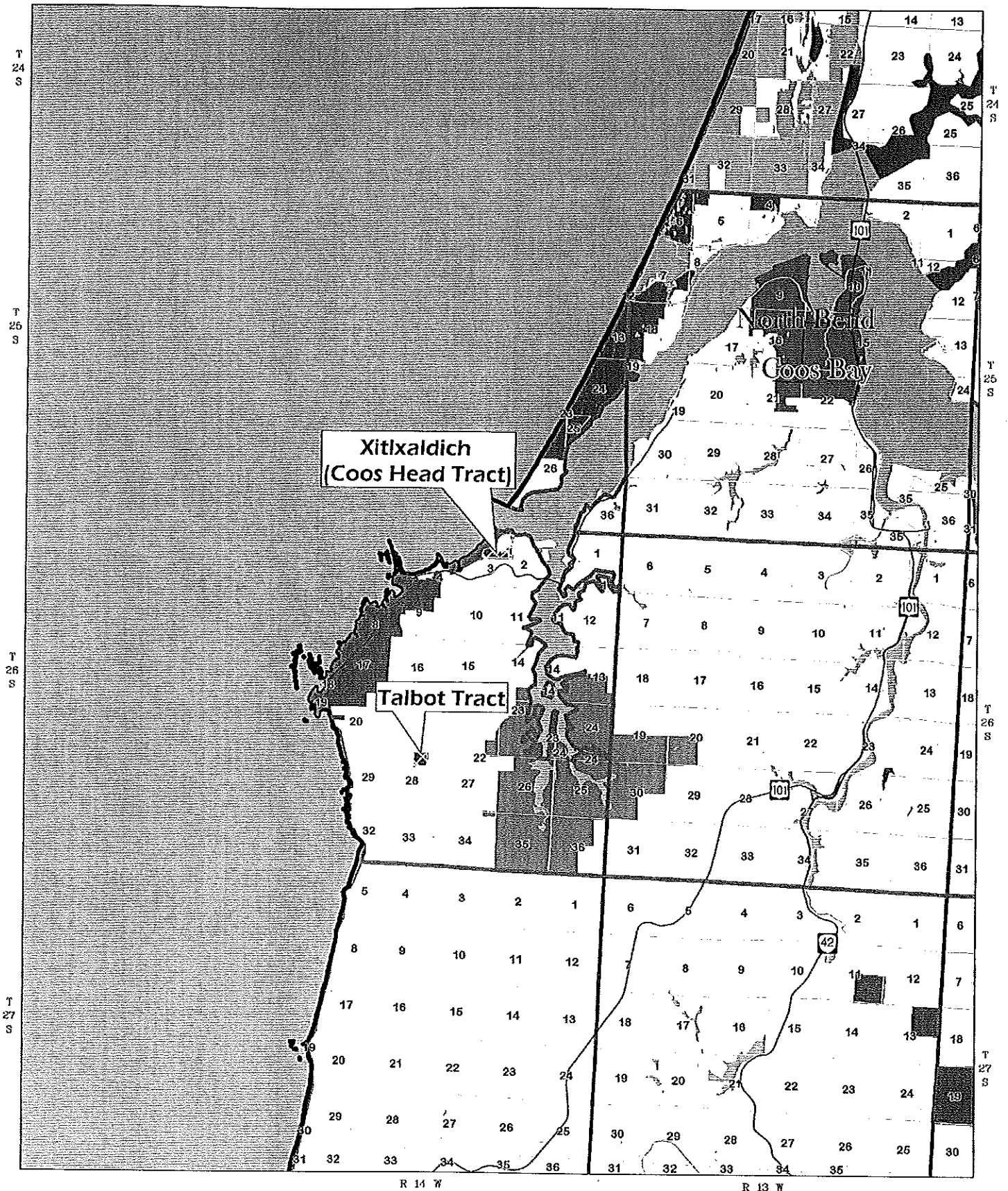
The Talbot Tract adjoins the former allotment of Frank Talbot which itself is contiguous with the former allotments of Jane Talbot, Martha Talbot, Laura W. Talbot, William B. Talbot, and Florence Talbot. Several of these Talbots died young, but the remaining Talbots are the ancestors of the largest family in the Miluk Coos Tribe. The Talbot Tract holds symbolic value as being adjacent to an allotment which was lost due to the naivety or misfortune of an earlier generation of Tribal Members who were struggling to learn to live in the new world.



Talbot Tract Statistics	
Current Manager	BLM
Acres	36
O & C Railroad Revested Land	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	0%
Acquired	100%
County	Coos
Matrix and Adjacent Riparian Reserve	100%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	0%
Timber Stands under 75 years	100%
Timber Stands 75 – 124 years	0%
Timber Stands over 124 years	0%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	0%
Legal Description: NW <sup>1/4</sup> NE <sup>1/4</sup> Sec. 28, T. 26 S., R. 14 W., WM	

\*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.





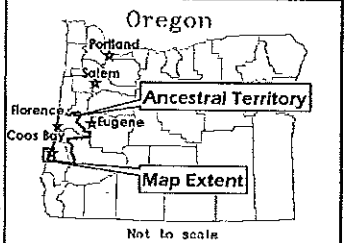
**Xitlxaldich (Coos Head Tract) and Talbot Tract**

- Bureau of Land Management (BLM)
- Township and Range
- County
- South Slough National Reserve
- Section
- City
- State
- Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Siuslaw National Forest

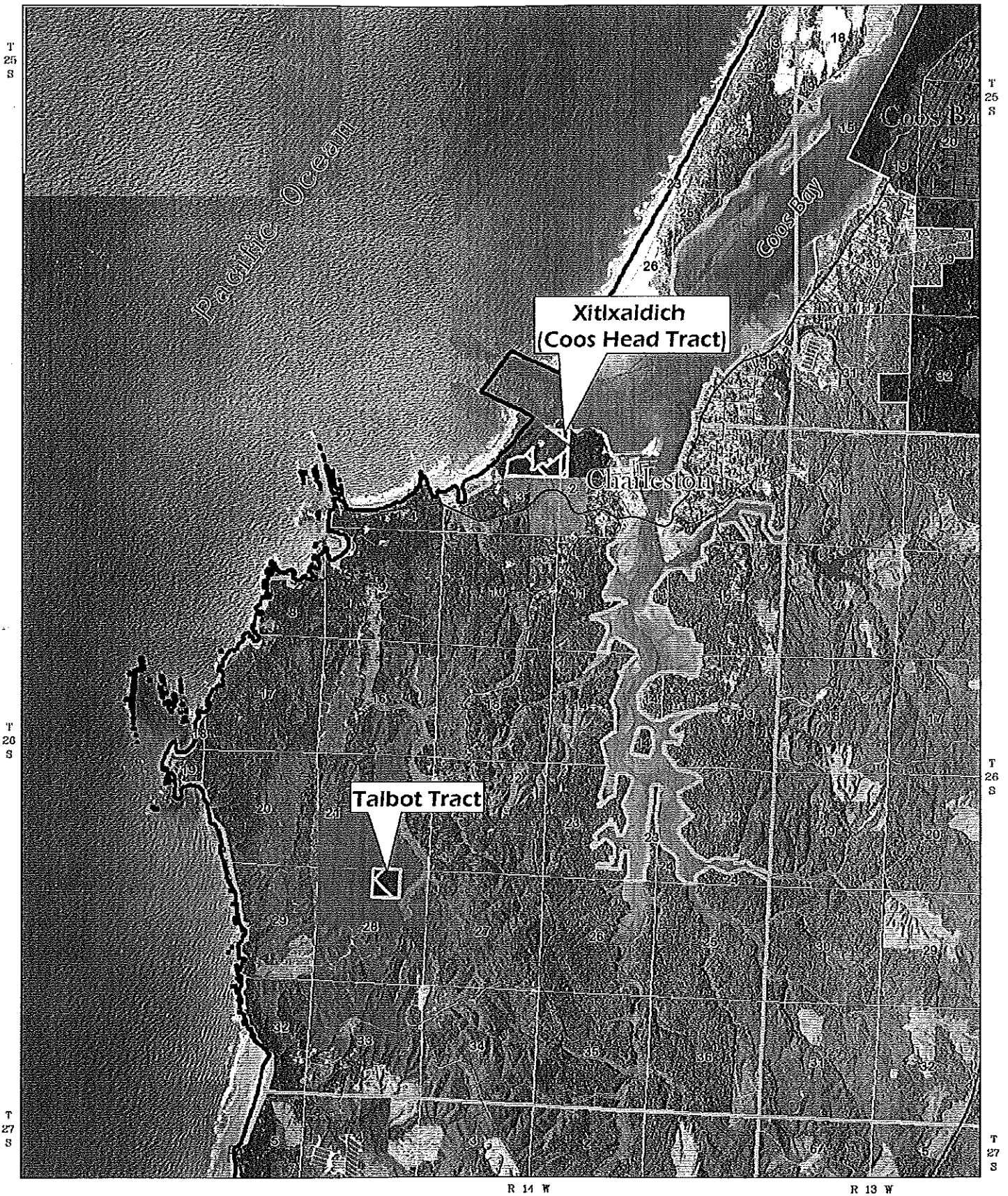
11/20/2013



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Not to scale



**Xitlxaldich (Coos Head Tract) and Talbot Tract**

- Adjacent Land Ownership**
- Bureau of Land Management
  - Industrial Timber Company
  - Small Private Ownership
  - University of Oregon
  - Tribal

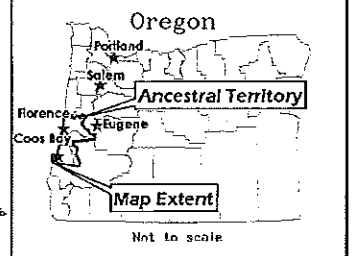
- Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Cape Arago Highway
- Township and Range Section

**11/20/2013**



0 0.25 0.5 0.75 Miles

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## **VIII. MACY TRACT**

## Macy Tract

The Macy Tract is composed of mature forest near the confluence of the Umpqua and Smith Rivers on the old Macy Allotment. The Macy Allotment Tract overlooks the lowlands of the old Macy Allotment, the Umpqua River, and the Dean Creek Elk Viewing Area across the river. The scenic qualities of this tract are culturally significant to the Tribe.

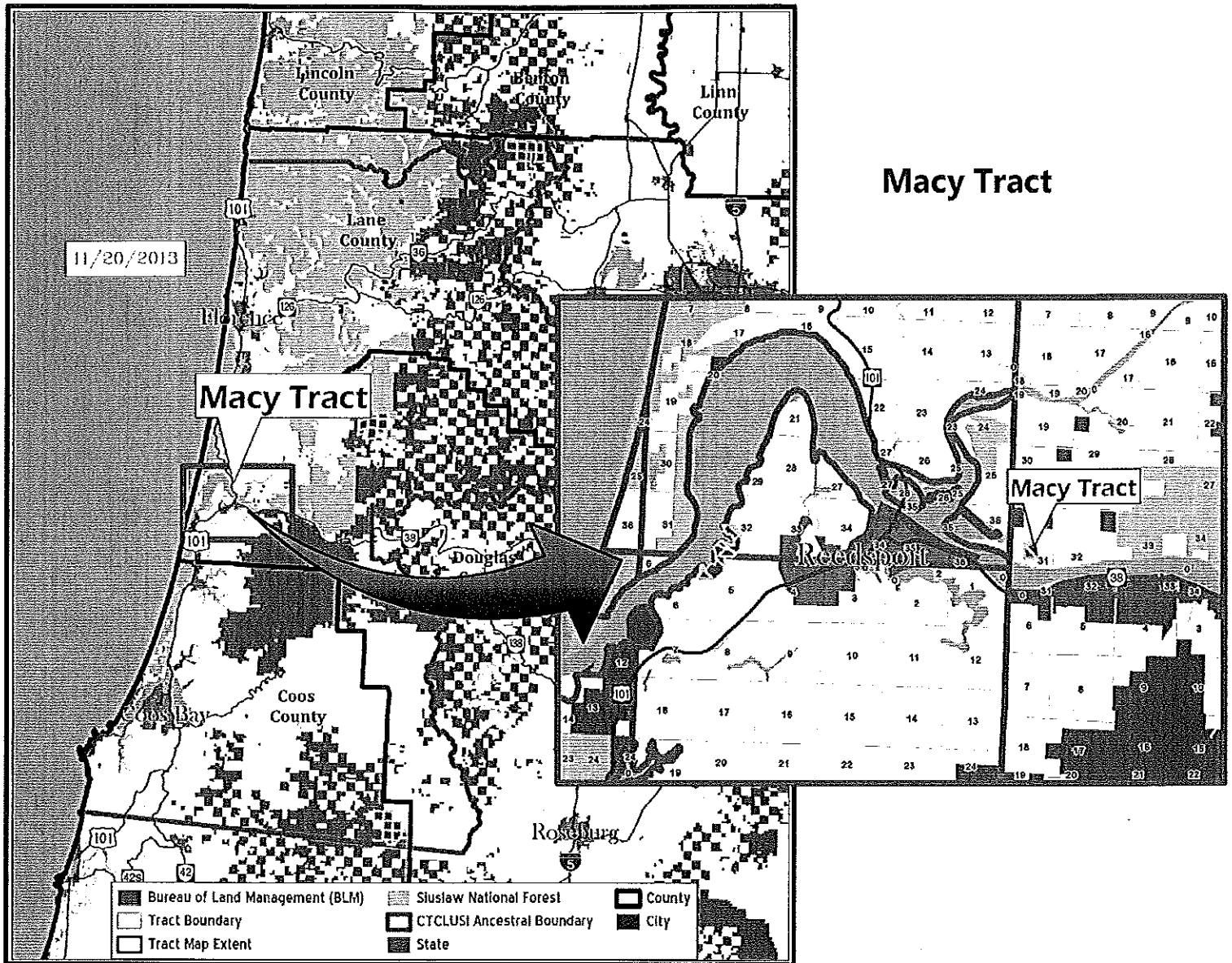
The Macy Tract is a very small isolated natural mature stand surrounded by privately managed forests. In the development of the Tribal Forest Management Plan, the Tribe will consider the cultural and ecological values of the stand and the management of the surrounding forest.

### Lower Umpqua



The Macy Tract is a portion of the former allotment of Lizzie Macy. The Macy Tract adjoins a portion of the former allotment of Annie Macy and is near the former allotments of James Macy and Gus Macy. Macy descendants comprise the largest family within the Lower Umpqua Tribe. The Macy Tract holds symbolic value as an allotment which was lost due to the naivety or misfortune of an earlier generation of Tribal Members who were struggling to learn to live in the new world.

