

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 815

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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

4 (a) SHORT TITLE.—This Act may be cited as the

5 “Western Oregon Tribal Fairness Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for

7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COW CREEK UMPQUA LAND CONVEYANCE

Sec. 101. Definitions.

Sec. 102. Land to be held in trust.

Sec. 103. Map and legal description.

Sec. 104. Administration.

Sec. 105. Land reclassification.

TITLE II—OREGON COASTAL LAND CONVEYANCE

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

TITLE III—AMENDMENTS TO COQUILLE RESTORATION ACT

- Sec. 301. Amendments to Coquille Restoration Act.

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

3 **SEC. 101. DEFINITIONS.**

4 In this title:

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

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

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

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

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

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

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

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

8 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
9 fect on the day after the date on which the Secretary
10 records the agreement entered into under section
11 104(d)(1).

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

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

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

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

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

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

5 **SEC. 104. ADMINISTRATION.**

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

10 (b) PROHIBITIONS.—

11 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-
12 eral law (including regulations) relating to the ex-
13 port of unprocessed logs harvested from Federal
14 land shall apply to any unprocessed logs that are
15 harvested from the Council Creek land.

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

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

25 (d) AGREEMENTS.—

1 (1) MEMORANDUM OF AGREEMENT FOR ADMIN-
2 ISTRATIVE ACCESS.—Not later than 180 days after
3 the date of enactment of this Act, the Secretary
4 shall seek to enter into an agreement with the Tribe
5 that secures existing administrative access by the
6 Secretary to the Council Creek land.

7 (2) RECIPROCAL RIGHT-OF-WAY AGREE-
8 MENTS.—

9 (A) IN GENERAL.—On the date on which
10 the agreement is entered into under paragraph
11 (1), the Secretary shall provide to the Tribe all
12 reciprocal right-of-way agreements to the Coun-
13 cil Creek land in existence as of the date of en-
14 actment of this Act.

15 (B) CONTINUED ACCESS.—Beginning on
16 the date on which the Council Creek land is
17 taken into trust under section 102, the Tribe
18 shall continue the access provided by the agree-
19 ments referred to in subparagraph (A) in per-
20 petuity.

21 (e) LAND USE PLANNING REQUIREMENTS.—Except
22 as provided in subsection (c), once the Council Creek land
23 is taken into trust under section 102, the Council Creek
24 land shall not be subject to the land use planning require-
25 ments of the Federal Land Policy and Management Act

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

3 **SEC. 105. LAND RECLASSIFICATION.**

4 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
5 RAILROAD GRANT LAND.—Not later than 180 days after
6 the date of enactment of this Act, the Secretary of Agri-
7 culture and the Secretary shall identify any Oregon and
8 California Railroad grant land that is held in trust by the
9 United States for the benefit of the Tribe under section
10 102.

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

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

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

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

25 (d) RECLASSIFICATION.—

1 (1) IN GENERAL.—After providing an oppor-
2 tunity for public comment, the Secretary shall re-
3 classify the land identified in subsection (b) as Or-
4 regon and California Railroad grant land.

5 (2) APPLICABILITY.—The Act of August 28,
6 1937 (43 U.S.C. 1181a et seq.), shall apply to land
7 reclassified as Oregon and California Railroad grant
8 land under paragraph (1).

9 **TITLE II—OREGON COASTAL** 10 **LAND CONVEYANCE**

11 **SEC. 201. DEFINITIONS.**

12 In this title:

13 (1) CONFEDERATED TRIBES.—The term “Con-
14 federated Tribes” means the Confederated Tribes of
15 Coos, Lower Umpqua, and Siuslaw Indians.

16 (2) OREGON COASTAL LAND.—The term “Or-
17 regon Coastal land” means the approximately 14,742
18 acres of land, as generally depicted on the map enti-
19 tled “Oregon Coastal Land Conveyance” and dated
20 July 11, 2016.

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

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

24 (a) IN GENERAL.—Subject to valid existing rights,
25 including rights-of-way, all right, title, and interest of the

1 United States in and to the Oregon Coastal land, includ-
2 ing any improvements located on the land, appurtenances
3 to the land, and minerals on or in the land, including oil
4 and gas, shall be—

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

7 (2) part of the reservation of the Confederated
8 Tribes.

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

13 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
14 fect on the day after the date on which the Secretary