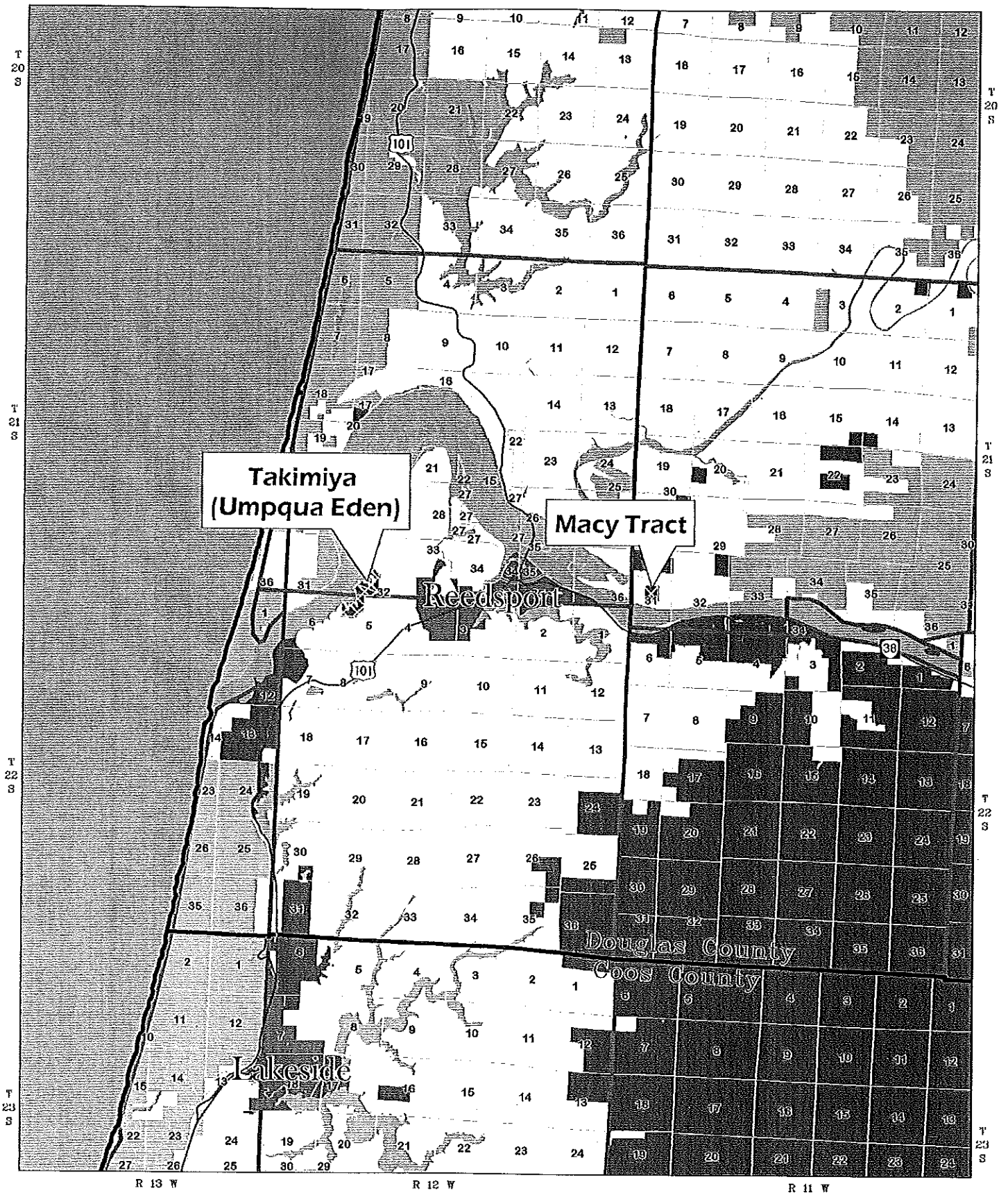
*"We will not give up our land. I know the whites have much money, but I want none of it, though I am poor."*  
Sopenny, Umpqua Headman



## Macy Tract

Macy Tract Statistics	
Current Manager	BLM
Acres	37
O & C Railroad Revested Land	0%
Coos Bay Military Wagon Road Revested Land	0%
Public Domain Land	100%
Acquired	0%
County	Douglas
Matrix and Adjacent Riparian Reserve	0%
Late Successional Reserve and Adjacent Riparian Reserve	0%
Administratively Withdrawn	100%
Timber Stands under 75 years	0%
Timber Stands 75 – 124 years	0%
Timber Stands over 124 years	100%
*Critical Habitat – Northern Spotted Owl (NSO) and Marbled Murrelet (MM)	0%
Legal Description: SW <sup>1/4</sup> NE <sup>1/4</sup> Sec. 31, T. 21 S., R. 11 W., WM	

\*NSO - 2012 proposed rule. Where NSO and MM critical habitat overlap, acreages are combined.



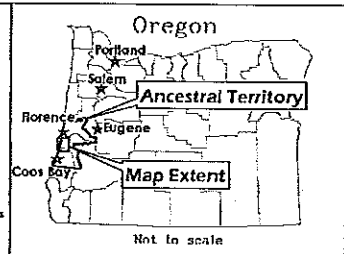
**Takimiya and Macy (Umpqua Eden and Macy Tract)**

- Bureau of Land Management (BLM)
- Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Siuslaw National Forest
- State
- Township and Range
- County
- Section
- City

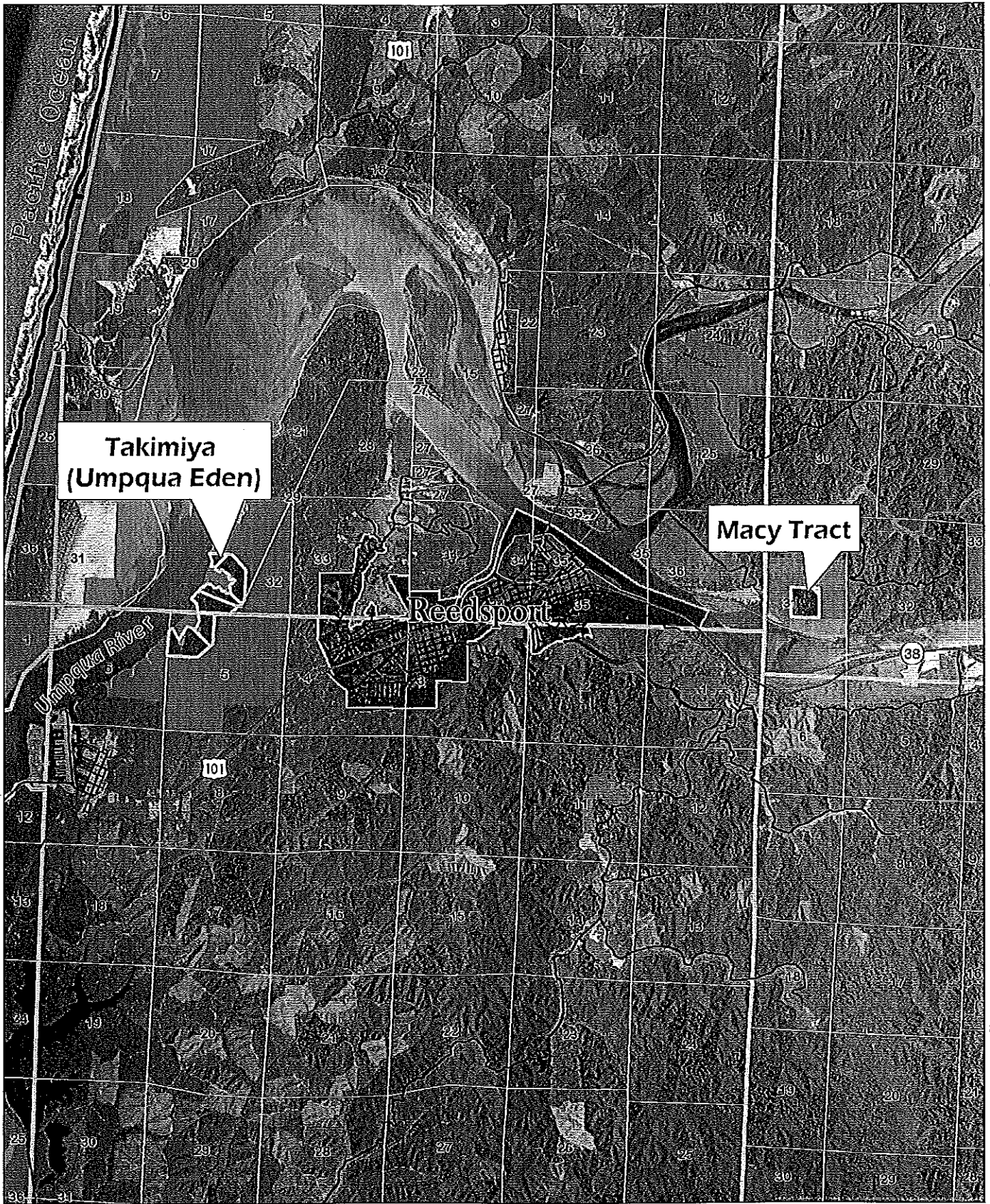
**11/20/2013**



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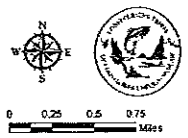
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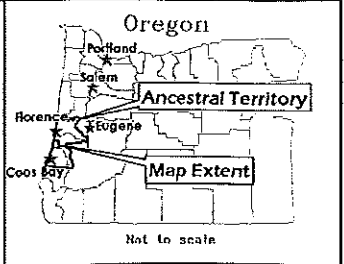
**Takimiya and Macy (Umpqua Eden and Macy Tract)**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>Adjacent Land Ownership</li> <li> Bureau of Land Management</li> <li> Industrial Timber Company</li> <li> Small Private Ownership</li> <li> State of Oregon</li> <li> Siuslaw National Forest</li> </ul> | <ul style="list-style-type: none"> <li> Lands proposed to be managed by the BIA as trustee for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians</li> <li> Highway</li> <li> Township and Range Section</li> </ul> |
|---|--|

11/20/2013



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# **B**

## **Frequently asked questions about S. 1414 / Title III, Subtitle D, Part 2 of H.R. 1526**



## Frequently Asked Questions

### S. 1414 (H.R. 1526, Title III, Part D, Section 2)

*Does S. 1414 transfer the federal government's title to anyone else?*

No. The term "conveyance" in the title "Oregon Coastal Land Conveyance Act" refers to the placement of federal lands into trust for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians ("Tribe"), not to alienation of the federal government's title. No transfer of title is required by S. 1414. The same answer applies to Title III, Part D, Section 2 of H.R. 1526.

*Does S. 1414 diminish county timber revenue?*

No. Lands known as "public domain" lands -- already managed by the BLM but not currently treated as O & C lands -- will be added to the class of lands subject to the Oregon & California Railroad Act of 1916. The addition of public domain lands offsets the actual or hypothetical effect on county revenue resulting from conveyance of specified lands out of the O & C class and into trust for the Tribe. Title III, Part D, Section 2 of H.R. 1526 contains no corresponding provision.

*Does S. 1414 create an exception to federal laws otherwise applicable to commercial forestry activity on federal lands?*

No. Section 6 of S. 1414 specifies that all "applicable federal laws" will continue to apply to such harvest. Section 5(b)(1) specifically prohibits export of unprocessed logs to the same extent prohibited by federal law and regulations applicable to other federal lands. The same answer applies to Title III, Part D, Section 2 of H.R. 1526.

*Does S. 1414 permit commercial forestry activity under circumstances in which it would be prohibited by the Endangered Species Act? The National Environmental Protection Act? The Clean Water Act?*

No, no, and no. The same answer applies to Title III, Part D, Section 2 of H.R. 1526.

*Which federal laws are "applicable" pursuant to Section 6 of S. 1414?*

The Tribe interprets Section 6 of S. 1414 (lands "shall be managed in accordance with all applicable federal laws.") to include at least the following: National Indian Forest Resource Management Act, Endangered Species Act, National Environmental Protection Act, Clean Water Act, Archeological Resources Protection Act, and National Historic Preservation Act. The Tribe interprets Title III, Part D, Section 2 of H.R. 1526 in the same way.

*If S. 1414 becomes law, how will the Tribal Government manage hunting, fishing, and recreational issues on the land?*

These issues will be managed in consultation with Tribal Members, other users, and the State of Oregon. The Tribe already has initiated discussions about these issues with the State of Oregon. The Tribe's approach would be the same under Title III, Part D, Section 2 of H.R. 1526.

*In 1855, President Pierce issued an executive order reserving a region of the Oregon coast as a reservation. Does S. 1414 include any part of the area set aside by President Pierce?*

No. Neither S. 1414 nor Title III, Part D, Section 2 of H.R. 1526 affect land within the region set aside by President Pierce's executive order.

*Does S. 1414 permit the Tribe to use any of the land for gaming activity carried out under the Indian Gaming Regulatory Act?*

No. S. 1414 and Title III, Part D, Section 2 of H.R. 1526 expressly forbid such uses.

For more information, please contact:

Pete Shepherd  
[Pete.shepherd@harrang.com](mailto:Pete.shepherd@harrang.com)

S 0060208.2

**C**

**Summary of Consultation  
since Public Release of the  
Wyden/Merkley discussion  
draft in March, 2013**



**CONFEDERATED TRIBES OF  
COOS, LOWER UMPQUA AND SIUSLAW INDIANS  
TRIBAL GOVERNMENT OFFICES**

1245 Fulton Ave. • Coos Bay, OR 97420 • (541)888-9577 • 1-888-280-0726  
General Office Fax: (541) 888-2853 • Administration Fax: (541) 888-0302

**FOR IMMEDIATE RELEASE: April 5, 2013**

**Tribe To Host Community Briefings About Land Restoration Proposal**

The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians will host three Community Briefings about draft federal legislation restoring tribal control over 14,804 acres of BLM land in Lane, Coos, and Douglas counties. The public is invited. Briefings will be held:

Sunday, April 14, 2013, at 4:00 p.m.  
Coos Bay Public Library, 525 Anderson Ave., Coos Bay. Adjourn: 6:00 p.m.

Monday, April 15, 2013, at 7:00 p.m.  
Reedsport Public Library, 395 Winchester Avenue, Reedsport. Adjourn: 9:00 p.m.

Tuesday, April 16, 2013, at 7:00 p.m.  
Mapleton Grange Hall, 10880 E. Mapleton Rd, Mapleton. Adjourn: 9:00 p.m.

Each briefing will have the same agenda. Information about the Tribe's history and culture will be on display for the first 30 minutes. Formal proceedings will begin with an invocation from Tribal Chief Warren Brainard. Tribal representatives will describe the history of the Tribe, detail the proposal, and answer questions from the audience.

Public comments will be invited. Former Florence Mayor Phil Brubaker will moderate throughout the meeting.

For more information about the Tribe and the discussion draft, visit the Tribe's website at [www.ctclusi.org](http://www.ctclusi.org) and click on Ancestral Lands Restoration Proposal. Viewers may leave a comment on the website.

Contact:

Bob Garcia 541-999-1320  
Pete Shepherd 503-871-3787  
April 5, 2013



HARRANG LONG  
GARY RUDNICK P.C.  
ATTORNEYS AT LAW

PETER D. SHEPHERD  
*Admitted in Oregon*  
333 High Street NE, Suite 200  
Salem, OR 97301-3614  
pete.shepherd@harrang.com  
503.371.3330  
503.371.5336 (FAX)

July 19, 2013

VIA EMAIL: [WSHAMMEL@COWCREEK.COM](mailto:WSHAMMEL@COWCREEK.COM)

Wayne A. Shammel  
Tribal Attorney  
Cow Creek Band of Umpqua Tribe of Indians  
2371 NE Stephens Street, Suite 100  
Roseburg OR 97470

VIA EMAIL: [BRETTKENNEY@COQUILLETRIBE.ORG](mailto:BRETTKENNEY@COQUILLETRIBE.ORG)

Brett Kenney  
Tribal Attorney  
Coquille Indian Tribe  
3050 Tremont  
North Bend OR 97459

Re: Umpqua Eden – A Tract Included in the Discussion Draft of the Coos, Lower Umpqua,  
and Siuslaw Indians' Ancestral Lands Proposal

Dear Wayne and Brett:

Over the months since public release of the discussion draft, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians have continued our discussions with anyone having a question or concern, including federally-recognized Indian tribes in Oregon.

During that process, the Confederated Tribes of Siletz Indians of Oregon noted their interest in ensuring access to a specific parcel within the discussion draft. The tract is approximately 36 acres on the lower Umpqua River. It is called "Umpqua Eden."

My client has always intended to allow continued reasonable access of federally-recognized tribes, and of enrolled members of other tribes, to all of the tracts in the discussion draft. We've imagined that Indian access for cultural, spiritual and other non-commercial purposes would be worked out through the informal mechanisms that we perceive generally have worked well between federally-recognized tribes.

The Confederated Tribes of Siletz Indians suggested that an inter-tribal access agreement would be one way of addressing that tribe's heightened concerns as to the Umpqua Eden tract. My client agrees with this approach as to Umpqua Eden, though, of course, our Tribal Council cannot give its final approval until the text of the proposed agreement is settled.

On instructions from my client, I have tendered to the Confederated Tribes of Siletz Indians a *draft* of such an access agreement. A copy is enclosed.

PORTLAND • EUGENE • SALEM  
HARRANG.COM

July 19, 2013

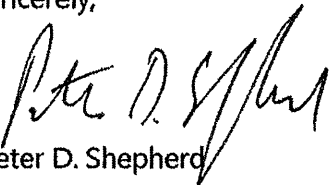
Page 2

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The draft is framed as a three-way agreement between my client, the Confederated Tribes of Siletz Indians, and the Confederated Tribes of the Grand Ronde Community. As drafted, it allows for the later addition of other federally-recognized tribes. The draft expressly disclaims any effect on existing formal or informal understandings between tribes as to any land other than Umpqua Eden. The agreement could not, of course, replace or affect any requirement of law. For example, discoveries of human remains on the Umpqua Eden tract would still trigger all of the requirements of federal law applicable to such events, including notice to potentially interested tribes.

Chairman Garcia asked me to inform you and your respective clients of developments concerning the issue and its potential resolution through an intertribal access agreement. If you have comments, questions, or concerns about the Umpqua Eden tract or about the draft access agreement, please don't hesitate to call me. In addition, if your client's policy makers prefer to communicate directly with Chairman Garcia on the question of access to Umpqua Eden, each of you have my authorization to contact him directly notwithstanding the fact that I represent the Coos, Lower Umpqua, and Siuslaw Indians as to this issue.

Sincerely,



Peter D. Shepherd

PDS:jl

Enclosure

S0056755.1

**DRAFT 1.0 – REASONABLE ACCESS AGREEMENT**

**INDIAN ACCESS / COOS, LOWER UMPQUA, AND SIUSLAW**

**LAND CONVEYANCE LEGISLATION**

1. **Background.** Members of the 113th Congress have publicly circulated a draft of legislation that would, if introduced as a bill and passed into law, transfer responsibility for managing certain tracts of federal land from the Department of the Interior, Bureau of Land Management, to the Department of the Interior, Bureau of Indian Affairs, to be managed by the latter as trust reservation lands for the benefit of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.
  - a. **Umpqua Eden.** One of the tracts that would be transferred pursuant to the draft is known to the Parties as "Umpqua Eden." Appendix A to this Agreement is a map showing Umpqua Eden. Appendix A is incorporated by this reference into the terms of this Agreement. Umpqua Eden is located in the tidewater portion of the Umpqua River.
  - b. **Shared Heritage.** Some of the enrolled members of each of the Parties trace their family lineage to the Indians who lived in the region in which Umpqua Eden is located.
  - c. **Additional Tracts.** This Agreement applies only to Umpqua Eden. Upon the written consent of all the then-existing parties, additional tracts of land may be added as Appendices to this Agreement.
  
2. **Parties.** The Parties to this Agreement are the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, Confederated Tribes of the Siletz Indians of Oregon, and the Confederated Tribes of the Grand Ronde Community of Oregon.<sup>1</sup>
  - a. This Agreement is not intended to, and does not, confer any legally-enforceable benefits or rights on any person or entity not expressly identified as a party.
  - b. This Agreement is not intended to, and does not, impose any legally-enforceable duty on any person or entity not expressly identified as a party.
  - c. The Parties have from time-to-time cooperated to provide access to sites of ceremonial, sacred, or cultural significance. This Agreement is not intended to, and does not, repeal, modify, or supplant any informal cooperative agreement, whether written or oral, securing such access. This Agreement is not intended to, and does not, prevent the Parties from informally resolving any issue as to any tract of land other than Umpqua Eden or any subsequently-added tracts.

<sup>1</sup> Names were copied from a BIA Notice entitled *Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs*, Federal Register, Vol. 77, No. 155 (Friday, August 10, 2012).

Conveyed by CTCLUSI's legal counsel pursuant to ORE 408 and FRE 408.

PAGE 1 -- DRAFT 1.0 – Reasonable Access Agreement / July 4, 2013

**DRAFT**

d. Upon the written consent of all the then-existing parties, additional federally-recognized tribes may become parties to this agreement.

3. Purpose and Clarification.

a. Purpose. The purpose of this Act is to guarantee that each of the Parties and every enrolled member of each of the Parties have reasonable access to Umpqua Eden, and to any other tract added by subsequent agreement of the Parties, for all lawful ceremonial, sacred, cultural, or other non-commercial purposes, notwithstanding the enactment of law substantially the same as the draft legislation described in paragraph one of this Agreement.

b. Clarification. Nothing in this Agreement is intended to be, or shall be, evidence in support or derogation of a claim of priority vis-à-vis another party, regardless of the forum in which the claim is made. Nothing in this Agreement is intended to, or does, establish or sever anyone's existing or claimed cultural, legal, or religious connection to Umpqua Eden or to any subsequently added tract. Decisions made or positions taken in the course of dispute resolution proceedings under authority of this Agreement are not intended to, nor may they be cited or claimed to establish or sever anyone's existing or alleged cultural, legal, or religious connection to Umpqua Eden or to any subsequently added tract.

4. Access. All of the Parties, and every enrolled member of each of the Parties, shall have reasonable access to Umpqua Eden, and to any other tract added by subsequent agreement of the Parties, for all lawful ceremonial, sacred, cultural, or other non-commercial purposes, notwithstanding the enactment of law substantially the same as the draft legislation described in paragraph one of this Agreement.

a. Guarantees of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians: guarantee to every party:

i. Upon request of the party or enrolled member of a party seeking access, unrestricted access by any party, and by the enrolled members of any party, to Umpqua Eden for any lawful ceremonial, sacred, cultural, or other non-commercial purpose, subject only to the terms of this Agreement. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians shall not unreasonably delay action on such a request for access, nor shall it unreasonably deny such a request.

ii. Not to engage at Umpqua Eden in any commercial logging activity or in any commercial harvest of any natural resource from that tract.

Conveyed by CTCLUSI's legal counsel pursuant to ORE 408 and FRE 408.

**DRAFT**

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b. Obligation To Assist In Ensuring Orderly Accomodation of Access. Each of the Parties pledge their mutual best effort and good faith cooperation to facillitate the purposes of this agreement and the fulfillment of its guarantee. The pledge includes, but is not limited to, confirming for another party that an individual seeking access is an enrolled member of a party and providing information to another party about the activity intended to be conducted on the tract by the individual or tribe seeking access.

c. Optional Protocols To Facillitate Access. Upon unanimous consent, the Parties may agree upon supplemental written protocols or procedures to facillitate efficient administration of this Agreement and efficient execution of its terms. The protocols or procedures may include, without limitation, procedures for the Confederated Tribes of the Siletz Indians of Oregon, the Confederated Tribes of the Grand Ronde Community of Oregon, or their respective enrolled members to make use of Umpqua Eden or any subsequently added tracts. If the Parties fail to agree on such supplemental written protocols or procedures, the obligations imposed by this Agreement nevertheless are enforceable according to their terms.

5. Disputes. These sections govern how the Parties will resolve disputes arising from this Agreement or from an allegation of breach, unenforceability, or inapplicability of the Agreement.

a. Informal, Direct Consultation. A party aggrieved or allegedly aggrieved by another's decision or behavior with respect to enforcement or failure to comply with any part of this agreement shall inform each of the other Parties of the grievance. The Parties shall promptly confer in good faith. If the dispute is resolved through direct consultation, the resolution shall be succinctly and fairly summarized in writing by the grievant. The summary, together with any comments by any of the other Parties, shall be distributed to the Parties.

b. Legal Action to compel adherence to the terms of the Agreement. An aggrieved party may seek judicial relief in the Federal District Court for the District of Oregon if the Parties have tried and failed to resolve the dispute by informal, direct consultation.

c. Limited Waiver of Sovereign Immunity. Each of the Parties, in accord with the requirements of their respective Constitutions and laws, shall execute a valid limited waiver of sovereign immunity permitting the enforcement of this Agreement by the federal courts under the circumstance described above.

i. This agreement is a nullity, conveying no rights and imposing no burdens, unless each and every party has approved of the form and content of the limited waiver of sovereign immunity offered by each of the other Parties. This agreement is also a nullity, conveying no rights and imposing no burdens as to any subsequently-added party, unless each and every party has approved of the

Conveyed by CTCLUSI's legal counsel pursuant to ORE 408 and FRE 408.

PAGE 3 – DRAFT 1.0 – Reasonable Access Agreement / July 4, 2013

**DRAFT**

form and content of the limited waiver of sovereign immunity offered by the subsequently-added party.

ii. Approvals shall be executed by the duly-authorized agent of each of the Parties in the table below:

Name of Party Offering Limited Waiver	Limited Waiver Offered as Exhibit to this Agreement	Signature of Authorized Agent of first approving Party	Signature of Authorized Agent of second approving Party
Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians	Exhibit B		
Confederated Tribes of the Siletz Indians of Oregon	Exhibit C		
Confederated Tribes of the Grand Ronde Community of Oregon.	Exhibit D		

iii. The limited waiver of sovereign immunity required as a condition of the enforceability of this Agreement may forbid damages, monetary relief, or liability for attorney fees and costs.

6. Relationship to Existing Law. Nothing in this Agreement is intended to, or does, override or contradict any party's obligation or right under existing federal laws governing discovery, disposition, or removal of human remains, archeological excavations, or removal of cultural objects. In the event of a conflict between a federal law or regulation and this Agreement, the law or regulation shall control.

7. Effective Date, Duration, Renewal, Amendment.

a. Effective Date. This Agreement is effective on the date on which all of the following conditions have been fulfilled:

i. There has been enacted into law legislation transferring responsibility for managing Umpqua Eden from the Department of the Interior, Bureau of Land Management, to the Department of the Interior, Bureau of Indian Affairs, to be

Conveyed by CTCLUSI's legal counsel pursuant to ORE 408 and FRE 408.

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**DRAFT**

managed by the latter as trust reservation lands for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; and

ii. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, Confederated Tribes of the Siletz Indians of Oregon, and the Confederated Tribes of the Grand Ronde Community of Oregon have all approved the Agreement in the manner required by their respective laws and Constitutions; and

iii. The authorized agents for all of the Parties have approved all of the limited waivers of sovereign immunity offered by each of the other Parties.

b. Duration. This Agreement shall be effective and in force for 10 years from its effective date, whereupon it shall expire.

c. Renewal or Modification. The Parties may at any time, by unanimous written consent of the then-existing Parties, extend or renew the Agreement or modify any of its terms.

8. Signatures, Affirmation of Authority to Execute this Agreement.

Conveyed by CTCLUSI's legal counsel pursuant to ORE 408 and FRE 408.

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**DRAFT**

**TABLE OF APPENDICES**

[N.B. For purposes of this draft, the Appendices have been omitted]

- Appendix A: Map describing Umpqua Eden
- Appendix B: Limited Waiver of Sovereign Immunity – Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
- Appendix C: Limited Waiver of Sovereign Immunity – Confederated Tribes of the Siletz Indians of Oregon
- Appendix D: Limited Waiver of Sovereign Immunity – Confederated Tribes of the Grand Ronde Community of Oregon

S0056742.3

**DRAFT**

Conveyed by CTCLUSI's legal counsel pursuant to ORE 408 and FRE 408.



**Confederated Tribes of Siletz Indians**

P.O. Box 549 Siletz, Oregon 97380  
(541) 444-2532 • 1-800-922-1399 • FAX: (541) 444-2307

November 1, 2001

Chairman Ron Brainard  
Confederated Tribes of Coos,  
Lower Umpqua and Siuslaw Indians  
Tribal Government Offices  
1245 Fulton Avenue  
Coos Bay, OR 97420

Dear Ron:

I am writing in response to your letter of August 7, 2001, regarding the July 23, 2001 meeting between the Tribal Councils of the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

It was because your letter does not reflect the understanding we reached at that meeting and we were trying to respond in a positive way that serves our mutual interests that it has taken this long to respond.

Let me restate the commitments the Siletz Tribe was prepared to make at the July 23<sup>rd</sup> meeting regarding the Coos Tribe's efforts to obtain transfer to the Mapleton Ranger Station and to amend the Coos Restoration Act to provide for a larger reservation than the reservation created by the Act.

The Mapleton Ranger Station is located within the boundaries of the original Siletz or Coast Reservation established in 1855. As the successor in interest to the tribes located by the federal government on that reservation, and as the recognized tribe with authority over the Siletz or Coast Reservation and with a legal interest in the Siletz or Coast Reservation area, the Siletz tribe must be consulted with and give its consent to the Coos Tribe's efforts to obtain the Mapleton Ranger Station.

The Siletz Tribe recognizes that the Ranger Station is located within the aboriginal area of the Siuslaw Indians some of whom are members of the Confederated Tribes of Siletz Indian of Oregon, and others who are members of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

The Siletz Tribe has no plans currently, for use of the Ranger Station and is agreeable with the Coos Tribe obtaining the property for governmental use.

The Siletz Tribe's consent would of course, be contingent on the agreement that the Coos Tribe would not interfere with Siletz tribal members' gathering activities within the Ranger Station lands.

The Siletz Tribe is also supportive of the Coos Tribe's efforts to add lands to the existing Coos Reservation to the extent the Coos Tribe seeks lands which are located outside of the original Siletz or Coast Reservation.

The Siletz Tribe retains a sovereign interest in all lands located within the boundaries of the original Siletz or Coast Reservation, and has a priority in adding any lands within this geographic area to the Siletz Reservation. The Siletz Tribe does not support the efforts of the Coos Tribe to obtain reservation lands that are located within the original or Coast Reservation. This is the position the Siletz Tribe adopted in passing a resolution in 2000 supporting the Coos Tribe's efforts to expand their reservation, which we forwarded to you under cover letter. It remains the Siletz Tribe's position.

The Mapleton Ranger District is located within the boundaries of the original Siletz Reservation as well as within the aboriginal homeland of the Siuslaw people. Case law affirms federal responsibility for recognized title - that land confirmed to a tribe or confederation of tribes by treaty and/or executive order. In the 1855 Coast Treaty, the Siuslaw Indians agreed to confederate with other coastal tribes and other tribes and bands thereafter located on the Coast or Siletz Reservation.

A substantial part of the aboriginal territory of the Siuslaw Indians was included within the Siletz Reservation, and the Siuslaw Indians were a signatory to the Coast treaty. Those tribes and bands confederated on the Siletz Reservation under that treaty and other tribes subsequently located on the Siletz Reservation were dealt with as one tribal entity by the United States government. There is extensive documentation showing that the Alsea sub-agency and Siletz Agency were administrated jointly just as there is documentation which shows some separate dealings with the Agency and sub-Agency. There is little indication that the Umpqua sub-Agency or Alsea sub-Agency had much to do with the Siuslaw Indians at all. The Coos and Lower Umpqua Indians were removed from their homelands to the Siletz or Coast Reservation.

Nothing in the 1875 legislation diminishing the Siletz Reservation required the consent of the Coos, Lower Umpqua or Siuslaw tribes. The legislation provided expressly for the consent of "the Indians" located on the present reservation to be obtained. No mention of tribes is made anywhere in this legislation. Individuals from the Coos, Lower Umpqua and Siuslaw bands or tribes moved to the remaining Siletz Reservation after passage of the 1875 legislation; this movement occurred over time and some of the Indians did not move onto the remaining reservation until forced from their prior homes. Some individuals from the Coos and Lower Umpqua tribes or bands moved over time back to the Coos Bay area. The "tribes," however, which had previously been

confederated on the Siletz Reservation, did not formally move anywhere else, and there is no documentation of a formal tribal movement from the southern part of the Siletz Reservation to any other location.

The situation of these tribes and bands is similar to that found by the Ninth Circuit Court of Appeals in *United States v. Oregon*, 29 F.3d 481 (9<sup>th</sup> Cir. 1994), addressing the legal status of the bands and tribes of Indians that signed the Yakama Treaty of 1855. Just as in that case, the Coast Treaty and the establishment of the Coast or Siletz Reservation by Executive Order in 1855 established a tribal entity that represented the tribes and bands confederated on the Reservation and with which the United States would thereafter deal.

Individuals from the original Coos, Lower Umpqua and Siuslaw bands and tribes received allotments on the Siletz Reservation or received other types of allotments while maintaining their membership in the Confederated Siletz Tribes. References to Court of Claims judgments is irrelevant because those cases involved aboriginal title, and no compensation was paid for diminishment of the original Siletz Reservation. Individual Coos, Lower Umpqua and Siuslaw Indians who were members of the Confederated Siletz Tribes did receive compensation from disposal of the remaining Siletz Reservation.

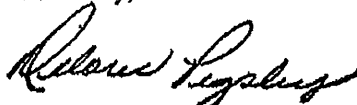
It is an historical fact that the Coos, Lower Umpqua and Siuslaw Indians were located on the Siletz Reservation and that members of those tribes and bands became integrated with the Confederated Siletz Tribes.

The Siletz Tribe has conducted years of research on the Siletz Tribe's history and its findings have been reviewed and validated by eminently qualified experts in the field. We are confident of the conclusions we have reached on the issue of the modern day Siletz Tribe's legal interest in the original Siletz or Coast Reservation are prepared to advocate and defend that interest in any appropriate forum.

In summary, the Siletz Tribe fully supports the efforts of the Coos Tribe to obtain additional reservation lands that are located outside the boundaries of the original Siletz or Coast Reservation. However, the Siletz Tribe is willing and prepared to negotiate conditions and terms for the transfer of the Mapleton Ranger Station which lies within the boundaries of the Siletz or Coast reservation, for the use of the Coos Tribe. The Siletz Tribe's position is based on its legal, sovereign and equitable claim to lands within the original Siletz or Coast Reservation.

I hope this letter is sufficient for your purposes; it does accurately state the position of the Siletz Tribe.

Sincerely,



Delores Pigsley  
Tribal Chairman



HARRANG LONG  
GARY RUDNICK P.C.  
ATTORNEYS AT LAW

**PETER D. SHEPHERD**  
*Admitted in Oregon*  
333 High Street NE, Suite 200  
Salem, OR 97301-3614  
pete.shepherd@harrang.com  
503.371.3330  
503.371.5336 (FAX)

March 20, 2013

**VIA EMAIL ONLY: LIANI.REEVES@STATE.OR.US**

Liani Reeves  
Office of the Governor  
160 State Capitol  
900 Court Street NE  
Salem OR 97301

Re: Discussion Draft of Oregon Coastal Land Conveyance Act

Dear Liani,

A discussion draft of a bill directing the transfer into trust as reservation land of certain forested tracts in Lane, Douglas, and Coos Counties recently has been released. The website of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, <http://ctclusi.org>, contains links to the discussion draft, maps and materials prepared by the Tribe about the draft.

If the land became part of the reservation of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, fish and wildlife would pay no heed. They would move as seamlessly as before from the Tribe's jurisdiction to the State's jurisdiction, and back. Waters would run from adjoining tracts into the federal lands designated as reservation lands, and from the Tribe's reservation into the lower parts of the watersheds, in the same courses and channels as if Congress had never acted. Biology and hydrology would compel a collaborative approach even if the government-to-government mandate of state law did not.

We respectfully request the opportunity promptly -- that is, during the current period of public review of the discussion draft -- to begin discussions with appropriate state officials for the purpose of identifying the best science-based framework for management of the fish, wildlife, and water resources related to the reservation lands. Fishing, hunting, and other recreational uses of the lands would be the primary initial focus of the discussions.

The principles we think could emerge from this collaboration are independent of the source of the legal authority by which they might be implemented. For example, we imagine the creation of principles that the Tribe itself might enact pursuant to its plenary authority to regulate hunting, fishing, and recreation on its reservation lands.

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HARRANG.COM

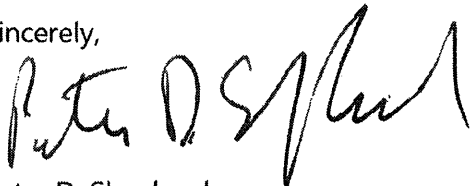


In the discussions we envision, the Tribe's representatives will scrupulously adhere to the limitations placed on them by Articles II<sup>1</sup> and VI, Section 3 (a) (2)<sup>2</sup> of the Tribal Constitution. Much as the Governor and executive branch agencies lack the power to commit the State Legislature to the passage of proposed laws, so do the Tribe's representatives lack the power to commit the Tribe to any constriction on hunting, fishing, or gathering rights possessed or claimed by the Tribe.

We do not imagine that the collaborative approach would end upon introduction and passage of a bill derived from the discussion draft. Use of the lands would be governed, after the proposal becomes law, by the National Indian Forest Resources Management Act (NIFRMA). NIFRMA requires the federal government to create and adopt a detailed forest management plan. That plan must, in turn, include an Environmental Impact Statement (EIS) satisfying the requirements of the National Environmental Protection Act. Many aspects of the regulation of the land's natural resources will be dependent on, and incorporated into, the EIS and the NIFRMA plan. And, as noted above, the effect on the Tribe of potential regulatory structures might be dependent upon approval by the process specified in the Tribal Constitution. It nevertheless is possible, even at this early stage, and in full compliance with the Tribal Constitution, to begin identifying issues and considering general principles of scientific management of the lands.

Governor Kitzhaber's commitment to the government-to-government process is deeply appreciated by the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. We hope this invitation will be warmly received by the State of Oregon.

Sincerely,



Peter D. Shepherd  
for the Confederated Tribes of Coos, Lower Umpqua  
and Siuslaw Indians

PDS:jl

cc: Chairman Bob Garcia  
Thomas Tuchmann  
Roy Elicker  
Richard M. Whitman

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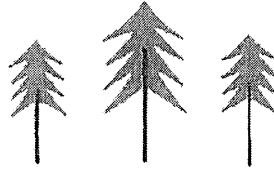
<sup>1</sup> Article II states that "No tribal decision affecting [the exercise of hunting, fishing, or gathering rights of members] shall be made except by a full vote of the tribal membership."

<sup>2</sup> Article VI, Section 3(a) (2) states that "diminishment, negotiation, or settlement of any hunting, fishing, or gathering rights possessed or claimed by the Confederated Tribes, including the settlement of any land claims involving the tribe's aboriginal lands" cannot occur except on "approval of three-fourths (3/4) of the membership in a vote in which at least thirty-five (35) percent of the membership of" all tribal members participate.

# ASSOCIATION OF O & C COUNTIES

COMM. DOUG ROBERTSON, PRES  
DOUGLAS COUNTY COURTHOUSE  
1036 S.E. DOUGLAS AVENUE  
ROSEBURG, OREGON 97470  
(541) 440-4201

COMM. TONY HYDE, VICE-PRES  
COLUMBIA COUNTY COURTHOUSE  
230 STRAND STREET  
ST. HELENS, OREGON 97051  
(503) 397-4322



**PRESS RELEASE**  
March 20, 2013

ROCKY McVAY, EXEC. DIR.  
16200 HWY 101 SOUTH, SUITE A  
BROOKINGS, OREGON 97415  
(541) 412-1624  
FAX (541) 412-8325  
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KEVIN O. DAVIS, LEGAL COUNSEL  
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PORTLAND, OREGON 97258  
(503) 517-2405

DAVID S. BARRROWS, LEGIS. COUNSEL  
1201 S.W. 12TH AVENUE, SUITE 200  
PORTLAND, OREGON 97205  
(503) 227-5591

## FOLLOW UP TO INFORMATION RECEIVED YESTERDAY FROM THE ASSOCIATION OF O&C COUNTIES

Contact: Commissioner Doug Robertson  
President, Association of O&C Counties  
(541) 440-4201

After recognizing the concerns brought forth by the Association of O&C Counties regarding the reduction of the O&C land base, Senator Wyden, as evidenced by his statement, has committed to a no net loss policy to protect the O&C land base.

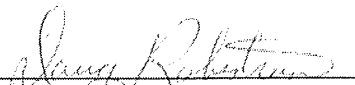
Using the language from the September 30, 1996 Coquille Forest Act, transferring O&C lands to the Coquille Indian Tribe, can serve as an effective model that addresses the interests of all parties.

### STATEMENT FROM SENATOR RON WYDEN:

"The tribal land conveyance proposals for the Coos and Cow Creek tribes are discussion drafts, so this is exactly the right time for Commissioner Robertson and others to offer suggestions to improve the actual legislation. One of things that addresses Commissioner Robertson's concerns is that there will be no net loss of O&C lands. The no net loss issue is not addressed in the discussion draft, but we have made it clear that it will be included in the final draft. In other words, the total acres of O&C lands will remain the same under any tribal land conveyance legislation."

"I would like to personally thank Senator Ron Wyden for recognizing the sensitive nature of and need to preserve the integrity of the O&C land base by committing to a no net loss provision in any future land transfer to the Cow Creek Band of Umpqua Indians and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. In addition, I would like to thank the tribes and their consultants for helping to shape a positive plan which will allow all parties to move forward.

The Association of O&C Counties look forward to working with Senator Wyden on a permanent solution to the management issues surrounding the O&C lands that includes the legal, historical, and congressional mandates associated with this unique category of federal lands."

  
Commissioner Doug Robertson  
President, Association of O&C Counties



**CONFEDERATED TRIBES OF  
COOS, LOWER UMPQUA AND SIUSLAW INDIANS  
TRIBAL GOVERNMENT OFFICES**

1245 Fulton Ave. • Coos Bay, OR 97420 • (541)888-9577 • 1-888-280-0726  
General Office Fax: (541) 888-2853 • Administration Fax: (541) 888-0302

April 19, 2013

<b>VIA FAX: 202-208-6334</b>  Kevin Washburn United States Department of the Interior Assistant Secretary for Indian Affairs MS-4141-MIB 1849 C Street, N.W. Washington, D.C. 20240	<b>VIA FAX: 202-208-5242</b>  Neil Kornze Principle Deputy Director BLM Washington Office 1849 C Street NW, Rm. 5665 Washington DC 20240 Phone: 202-208-3801
--	---

Re: Request for Meeting Week of April 29, 2013  
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

Dear Assistant Secretary Washburn and Principle Deputy Director Kornze:

I am Chairman of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. One of our attorneys, Pete Shepherd, and I will be in Washington D.C. during the week of April 29, 2013. I respectfully request the privilege of a meeting with the appropriate personnel from each of the parts of the Department of Interior for which you have responsibility. Next week, Pete will follow up on this request with your offices.

We wish to discuss two issues. Our primary purpose is to provide you with information about our proposal to restore to the Tribe control over a small part of the Tribe's ancestral territory. We write both of you because the restoration would be accomplished by shifting into trust status lands currently within the responsibility of the Bureau of Land Management.

Secondarily, we wish briefly to inform you of the efforts we have made to resolve our ongoing dispute with a neighboring tribe, the Confederated Tribe of Siletz Indians, about legislation pending in the Senate and the House.

In 1855, my ancestors executed a treaty with the United States. The treaty was never ratified. The people of the Coos and Lower Umpqua nevertheless were forcibly removed from their ancestral homeland to lands reserved by Executive Order. The Siuslaw remained in place, as their ancestral territory was within the area set aside by Executive Order and known as the "Coast Reservation." By successive Congressional action, the reserved region was whittled away

and, eventually, entirely eradicated. Over the years, my people returned to their homes, only to find them occupied by new owners. In the eyes of the United States, we were squatters on our own homeland.

Together with other Oregon tribes, Congress "terminated" my Tribe in 1955. In a series of Acts in the 1970s and 1980s, Congress reversed the termination Acts. The 1984 Act applicable to my Tribe was bittersweet: Unlike all the other restored tribes in Western Oregon, Congress denied us any form of compensation for the taking of our ancestral lands. This injustice remains unrequited.

Lately, United States Senators Merkley and Wyden have circulated a discussion draft of legislation that would ameliorate the injustice worked upon my Tribe by history. If the draft becomes law, three forested tracts in Western Oregon currently managed by the BLM would be managed as reservation trust lands by the Bureau of Indian Affairs. More information about the proposal is available on our website: [www.ctclusi.org](http://www.ctclusi.org). The text of the discussion draft is available through the website.

Meanwhile, Representatives DeFazio, Schrader, and Walden have circulated a discussion draft of legislation that could affect our ancestral lands in a different way. Parts of our ancestral territory have become known in modern times as the O & C reverted lands.

On April 11, 2013, the House Committee on Natural Resources, subcommittee on Public Lands, conducted a hearing about management of federal forest lands, including O & C lands. A fair or comprehensive revision to the management of O & C lands cannot be accomplished without taking account of my Tribe's interest in recovering control over a part of our ancestral lands. During that hearing, I was gratified to hear Rep. DeFazio ask witnesses representing Oregon Governor John Kitzhaber and an association of Oregon counties benefiting from the O & C lands to state their view of the possibility of folding the content of Senator Merkley and Senator Wyden's discussion draft into Rep. DeFazio's possible legislation reforming the management of O & C lands.

Given that the Senate and House discussion drafts described above have not yet been introduced as bills, we understand that the Department of the Interior could not state a position. We do wish, however, to establish contact with the official or officials within your respect areas of responsibility who may, when the drafts mature into bills, be involved in helping to formulate the Department's position. We understand that the members of Oregon's Congressional Delegation are engaged in active consultation about the House and Senate discussion drafts, and that our proposal for restoration of a part of our ancestral lands is a part of that consultation.

Secondarily, I wish briefly to address the unrelated conflict between my Tribe and the Siletz. In the 113th Congress, this dispute centers on S. 402 and H.R. 931. Answers provided by the Bureau of Indian Affairs to questions posed by the Honorable Don Young during the 112th

Page 3  
April 19, 2013

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Congress have, unfortunately, been misused by the Siletz in an attempt to persuade Congress to functionally codify aspects of the historical injustice done my Tribe. We have a very different perspective on the dispute than the Siletz have expressed. We nevertheless have gone to great lengths to try to resolve the dispute. We look forward to discussing this with you.

Sincerely,



Robert Garcia  
Tribal Council Chairman

RG/jl



**CONFEDERATED TRIBES OF  
COOS, LOWER UMPQUA AND SIUSLAW INDIANS  
TRIBAL GOVERNMENT OFFICES**

1245 Fulton Ave. • Coos Bay, OR 97420 • (541)888-9577 • 1-888-280-0726  
General Office Fax: (541) 888-2853 • Administration Fax: (541) 888-0302

May 6, 2013

**Via FAX: (202) 208-5320**  
**AND EMAIL: [kevin.washburn@bia.gov](mailto:kevin.washburn@bia.gov)**

Kevin Washburn  
United States Department of the Interior  
Assistant Secretary for Indian Affairs  
MS-4141-MIB  
1849 C Street NW  
Washington D.C. 20240

**\*\*\* SCHEDULING REQUEST \*\*\***

**COPY VIA EMAIL TO:**  
Liberty Metcalf ([liberty.metcalf@bia.gov](mailto:liberty.metcalf@bia.gov))  
Bryan Rice ([bryan.rice@bia.gov](mailto:bryan.rice@bia.gov))  
Sequoyah Simermeyer  
([sequoyah.simermeyer@bia.gov](mailto:sequoyah.simermeyer@bia.gov))

Re: **Request for Meeting on June 11, 12, or 13, 2013**  
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

Dear Assistant Secretary Washburn and Principle Deputy Director Kornze:

I am Chairman of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. A delegation from our Tribal Council and one of our attorneys, Pete Shepherd, will accompany me to Washington D.C. during the week of June 10, 2013. I respectfully request the privilege of a meeting with each of you. Our delegation would be pleased to meet with you jointly or separately.

I appreciate the time Mr. Kornze made available to us on May 2, 2013. I understand that Mr. Washburn's schedule did not permit him to meet with us, but I nevertheless appreciate Mr. Washburn and Mr. Simermeyer's facilitation of our meeting with appropriate staff. We found the meetings informative. We hope you and your respective staff also found them useful.

**Via FAX: (202) 208-5242**  
**AND EMAIL: [nkornze@blm.gov](mailto:nkornze@blm.gov)**

Neil Kornze  
Principle Deputy Director  
BLM Washington Office  
1849 C Street NW, Room 5665  
Washington D.C. 20240

**\*\*\* SCHEDULING REQUEST \*\*\***

**COPY VIA EMAIL TO:**  
Noreen Battle ([nbattle@blm.gov](mailto:nbattle@blm.gov))  
Jerry Cordova ([jerry\\_cordova@blm.gov](mailto:jerry_cordova@blm.gov))  
Lynda Boody ([lboody@blm.gov](mailto:lboody@blm.gov))

During our visit on May 2, 2013, Mr. Shepherd and I discussed a discussion draft promulgated by United States Senators Merkley and Wyden. The draft would ameliorate the injustice by which my tribe remains the only federally-recognized tribe in Western Oregon never to have received money or significant lands in exchange for the taking of our ancestral lands. If the draft becomes law, three forested tracts in Western Oregon currently managed by the BLM would be managed as reservation trust lands by the Bureau of Indian Affairs. I refer you to my letter of April 19, 2013, and to the tribe's website, [www.ctclusi.org](http://www.ctclusi.org), for more information. As we indicated during our discussions, we hope that the weeks between now and the time of our next visit to Washington, D.C. will see significant forward progress on our ancestral lands proposal.

Mr. Shepherd's legal assistant is Jane Leonhardt. She is coordinating our schedule during the upcoming visit. Please contact her directly to make these arrangements. She may be reached at 503-371-3330 or by e-mail at [jane.leonhardt@harrang.com](mailto:jane.leonhardt@harrang.com).

Sincerely,



Robert Garcia  
Tribal Council Chairman

RG/jl

94-19416

OR 49649

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

BOOK 1315 PAGE 353

## WARRANTY - DEED

22-15139

For the true and actual consideration of \$70,000.00, receipt of which is hereby acknowledged, The Archeological Conservancy, Inc., a California non-profit Corporation hereinafter called Grantor, whether one or more, does hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA, and its assigns, the following described real property together with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Douglas, State of Oregon, to wit:

Parcel 1: Lot 1, the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$ ), and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 5, Township 22 South, Range 12 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING therefrom that portion conveyed to International Paper Company by deeds recorded July 9, 1963, in Book 325, Page 467, and June 29, 1965 in Book 352, Page 205, Records of Douglas County, Oregon.

Parcel 2: Lots 4, 5, and the Nathan Schofield Donation Land Claim No. 38 in Section 32, Township 21 South, Range 12 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING therefrom that portion conveyed to International Paper Company by deeds recorded July 9, 1963, in Book 325, Page 467, and June 29, 1965 in Book 352, Page 205, Records of Douglas County, Oregon.

LESS AND EXCEPTING from the above, any portion within tidelands, including but not limited to, that property described in Book 996, Page 535, Recorder's No. 87-12638, records of Douglas County, Oregon, and as set forth in that Act, dated October 21, 1876, entitled "An act to amend an Act to provide for the sale to Tide and Overflow Lands on the Sea-Shore and Coast".

ALSO LESS AND EXCEPTING from the above, those mineral rights as granted in Book 316, Page 1, Recorder's No. 310832, records of Douglas County, Oregon.

The parcel of land to which the above description applies contains 127.28 acres more or less.

Said property is subject to:

1. Rights of the public and governmental bodies in and to that portion of the premises described herein lying below the ordinary high water mark of the Umpqua River, including any ownership rights which may be claimed by the State of Oregon below high water mark.
2. Grants of rights of way and disposal areas, including the terms and provisions thereof, in favor of the Port of Umpqua, as recorded in Volume 101, Page 285, and subsequently granted by Port of Umpqua to the United States of America, as recorded in volume 101, Page 318, Deed Records of Douglas County, Oregon.
3. Conveyance of mineral rights, including the terms and provisions thereof, to First National Bank of Oregon, Portland, Trustee, as recorded in Volume 316, Recorder's No. 310832, Deed Records of Douglas County, Oregon.

TAX STATEMENTS TO:  
GRANTEE AT:  
BLM Coos Bay District Office  
1300 Airport Lane  
North Bend, Or. 97459

AFTER RECORDING RETURN TO:  
Key Title Company  
Roseburg, Or. 97470

RUE-25-1994 13:01

503 756 9303

P.02

Received Time Oct. 8. 2013 10:39AM No. 1822



BOOK 1315 PAGE 354

4. Appurtenant easement contained in Easement Agreement with IP Timberlands, dated March 5, 1990 and recorded at Book 1093, Page 379, Recorder's No. 90-3774, Douglas County, Oregon

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever.

Grantor covenants and warrants to the United States of America and its assigns that, except as shown above, he is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is free and clear of liens, claims or encumbrances, except as shown above, and that Grantor will defend the title to the real property conveyed herein and the quiet possession thereof against the lawful claims and demands of all persons.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the persons acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Dated this 31<sup>st</sup> day of August 1994 .

Mark Michel  
President,  
The Archaeological Conservancy

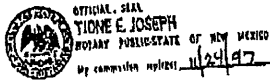


STATE of New Mexico )  
COUNTY of Bernalillo )

On this 31<sup>st</sup> day of August, 1994, personally came before me, a notary public in and for said County and State, within and to me personally known to be the identical person described to and who executed the within and foregoing instrument and acknowledged to me that he executed the same as his voluntary act and deed, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Tione E. Joseph  
Notary Public in and for the  
State of New Mexico  
Residence: Albuquerque  
My commission expires: 11/24/97



AUG-25-1994 13:02

503 756 8303

(SEAL)

P. 23

STATE OF OREGON )  
COUNTY OF DOUGLAS )  
I, GAY FIELDS, COUNTY CLERK AND RECORDER OF  
CONVEYANCES, DO HEREBY CERTIFY THAT THIS  
INSTRUMENT WAS RECORDED

94 SEP -1 AM 11:15

GAY FIELDS  
DOUGLAS COUNTY CLERK  
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY  
BY G. J. Bennett

94-19416

Received Time Oct. 8, 2013 10:39AM No. 1822

## Possible Survey Workload Minimization Amendment To S. 1414

### Redline comparison to S. 1414 as introduced:

SURVEY.—Not later than ~~180~~ 90 days after the date of enactment of this Act, the Secretary shall complete a land description review survey of the boundary lines. The Secretary shall, within one year of the completion of the land description review, secure all additional boundary evidence required to establish to the satisfaction of the Secretary and the Tribe the boundaries of the land taken into trust under subsection (a).

### Narrative explanation:

Boundary evidence very likely already exists sufficient for purposes of placing the lands into trust. S. 1414 would impose an unnecessary cost *if* the text of S. 1414 as introduced were interpreted to deprive BLM of the authority to rely upon otherwise sufficient pre-existing boundary evidence.

The BLM and BIA have collaborated on standards for the sufficiency of boundary determinations for Indian trust lands. The Standards establish a flexible system that permits the Secretary to minimize survey expense while at the same time marshaling sufficient boundary evidence -- including preexisting evidence in the form of already-completed surveys. The "land description review" provided for in the Standards is a scoping study conducted by examining the existing boundary evidence to identify potential deficiencies and to create a plan for curing those deficiencies.

The amendment invokes the Standards by requiring the Secretary to complete the scoping study within 90 days. The amendment allows the Secretary to cure any deficiencies in the boundary evidence. The cure must be applied within a year of completion of the land description review.

### Reference:

#### *STANDARDS FOR INDIAN TRUST LANDS BOUNDARY EVIDENCE HANDBOOK*

Office of Trust Services

In collaboration with the Bureau of Land Management and the Office of the Special Trustee for American Indians (An Insert for the Indian Affairs Manual at: 52IAM2-H)

Division of Real Estate Services MS-4644 MIB

Bureau of Indian Affairs

05/08/2012

The Standards are available on-line at: <http://www.bia.gov/cs/groups/xraca/documents/text/idc-018418.pdf> (Last Viewed October 27, 2013).

Tribe's Contact: Pete Shepherd 503-871-3787

S 0060200.5

## Brief History and Current Status of Umpqua Eden

Umpqua Eden ("Takimiya") is a small isolated BLM-managed tract on the south shore of the Umpqua River approximately half-way between the town of Reedsport and the river's mouth. Archaeological evidence from the site establishes that it has been inhabited by the Lower Umpqua Tribe for at least 3,000 years. Ethnographic evidence also establishes the cultural and historical importance of the site to the Coos, Lower Umpqua, and Siuslaw Indians. The Tribe's website describes the site and its significance to the Tribe in more detail. <http://ctclusi.org>. Archeological and ethnographic detail about the site is summarized in Chapter 4 of C. Melvin Aikens' *Archeology of Oregon* (1993), available on-line at the BLM's website. [www.blm.gov/or/resources/heritage/files/AAO-chapter4.pdf](http://www.blm.gov/or/resources/heritage/files/AAO-chapter4.pdf). (Last viewed 11/12/2013).

In 1993, the Archaeological Conservancy, with the support of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, obtained an option to purchase Umpqua Eden from its private landowners. Preservation and protection of the Tribe's spiritual, cultural, and historical connections to the tract featured prominently in the Conservancy's enthusiasm for the transaction. *See*, The Archeological Conservancy Newsletter (Fall, 1993). [www.archaeologicalconservancy.org/TAC%20Newsletters/Newsletters1993.pdf](http://www.archaeologicalconservancy.org/TAC%20Newsletters/Newsletters1993.pdf) (Last viewed 11/12/2013).

The United States acquired its title from the Archeological Conservancy on August 31, 1994. Warranty Deed 94-19416, Recorded in Douglas County Deeds and Records at Book 1315, page 353 - 354. The deed states that "[Archeological Conservancy] covenants and warrants **to the United States** and its assigns that \* \* \* [the property] is **free and clear of liens, claims or encumbrances, except as show above \* \* \***." Italicized emphasis in original; bold-face emphasis added. The only claims or encumbrances identified run in favor of public and governmental interests in the part of the tract below the ordinary high water mark, certain interests in favor of the Port of Umpqua, certain previously-recorded mineral rights, and easements held by a private timber company. A copy of the deed accompanies this analysis.

The United States, rather than its administrative subdivisions, holds title to Umpqua Eden. S. 1414 directs transfer of management responsibility but does not alienate title.

Umpqua Eden is an historic property listed in the National Register of Historic Places. Although all of Umpqua Eden as described in S. 1414 is significant to the Tribe, the National Register listing includes only six acres. The nomination was placed at the same time the site's former prior private owners were consummating their transaction with the Archeological Conservancy. The Oregon State Advisory Committee on Historic Preservation did not review the nomination until after the site had been acquired by the United States. The Archeological Conservancy, the Tribe, and the BLM, among others, supported the nomination. The State Advisory Committee and State Historic Preservation Office concurred in the nomination. *See* Comments of the Oregon State Historic Preservation Office, Umpqua/Eden Site (Takimiya) 35 DO 83. The United States has listed the site in its list of historic sites since January 11, 1996.

The Tribal Historic Preservation Office is part of the National Park Service. Before undertaking any change in the use or management of Umpqua Eden which could affect the six-acre historic property, the United States, acting through the Bureau of Indian Affairs as Trustee for and in consultation with the Tribes, would be obliged to consult with the Tribal Historic Preservation Office and any other affected federal agencies or parties involved in the proposed undertaking as described in Section 106 of the National Historic Preservation Act. *See*, <http://www.achp.gov/106summary.html> (Advisory Council on Historic Preservation's summary of the Section 106 process)(Last viewed 11/12/13).

The Tribe presumes that the Advisory Council on Historic Preservation would participate in such consultations as needed. While the management of Umpqua Eden will ultimately be determined through a resource management planning process subject to the requirements of the currently proposed legislation, NEPA, and other applicable Federal laws, the Tribe envisions the retention of Umpqua Eden in its natural state given the Tribe's determination that recreational, cultural, aesthetic, and traditional values of Umpqua Eden are the tract's highest and best use.

For more information, please contact:

Pete Shepherd  
Of Counsel for the Tribe  
[Pete.shepherd@harrang.com](mailto:Pete.shepherd@harrang.com)

S 0060201.4

# **D**

## **Representative statements about S. 1414 / Title III, Subtitle D, Part 2 of H.R. 1526**



JOHN A. KITZHABER MD  
GOVERNOR

Statement of Governor John Kitzhaber  
State of Oregon  
Before the  
Subcommittee on Public Lands and Environmental Regulation  
Committee on Natural Resources  
United States House of Representatives

April 11, 2013

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Mr. Chairman and members of the Subcommittee, I am Governor John Kitzhaber and I am pleased to provide my perspective on issues related to the Oregon and California (O&C) lands in Oregon.

I would like to thank you Mr. Chairman and members of the subcommittee for taking the time to address this important and unique issue in my state. I would also like to recognize Congressman Peter DeFazio, Congressman Greg Walden and Congressman Kurt Schrader for their strong leadership on this very difficult issue. Oregonians, indeed all Americans, have strong and diverse views regarding how public forests should be managed. It takes real courage to step up and propose the changes that are reflected in the *O&C Trust, Conservation and Jobs Act*. Thank you for your leadership and please know it is appreciated back home.

Mr. Chairman, I hold very strong conservation values. I believe that our public lands can and should be managed to provide a diversity of forest types, including ecosystems ranging from early to late successional stages and preserving old growth. Our forests should provide clean water for domestic uses and for aquatic ecosystems to flourish. Our forests should be managed so that Americans have places to recreate and come to appreciate the tremendous natural values of our forests, grasslands and waterways. Yet, I also believe a portion of these public lands can simultaneously provide some sustainable level of timber to support local and regional economies.

Some say these are mutually incompatible goals, but given our large, resource rich public lands system, I respectfully disagree. We are currently at a place regarding Oregon's O&C lands where the pendulum has swung from harvest levels in the 1980s that largely did not sustain a wide array of conservation attributes to current practice that only forecasts a 15 to 25 year window of thinning sales. Timber volume levels from thinning alone do not provide adequate quantity and quality of logs to local mills, nor do they produce adequate funds for basic public services in the 18 O&C Counties.

So where do we go from here? The status quo is not working and while increasing federal timber harvest will not solve all of rural Oregon's economic challenges, it can serve as a foundation. Congress should act to find a solution for O&C lands that helps Oregon counties improve financial stability, ensures adequate supplies of timber to support mills and jobs, and continues to meet aquatic and land conservation goals.

**PAGES OMITTED IN THE INTEREST OF BREVITY**

Suitable habitat is assessed at the stand level and combines an array of measurements including canopy closure, tree diameter, and structural diversity. A rough approximation for suitable habitat is any native forests older than 120 years although stands between 80-120 years serve as habitat where distribution of older forest is limited.

Our analysis showed that suitable habitat for NSO increased as after 50 years of implementation for all runs. However, projection of suitable habitat for MAMU declined when applying the Trust in Run C but increased under Runs D & F.

In the midst of the Panel's work, the US Fish and Wildlife Service (USFWS) released their final Critical Habitat rule for the Northern Spotted Owl (NSO). Critical habitat is a network of large landscape areas designed specifically to fulfill an endangered specie's range of needs, including nesting, roosting and foraging habitat.

In general, implementation of Run C as modeled would have significant impact on Critical Habitat as identified by USFWS. For Run C, approximately 27% of the identified Critical Habitat acres on the O&C Lands were scheduled for a regeneration harvest over the first 50 years of management. With additional thinning, 55% of Critical Habitat on O&C Lands would experience a harvest in the first 50 years. By design, no regeneration harvests were scheduled in Critical Habitat for Runs A, D & F. Thinning was prescribed however and was scheduled in 35% of stands identified by the USFWS. Due to time constraints, the Panel was not able to conduct population modeling as used by USFWS but ultimately it would be important to do so to understand the risk of increased harvest to future species viability.

#### *Conclusions and Recommendations<sup>8</sup>*

Given the short timeframe allowed and recognizing the inherent role of Congress in the ultimate resolution, development of a detailed proposal proved difficult for the O&C Panel. However, I believe significant process was made in three important areas:

- First, a foundation of understanding and trust was created between Panel participants.
- Second, it is clear that federal legislation is needed to achieve any significant progress.
- Third, O&C Lands Report contains an array of ideas that could be integrated in different ways to create a durable solution for all parties.

Based on the Panel's consideration and these conclusions, I believe a legislative solution can and should be passed into law that includes the following equally important elements.

- **Stable Timber Supply** – Stable and predictable timber sale levels above current harvest levels can and should be achieved with minimal impact old growth and aquatic ecosystems.
- **Adequate County Funding** – Timber harvest and/or revenues generated from land disposition can significantly improve the stability of O&C counties. Oregon and state and local governments should share in the responsibility to fill any gap that may remain between timber revenues and the funding required to keep counties fiscally viable.
- **Protect Unique and Special Places** – There are approximately 118,000 acres deserving of wilderness protection and an additional 30,000 acres worthy of protection as part of a

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<sup>8</sup> See letter submitted to the Oregon Congressional Delegation on February 6, 2013.  
<http://www.oregon.gov/gov/GNRO/docs/OCDelegationLetter.pdf>



conservation network. Additional acres should be considered for protection as priority watersheds for fish habitat as salmon strongholds and Wild and Scenic River designation

- **Durable and Adaptive Conservation Standards** – To achieve timber harvest goals on Federal land, ecological forestry-based regeneration harvest should be used in stands 120 years old or younger, and certain riparian buffers should be modified in recognition of evolving science that concludes such modifications can be made. Once these modifications have been made, the late successional old growth strategy and aquatic conservation strategy components of the Northwest Forest Plan should be institutionalized in a manner that dedicates those areas to the conservation of endangered species and other conservation values as the dominant use. And adaptive management process should be developed to incorporate future scientific findings where and when appropriate.
- **Achieve Certainty** - The O&C Act should be amended to include some combination of a dominant use mandate on certain acres for timber production and on other acres for conservation. In addition, a reallocation of some non-strategic acres should be made to a trust and/or sold to a community nonprofit or private buyer. Together such actions would create certainty for an array of different forest uses and outputs.
- **Tribal Considerations** - A number of tribes exist with ceded lands and ancestral history tied to the O&C land area. I believe an O&C solution should consider land management impacts on these tribes' ancestral lands, participation in management authority and/or land restoration requests. ]

In closing Mr. Chairman, I would strongly encourage the Committee to pass legislation that includes the elements outlined above and then work with your colleagues in the Senate to craft a balanced long-term solution. I feel confident that if we think in creative new ways that we can provide for most of what everybody wants from our O&C forests. Conversely, failure to act is bad for our rural communities and in the long run bad for our conservation efforts as well.

Thank you again for this opportunity to testify and I would be happy to answer any questions you may have.

**House Committee on Natural Resources**

**Subcommittee on Public Lands and Environmental Regulation**

**Legislative Hearing on H.R. \_\_\_, H.R. 1294, H.R. 818, H.R. \_\_\_, and H.R. 1442**

**April 11, 2013**

**Transcript Of a Portion of The Testimony of**

**Douglas County Commissioner Doug Robertson, for the Association of O & C Counties**

**And**

**Tom Tuchmann, Forestry and Conservation Finance Advisor**

**Office of Governor John Kitzhaber**

**Congressman DeFazio:** The discussion draft [concerning O & C Lands] did not include the recent legislation that has been introduced by Senators Wyden and Merkley regarding settlement with two tribes that has never been brought to fruition. Do either of you have a comment on the inclusion of those in a final version of this bill?

**Commissioner Robertson:** Congressman DeFazio. Senator Wyden and Merkley have introduced a discussion draft as you know proposing something in the neighborhood of 32,000 acres divided between the two unlanded tribes left in the State of Oregon. Our concern initially was that if that land was going to come from the O & C land base that there be something in the way of equal acres, value, or volume to replace it. In other words, a no net loss to the O & C land base. Through discussions subsequent to the release of the discussion draft Senator Wyden has agreed to that and we're confident that there will be no negative impact on the O & C land base.

**Congressman DeFazio:** Thank you. And the Governor would favor inclusion?

**Mr. Tuchmann:** And the Governor would favor that as well.

KATE BROWN  
SECRETARY OF STATE  
BRIAN SHIPLEY  
DEPUTY SECRETARY OF STATE



SECRETARY OF STATE  
136 STATE CAPITOL  
SALEM, OREGON 97310-0722  
Phone 503-986-1523 & Fax 503-986-1616  
oregon.sos@state.or.us

April 18, 2013

The Honorable Peter DeFazio  
2134 Rayburn House Office Building  
Washington DC, 20515

Dear Congressman DeFazio:

I am writing to urge your support for the restoration of tribal land for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

During my many years serving on the Oregon Legislative Commission on Indian Services, I worked with tribes on issues ranging from establishing a formal government-to-government relationship with the state to ensuring tribes have access to vital health care under the Oregon Health Plan.

One issue that continuously presents a challenge for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians is that it is the only federally-recognized tribe without a land base of its own. When Congress restored the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, it did not return a land base or provide monetary compensation. The time has come for this injustice to be addressed.

Although preserving spiritual and cultural values are the Tribe's primary concerns, the lands should be economically self-sufficient. If the lands were transferred to the Tribe, the Tribe would manage them under a forest management plan adopted by the Bureau of Indian Affairs pursuant to the National Indian Forest Resources Management Act. The Tribe will generate much-needed economic activity where counties have been hit the hardest by the harvest reductions on O & C lands and where double-digit unemployment persists.

Restoring land would establish justice for the Tribe and create opportunity for tribal members and non-tribal members alike. I hope that you will continue to work with all of Oregon's tribes and support federal legislation in the 113th Congress with these benefits in mind.

Sincerely,

Kate Brown  
Oregon Secretary of State



TED FERRIOLI  
District 30

Senate Republican Leader

OREGON STATE SENATE  
SALEM, OR  
97301

April 4, 2013

The Honorable Greg Walden  
2182 Rayburn House Office Building  
United States House of Representatives  
Washington, DC 20515

Dear Representative Walden,

As the Senate member of the Legislative Commission on Indian Services, I have learned that land is of great cultural, spiritual, and economic importance to Oregon's nine federally-recognized tribes. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians did not receive monetary compensation or a significant land base when Congress restored the Tribe's governmental status in 1984.

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have discussed with me a draft of legislation that would address the needs and benefits of restoration of tribal lands. A copy of the discussion draft and the associated map are enclosed.

Although spiritual and cultural values are the Tribe's primary motivations, the lands must also be made economically self-sufficient. If lands were transferred as proposed in the discussion draft, the Tribe would manage them under a forest management plan adopted by the Bureau of Indian Affairs, pursuant to the National Indian Forest Resources Management Act. Once that plan is in place, the Tribe's harvest will generate new economic activity in parts of Oregon suffering chronic double-digit unemployment and hardest hit by the O & C lands crisis.

This proposal would establish justice for the Tribe and create opportunity for tribal members and non-tribal members alike. I hope that you will support federal legislation in the 113th Congress realizing these benefits, whether that action comes as part of a comprehensive reform of federal law or as a stand-alone bill similar to the discussion draft.

Sincerely,

Senator Ted Ferrioli  
Member, Legislative Commission on Indian Services

Enclosures: 2

cc: The Honorable Suzanne Bonamici  
439 Cannon House Office Building  
United States House of Representatives  
Washington, DC 20515

The Honorable Earl Blumenauer  
1111 Longworth House Office Building  
United States House of Representatives  
Washington, DC 20515

The Honorable Peter DeFazio  
2134 Rayburn Office Building  
United States House of Representatives  
Washington, DC 20515

The Honorable Kurt Schrader  
108 Cannon House Office Building  
United States House of Representatives  
Washington, DC 20515

The Honorable Ron Wyden  
221 Dirksen Senate Office Building  
United States Senate  
Washington, DC 20510

The Honorable Jeff Merkley  
313 Hart Senate Office Building  
United State Senate  
Washington, DC 20510

Legislative Commission on Indian Services  
900 Court St. NE, Room 167  
Salem, OR 97301

ARNIE ROBLAN  
STATE SENATOR  
DISTRICT 5



OREGON STATE SENATE  
900 COURT ST. NE, S-417  
SALEM, OR 97301

RE: Coos, Lower Umpqua, and Siuslaw Indians -- Ancestral Lands

Dear Rep. DeFazio:

I know that you are working very hard to create a workable, long-term, and stable framework that unlocks the underutilized potential of O & C lands, increases local government control over those lands, increases budgetary predictability for local governments, and still protects the environment cherished by all Oregonians. I hope that Congress enacts into law an appropriate balance among the many competing considerations.

As Co-Chair of the State Legislative Commission on Indian Services, I observed first-hand the cultural, spiritual, and economic importance of land to Oregon's nine federally-recognized tribes. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians did not receive monetary compensation or a significant land base when Congress restored the Tribe's governmental status in 1984. This is an injustice that should be ameliorated.

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have discussed with me a discussion draft of legislation that would address the injustice done the Tribe. Copies of the discussion draft and associated map are enclosed. Although spiritual and cultural values are the Tribe's primary motivations, the lands must be made economically self-sufficient. If lands were transferred as contemplated in the discussion draft, the Tribe would manage them under a forest management plan adopted by the Bureau of Indian Affairs pursuant to the National Indian Forest Resources Management Act. Once that plan is in place, the Tribe's harvest will generate new economic activity in parts of Oregon suffering chronic double-digit unemployment and hardest hit by the O & C lands crisis.

The Tribe has taken pains to avoid to the greatest extent possible provisions that would create any well-founded opposition to the proposal. For example, the Tribe did not seek, and the discussion draft does not provide, any exemption from federal laws for the protection of the environment. Sixty-nine percent of the trees on the Lower Smith Tract (Douglas County) and eighty-eight percent of the trees on the Tioga Tract (Coos County) are less than 75 years old. Ninety-eight percent of the trees on the Lake Tract (Lane County) are less than 75 years old. Critical habitat for the Northern Spotted Owl and Marbled Murrelet could not be entirely avoided in all of the tracts. But even as to tracts containing such habitat, the BIA will be required to create and adopt an Environmental Impact Statement as part of its forest management plan before any change in the treatment of critical habitat can occur.

Justice for the Tribe. Opportunity for tribal members and non-tribal members alike. Continued applicability of federal laws for the protection of the environment. I hope that you will support federal legislation in this Congress realizing these benefits, whether that action comes as part of a comprehensive reform of federal law or as a stand-alone bill similar to the discussion draft.

Sincerely,

Senator Arnie Roblan, District 5

Subcommittee on Public Lands, Forests and Mining  
Hrg on S. 1414 (113<sup>th</sup> Congress) – Supplemental Submission  
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians  
Exhibit D-3 - 3



**FLOYD PROZANSKI**  
**STATE SENATOR**

**DISTRICT 4**  
503-986-1704 - Capitol  
541-342-2447 - District  
Email: sen.floydprozanski@state.or.us



**OREGON STATE SENATE**  
**900 COURT ST NE**  
**SALEM, OREGON 97301**

April 10, 2013

Congressman Peter DeFazio  
2134 Rayburn Office Building  
Washington, DC 20515

Re: Coos, Lower Umpqua, and Siuslaw Indians -- Ancestral Lands

Dear Congressman DeFazio,

I know that you are working hard to create a workable, long-term, and stable framework that unlocks the underutilized potential of O&C lands, increases local government control over those lands, increases budgetary predictability for local governments, and still protects the environment cherished by all Oregonians. I hope that Congress enacts into law an appropriate balance among the many competing considerations.

Land is culturally, spiritually, and economically important to Oregon's nine federally-recognized tribes. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (Tribes) did not receive monetary compensation or a significant land base when Congress restored their governmental status in 1984. The Tribes have discussed with me a discussion draft of legislation that would restore some of the Tribe's ancestral territory to its control.

Although spiritual and cultural values are the Tribes' primary motivations, the lands must be made economically self-sufficient. If lands were transferred as contemplated in the discussion draft, the Tribes would manage them under a forest management plan adopted by the Bureau of Indian Affairs pursuant to the National Indian Forest Resources Management Act (NIFRMA). Once that plan is in place, the Tribe's harvest will generate new economic activity in parts of Oregon suffering chronic double-digit unemployment and hardest hit by the O&C lands crisis.

The Tribe has taken pains to avoid, to the greatest extent possible, provisions that would create any well-founded opposition to the proposal. For example, the Tribe did not seek, and the discussion draft does not provide, any exemption from federal laws for the protection of the environment. The BIA will be required to create and adopt an Environmental Impact Statement as part of its forest management plan before any change in the treatment of critical habitat can occur.

I hope that you will support federal legislation in this Congress realizing these benefits, whether that action comes as part of a comprehensive reform of federal law or as a stand-alone bill similar to the discussion draft.

Very truly,

Floyd Prozanski

**CADDY HANEN McKEOWN**  
**STATE REPRESENTATIVE**  
HOUSE DISTRICT 9



HOUSE OF REPRESENTATIVES  
900 COURT ST NE  
SALEM, OR 97301

April 8, 2013

Representative Peter DeFazio  
U.S. House of Representatives  
2134 Rayburn Office Building  
Washington, D.C. 20515

Dear Representative DeFazio:

I know that you are working very hard to create a workable, long-term, and stable framework that unlocks the underutilized potential of O & C lands, increases local government control over those lands, increases budgetary predictability for local governments, and still protects the environment cherished by all Oregonians. I hope that Congress enacts into law an appropriate balance among the many competing considerations.

Land is culturally, spiritually, and economically important to Oregon's nine federally-recognized tribes. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians did not receive monetary compensation or a significant land base when Congress restored the Tribe's governmental status in 1984. This is an injustice that should be ameliorated.

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have discussed with me a discussion draft of legislation that would address the injustice done the Tribe. Copies of the discussion draft and associated map are enclosed.

Although spiritual and cultural values are the Tribe's primary motivations, the lands must be made economically self-sufficient. If lands were transferred as contemplated in the discussion draft, the Tribe would manage them under a forest management plan adopted by the Bureau of Indian Affairs pursuant to the National Indian Forest Resources Management Act. Once that plan is in place, the Tribe's harvest will generate new economic activity in parts of Oregon suffering chronic double-digit unemployment and hardest hit by the O & C lands crisis.

The Tribe has taken pains to avoid to the greatest extent possible provisions that would create any well-founded opposition to the proposal. For example, the Tribe did not seek, and the discussion draft does not provide, any exemption from federal laws for the protection of the environment. Sixty-nine percent of the trees on the Lower Smith Tract (Douglas County) and eighty-eight percent of the trees on the Tioga Tract (Coos County) are less than 75 years old. Ninety-eight percent of the trees on the Lake Tract (Lane County) are less than 75 years old. Critical habitat for the Northern Spotted Owl and Marbled Murrelet could not be entirely avoided in all of the tracts. But even as to tracts containing such habitat, the BIA will be required to

Subcommittee on Public Lands, Forests and Mining  
Hrg on S. 1414 (113<sup>th</sup> Congress) – Supplemental Submission  
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians  
Exhibit D-3 - **5**





create and adopt an Environmental Impact Statement as part of its forest management plan before any change in the treatment of critical habitat can occur.

Justice for the Tribe. Opportunity for tribal members and non-tribal members alike. Continued applicability of federal laws for the protection of the environment. I hope that you will support federal legislation in this Congress realizing these benefits, whether that action comes as part of a comprehensive reform of federal law or as a stand-alone bill similar to the discussion draft.

Sincerely,



Representative Caddy McKeown  
Oregon House District 9

Cc: Senator Ron Wyden  
Senator Jeff Merkley  
Representative Suzanne Bonamici  
Representative Greg Walden  
Representative Earl Blumenauer  
Representative Kurt Schrader

# The World

## Justice and opportunity

MARCH 25, 2013 11:00 AM

In the 1850s, South Coast Indian tribes were in no position to bargain. European diseases had ravaged their populations. Their ancestral homelands stood in the path of white settlers' relentless march.

Three tribes — the Coos, Siuslaw and Lower Umpqua — signed a treaty surrendering 1.6 million acres in return for various promises. The result was a shameful history of betrayal, exile, imprisonment and neglect that all but extinguished the tribes.

Given that record, a proposal to return a tiny fraction of the tribes' traditional holdings deserves a favorable reception from Congress.

U.S. Sens. Ron Wyden and Jeff Merkley, D-Ore., have lofted a "discussion draft" of a bill restoring 14,804 acres to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. A third of that land lies in the Coos Watershed.

In a conversation with The World's editorial board, tribal Chairman Bob Garcia described a "tribal paradigm" of land management, balancing the polarized viewpoints (cut, don't cut) that paralyze timber policy in Oregon. He explained the tribe's philosophy as long-term, pragmatic and holistic, with twin goals of economic benefit and forest health.

To make the plan politically feasible, the tribe chose sites it hopes will cause minimal controversy. Garcia said the trees there are mostly 30 to 70 years old, in areas uninhabited by marbled murrelets, the latest focus of endangered-species litigation.

The proposal offers benefits not only for the tribe, but also for the broader community. Garcia foresees intensified land management, which means creating a modest number of local jobs. Harvest eventually may increase, and Garcia hopes the land could become a model for managing other federal lands.

Of course, the very attributes that make the proposal appealing also invite opposition. Some people, regrettably, abhor any idea that might enrich a tribe. Some environmentalists distrust any plan that might weaken the logging gridlock.

But Wyden and Merkley's proposal combines justice with opportunity. It deserves serious and sympathetic discussion.

Subcommittee on Public Lands, Forests and Mining  
Hrg on S. 1414 (113<sup>th</sup> Congress) – Supplemental Submission  
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians  
Exhibit D-4-1



March 19, 2013

Chairman Bob Garcia  
Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians  
1245 Fulton Ave.  
Coos Bay, OR 97420

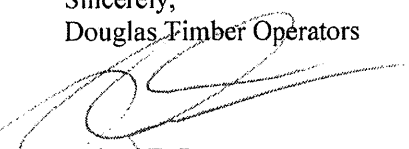
Dear Chairman Garcia:

The Douglas Timber Operators ("DTO") Board of Directors has reviewed the Discussion Draft of the Confederated Tribes land conveyance bill. Our Board has long been supportive of the Tribe's efforts to secure a tribal land base of trust lands. As you know our industry and counties have also been searching for a solution to the larger O&C timber issues that continue to plague our community. While we hope that the tribal lands legislation will ultimately occur in that larger context, we also recognize that the Tribe has no control over how the legislative process will unfold. As such, our Board unanimously voted to support the discussion draft, although we do have a few concerns about provisions of this discussion draft and offer the following comments.

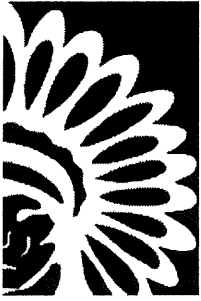
Specifically, we question the need for a full survey of these lands as part of the conveyance. We question whether this is even feasible given the number of parcels involved and the short time frame specified in the bill. Our biggest fear is that the cost of this survey would come from, and/or at the expense of the BLM timber sale program and/or staffing. We would suggest that this survey requirement is superfluous and unneeded. These lands can be conveyed without a full survey. If this provision can't be removed from the bill, then we want to be assured that these costly surveys will not come at the expense of the timber sale program.

In closing, we appreciate the opportunity to review and comment on your bill. Furthermore, we hope the Confederated Tribes will continue to call for responsible active forest management on the other federal lands in Douglas, Coos and Lane Counties which are a critical part of our community health.

Sincerely,  
Douglas Timber Operators

  
Robert E. Ragon  
Executive Director

Douglas Timber Operators, Inc. • 3000 Stewart Parkway • Suite 208 • Roseburg, Oregon 97471  
Phone (541) 672-0757 • Fax (541) 672-3833



**NATIONAL CONGRESS OF AMERICAN INDIANS**

**The National Congress of American Indians  
Resolution #SAC-12-056**

**TITLE: Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Land Restoration Legislation**

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians were restored to Federal Recognition pursuant to the Tribes' Restoration Act of October 17th, 1984 (Public Law 98-481); and

**WHEREAS**, the Tribe's ancestral homeland comprises 1.6 million acres in the Siuslaw, Lower Umpqua, and Coos River watersheds, in addition to seaways and waterways; and

**WHEREAS**, in 1855 a treaty was negotiated by the Federal Government and signed by the Tribes obligating the United States to provide services and benefits to the Tribes in exchange for relinquishment of the Tribes' ancestral lands; and

**WHEREAS**, the Federal Government never ratified the treaty it had negotiated and never fulfilled the promises it made to the Tribes; and

**WHEREAS**, the Federal Government never paid any compensation to the Tribes for the loss of the land and resources, and imprisoned many Tribal members on the Coast Reservation for many years; and

**WHEREAS**, although diminished by starvation, disease, and hardships endured during their forced removal to the Coast Reservation, Tribal members removed to the Coast Reservation eventually rejoined Tribal members who had remained in their ancestral territories; and

**WHEREAS**, continuously from the establishment of the Oregon Territory in 1849 to the present, the United States has asserted its jurisdiction over the Tribes and throughout the Tribes' ancestral lands; and

**EXECUTIVE COMMITTEE**

**PRESIDENT**  
**Jefferson Keel**  
*Chickasaw Nation*

**FIRST VICE-PRESIDENT**  
**Juana Majel Dixon**  
*Pauma Band of Mission Indians*

**RECORDING SECRETARY**  
**Edward Thomas**  
*Central Council of Tlingit & Haida  
Indian Tribes of Alaska*

**TREASURER**  
**W. Ron Allen**  
*Jamestown S'Klallam Tribe*

**REGIONAL VICE-PRESIDENTS**

**ALASKA**  
**Bill Martin**  
*Central Council of Tlingit & Haida  
Indian Tribes of Alaska*

**EASTERN OKLAHOMA**  
**S. Joe Crittenden**  
*Cherokee Nation*

**GREAT PLAINS**  
**Robert Shepherd**  
*Sisseton Wahpeton*

**MIDWEST**  
**Matthew Wesaw**  
*Pokagon Band of Potawatomi*

**NORTHEAST**  
**Lance Gumbs**  
*Shinnecock Indian Nation*

**NORTHWEST**  
**Fawn Sharp**  
*Quinault Indian Nation*

**PACIFIC**  
**Don Arnold**  
*Scotts Valley Band of Pomo Indians*

**ROCKY MOUNTAIN**  
**Scott Russell**  
*Crow Tribe*

**SOUTHEAST**  
**Larry Townsend**  
*Lumbee Tribe*

**SOUTHERN PLAINS**  
**George Thurman**  
*Sac and Fox Nation*

**SOUTHWEST**  
**Joe Garcia**  
*Ohkay Owingeh*

**WESTERN**  
**Ned Norris, Jr**  
*Tohono O'odham Nation*

**EXECUTIVE DIRECTOR**  
**Jacqueline Johnson Pata**  
*Tlingit*

**NCAI HEADQUARTERS**

1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
www.ncai.org

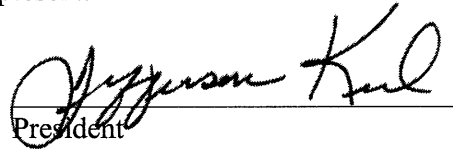
**WHEREAS**, the establishment and maintenance of Tribal ancestral homelands is considered by NCAI to be one essential foundation upon which the preservation of Tribal culture and sovereignty is established.

**NOW THEREFORE BE IT RESOLVED**, that NCAI does hereby support the introduction and passage of Federal legislation restoring certain identified lands that interfere with no other Tribe's land claims and that are within the ancestral territories of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; and

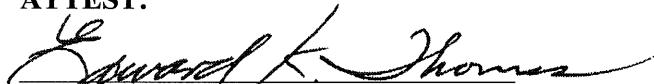
**BE IT FURTHER RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.

  
\_\_\_\_\_  
President

**ATTEST:**

  
\_\_\_\_\_  
Recording Secretary

**E**

**Tribe's Petition to the  
President of the United States**

**Petition of The People of the Confederated Tribes of Coos,  
Lower Umpqua, and Siuslaw Indians  
To The President of The United States of America**

*We, the People, formerly enjoyed in our ancestral territory for time immemorial the blessings of life, liberty, and pursuit of happiness that are our self-evident and inalienable rights. As before every benevolent sovereign Government, our ancestors established justice, ensured domestic tranquility, provided for the common defense, promoted the general welfare, and labored to secure the blessings of liberty for seven upon seventy generations and more of their descendants.*

*History too evident detailed proof bears witness to the fact that until the present generation, the United States and its citizen-settlers assaulted our inalienable rights and widened, rather than narrowed, the gulf between the words of the Declaration of Independence and the realities of our experience.*

- *Treaties we negotiated in good faith with agents of the United States have languished without consideration by Congress, and later were unilaterally abandoned by the United States.*
- *The courts of the United States have from time to time denied the history we, the People, have experienced, and they have refused the testimony of our elders.*
- *Our lands—the lands upon which our ancestors, and their ancestors for unnumbered generations, had fished, hunted, gathered, raised their families, and did were taken from us without due process of law and without just compensation.*
- *Our children were removed from their homes by agents of the United States, compelled to board in distant schools, punished for speaking the tongue of their ancestors, and denied their cultural heritage.*
- *Our existence as a People was, between 1887 and 1894, denied by laws of the United States.*

*We, the People, have tasted far too often the bitter reality that self-evident truths are not self-executing. We, too, are heirs to the promissory note dated for all time for all people in Thomas Jefferson's hand. We, too, labor daily to secure on earth the blessings rendered all people by their Creator. We, too, like so many of our fellow citizens of the United States and of other Indian Nations, respectfully and repeatedly have petitioned the United States for redress of our grievances. Too often our Petitions have been ignored or rejected.*

*Even as we struggled to make real our birthright, the People joined with fellow Americans to safeguard the promise of freedom extended so long ago by the founders of the United States. Our tears, our blood, flowed in common streams with the tears and blood of all Americans as we fought, together, to protect and defend the United States against foreign aggressors. Today, our Pilgrims and daughters serve proudly in the armed forces of the United States side-by-side with the descendants of people whom the United States helped settle on the lands of our ancestors.*

- *Through disappointment, privation and injustice, we have moved forward together.*
- *Together, we have secured the passage of laws acknowledging our existence.*
- *Together, we are taking strides towards economic self-determination.*
- *Together, we are lifting up friends and neighbors as burdened as we by poverty, limited access to healthcare, and educational opportunity.*

*And still a searing injustice stains our progress and threatens our confidence in the ultimate triumph of justice. Despite our repeated Petitions, the United States continues to deprive us of nearly all of our ancestral lands. We have been, and continue to be, kept apart by the United States from the heritage our ancestors justly intended that we and generations to come should enjoy.*

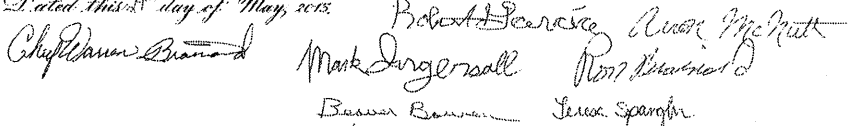
*Therefore, as respectful petitioners and representatives of an independent Sovereign, not supplicants, we have petitioned Congress to enact law restoring to our control a small fraction of the lands taken from our ancestors. When this small measure of restorative justice is achieved, the People of the United States, and the People of our Tribe, will have been lifted up in nearly equal measure. With renewed confidence in the proposition that the United States is the world's last, best hope for justice, we, the People, will again walk in our ancestors' footsteps, will again be nurtured and sustained by the bounty of our lands, and will again protect and preserve the restored lands for seven upon seventy generations of our sons and daughters.*

*Now, hopeful that justice will prevail, we, the People, respectfully petition for your support of law reestablishing our control over parts of our ancestral lands.*

*And, when justice has prevailed, as it must eventually prevail, we respectfully invite you to be the honored guest of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians in our ceremony honoring our ancestors and commemorating the righteous victory of all of us, together, Indian and non-Indian, alike, over the injustice of our mutual history.*

*Therefore, we, the People of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, through our duly elected representatives, hereby submit this Petition.*

Dated this 28<sup>th</sup> day of May, 2015.



*Petition of The People of the Confederated Tribes of Coos,  
Lower Umpqua, and Siuslaw Indians  
To The President of The United States of America*

We, the People, formerly enjoyed in our ancestral territory for time immemorial the blessings of life, liberty, and pursuit of happiness that are our self-evident and inalienable rights. As befits every benevolent Sovereign Government, our ancestors established justice, insured domestic tranquility, provided for the common defense, promoted the general welfare, and labored to secure the blessings of liberty for seven upon seventy generations and more of their descendants.

History too evident to require detailed proof bears witness to the fact that until the present generation, the United States and its citizen-settlers assaulted our inalienable rights and widened, rather than narrowed, the gulf between the words of the Declaration of Independence and the realities of our experience.

-- Treaties we negotiated in good faith with agents of the United States have languished without consideration by Congress, and later were unilaterally abandoned by the United States.

-- The courts of the United States have from time-to-time denied the history we, the People, have experienced, and they have refused the testimony of our elders.

-- Our lands -- the lands upon which our ancestors, and their ancestors for unnumbered generations, had fished, hunted, gathered, raised their families, and died -- were taken from us without due process of law and without just compensation.

-- Our children were removed from their homes by agents of the United States, compelled to board in distant schools, punished for speaking the tongue of their ancestors, and denied their cultural heritage.

-- Our existence as a People was, between 1954 and 1984, denied by laws of the United States.

We, the People, have tasted far too often the bitter reality that self-evident truths are not self-executing. We, too, are heirs to the promissory note etched for



all time for all people in Thomas Jefferson's hand. We, too, labor daily to secure on Earth the blessings rendered all people by their Creator. We, too, like so many of our fellow citizens of the United States and of other Indian Nations, respectfully and repeatedly have petitioned the United States for redress of our grievances. Too often, our Petitions have been ignored or rejected.

Even as we struggled to make real our birthright, the People joined with fellow Americans to safeguard the promise of freedom extended so long ago by the founders of the United States. Our tears, our blood, flowed in common streams with the tears and blood of all Americans as we fought, together, to protect and defend the United States against foreign aggressors. Today, our Tribe's sons and daughters serve proudly in the armed forces of the United States side-by-side with the descendants of people whom the United States helped settle on the lands of our ancestors.

Through disappointment, privation and injustice, we have moved forward together.

-- Together, we have secured the passage of laws acknowledging our existence.

-- Together, we are taking strides towards economic self-determination.

-- Together, we are lifting up friends and neighbors as burdened as we by poverty, limited access to healthcare, and educational opportunity.

And still a searing injustice stains our progress and threatens our confidence in the ultimate triumph of justice. Despite our repeated Petitions, the United States continues to deprive us of nearly all of our ancestral lands. We have been, and continue to be, kept apart by the United States from the heritage our ancestors justly intended that we and generations to come should enjoy.

Therefore, as respectful petitioners and representatives of an independent Sovereign, not supplicants, we have petitioned Congress to enact law restoring to our control a small fraction of the lands taken from our ancestors. When this small measure of restorative justice is achieved, the People of the United States, and the People of our tribe, will have been lifted up in nearly equal measure. With renewed confidence in the proposition that the United States is the world's last, best hope for justice, we, the People, will again walk in our ancestors' footsteps, will again be nurtured and sustained by the bounty of our lands, and will again protect and

preserve the restored lands for seven upon seventy generations of our sons and daughters.

Now, hopeful that justice will prevail, we, the People, respectfully petition for your support of law reestablishing our control over parts of our ancestral lands.

And, when justice has prevailed, as it must eventually prevail, we respectfully invite you to be the honored guest of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians in a ceremony honoring our ancestors and commemorating the righteous victory of all of us, together, Indian and non-Indian alike, over the injustice of our mutual history.

Therefore, we, the People of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, through our duly-elected representatives, hereby submit this Petition.

Dated this \_\_\_ day of May, 2013.

**F**

**Text of S. 1414  
(113<sup>th</sup> Congress, First Session)**

113TH CONGRESS  
1ST SESSION

# S. 1414

To provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 2013

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

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## A BILL

To provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw 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 “Oregon Coastal Land  
5 Conveyance Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) FEDERAL LAND.—The term “Federal land”  
9 means the approximately 14,804 acres of Federal

1 land, as generally depicted on the map entitled “Or-  
2 egon Coastal Land Conveyance”, and dated March  
3 27, 2013.

4 (2) PLANNING AREA.—The term “planning  
5 area” means land—

6 (A) administered by the Director of the  
7 Bureau of Land Management; and

8 (B) located in—

9 (i) the Coos Bay District;

10 (ii) the Eugene District;

11 (iii) the Medford District;

12 (iv) the Roseburg District;

13 (v) the Salem District; and

14 (vi) the Klamath Falls Resource Area  
15 of the Lakeview District.

16 (3) DEFINITION OF PUBLIC DOMAIN LAND.—

17 (A) IN GENERAL.—In this subsection, the  
18 term “public domain land” has the meaning  
19 given the term “public lands” in section 103 of  
20 the Federal Land Policy and Management Act  
21 of 1976 (43 U.S.C. 1702).

22 (B) EXCLUSION.—The term “public do-  
23 main land” does not include any land managed  
24 in accordance with the Act of August 28, 1937

1 (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et  
2 seq.).

3 (4) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 (5) TRIBE.—The term “Tribe” means the Con-  
6 federated Tribes of Coos, Lower Umpqua, and  
7 Siuslaw Indians.

8 **SEC. 3. CONVEYANCE.**

9 (a) IN GENERAL.—Subject to valid existing rights,  
10 including rights-of-way, all right, title, and interest of the  
11 United States in and to the Federal land, including any  
12 improvements located on the Federal land, appurtenances  
13 to the Federal land, and minerals on or in the Federal  
14 land, including oil and gas, shall be—

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

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

18 (b) SURVEY.—Not later than 180 days after the date  
19 of enactment of this Act, the Secretary shall complete a  
20 survey of the boundary lines to establish the boundaries  
21 of the land taken into trust under subsection (a).

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

23 (a) IN GENERAL.—As soon as practicable after the  
24 date of enactment of this Act, the Secretary shall file a  
25 map and legal description of the Federal land with—

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

3 (2) the Committee on Natural Resources of the  
4 House of Representatives.

5 (b) FORCE AND EFFECT.—The map and legal de-  
6 scription filed under subsection (a) shall have the same  
7 force and effect as if included in this Act, except that the  
8 Secretary may correct any clerical or typographical errors  
9 in the map or legal description.

10 (c) PUBLIC AVAILABILITY.—The map and legal de-  
11 scription filed under subsection (a) shall be on file and  
12 available for public inspection in the Office of the Sec-  
13 retary.

14 **SEC. 5. ADMINISTRATION.**

15 (a) IN GENERAL.—Unless expressly provided in this  
16 Act, nothing in this Act affects any right or claim of the  
17 Tribe existing on the date of enactment of this Act to any  
18 land or interest in land.

19 (b) PROHIBITIONS.—

20 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-  
21 eral law (including regulations) relating to the ex-  
22 port of unprocessed logs harvested from Federal  
23 land shall apply to any unprocessed logs that are  
24 harvested from the Federal land.

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

6 **SEC. 6. FOREST MANAGEMENT.**

7           Any commercial forestry activity that is carried out  
 8           on the Federal land shall be managed in accordance with  
 9           all applicable Federal laws.

10 **SEC. 7. LAND RECLASSIFICATION.**

11           (a) IDENTIFICATION OF OREGON AND CALIFORNIA  
 12           RAILROAD LAND.—Not later than 180 days after the date  
 13           of enactment of this Act, the Secretary of Agriculture and  
 14           the Secretary shall identify any land owned by the Oregon  
 15           and California Railroad that is conveyed under section 3.

16           (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—  
 17           Not later than 18 months after the date of enactment of  
 18           this Act, the Secretary shall identify public domain land  
 19           that—

20                   (1) is approximately equal in acreage and con-  
 21                   dition as the land identified under subsection (a);  
 22                   and

23                   (2) is located within the planning area.

24           (c) MAPS.—Not later than 2 years after the date of  
 25           enactment of this Act, the Secretary shall submit to Con-



1 gress and publish in the Federal Register 1 or more maps  
2 depicting the land identified in subsections (a) and (b).

3 (d) RECLASSIFICATION.—

4 (1) IN GENERAL.—After providing an oppor-  
5 tunity for public comment, the Secretary shall re-  
6 classify the land identified in subsection (b) as land  
7 owned by the Oregon and California Railroad.

8 (2) APPLICABILITY.—The Act of August 28,  
9 1937 (50 Stat. 874, chapter 876; 43 U.S.C. 1181a  
10 et seq.) shall apply to land reclassified as land  
11 owned by the Oregon and California Railroad under  
12 paragraph (1)(B).

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**Redacted Text of Title III  
(Oregon and California  
Railroad Grant Lands Trust,  
Conservation, and Jobs),  
Subtitle D (Tribal Trust  
Lands), Part 2 (Oregon  
Coastal Land Conveyance) of  
H.R. 1526 (113<sup>th</sup> Congress,  
First Session)**

113TH CONGRESS  
1ST SESSION

# H. R. 1526

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2013

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from National Forest System land, to provide a temporary extension of the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

NOTE: H.R. 1526 has been redacted to show only those parts, including titles and subtitles, relating to the lands treated by S. 1414

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**TITLE III—OREGON AND CALI-  
FORNIA RAILROAD GRANT  
LANDS TRUST, CONSERVA-  
TION, AND JOBS**

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**Subtitle D—Tribal Trust Lands**

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21 **PART 2—OREGON COASTAL LAND CONVEYANCE**

22 **SEC. 395. DEFINITIONS.**

23 In this part:

24 (1) OREGON COASTAL LAND.—The term “Or-  
25 egon Coastal land” means the approximately 14,804  
26 acres of land, as generally depicted on the map enti-

1 tled “Oregon Coastal Land Conveyance” and dated  
2 March 5, 2013.

3 (2) CONFEDERATED TRIBES.—The term “Con-  
4 federated Tribes” means the Confederated Tribes of  
5 Coos, Lower Umpqua, and Siuslaw Indians.

6 **SEC. 396. CONVEYANCE.**

7 (a) IN GENERAL.—Subject to valid existing rights,  
8 including rights-of-way, all right, title, and interest of the  
9 United States in and to the Oregon Coastal land, includ-  
10 ing any improvements located on the land, appurtenances  
11 to the land, and minerals on or in the land, including oil  
12 and gas, shall be—

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

15 (2) part of the reservation of the Confederated  
16 Tribes.

17 (b) SURVEY.—Not later than one year after the date  
18 of enactment of this Act, the Secretary of the Interior  
19 shall complete a survey of the boundary lines to establish  
20 the boundaries of the land taken into trust under sub-  
21 section (a).

22 **SEC. 397. MAP AND LEGAL DESCRIPTION.**

23 (a) IN GENERAL.—As soon as practicable after the  
24 date of enactment of this Act, the Secretary of the Interior

1 shall file a map and legal description of the Oregon Coast-  
2 al land with—

3 (1) the Committee on Energy and Natural Re-  
4 sources of the Senate; and

5 (2) the Committee on Natural Resources of the  
6 House of Representatives.

7 (b) FORCE AND EFFECT.—The map and legal de-  
8 scription filed under subsection (a) shall have the same  
9 force and effect as if included in this Act, except that the  
10 Secretary of the Interior may correct any clerical or typo-  
11 graphical errors in the map or legal description.

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

16 **SEC. 398. ADMINISTRATION.**

17 (a) IN GENERAL.—Unless expressly provided in this  
18 part, nothing in this part affects any right or claim of  
19 the Consolidated Tribes existing on the date of enactment  
20 of this Act to any land or interest in land.

21 (b) PROHIBITIONS.—

22 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-  
23 eral law (including regulations) relating to the ex-  
24 port of unprocessed logs harvested from Federal



1 land shall apply to any unprocessed logs that are  
2 harvested from the Oregon Coastal land.

3 (2) NON-PERMISSIBLE USE OF LAND.—Any real  
4 property taken into trust under section 396 shall not  
5 be eligible, or used, for any gaming activity carried  
6 out under Public Law 100-497 (25 U.S.C. 2701 et  
7 seq.).

8 (e) FOREST MANAGEMENT.—Any forest management  
9 activity that is carried out on the Oregon Coastal land  
10 shall be managed in accordance with all applicable Federal  
11 laws.

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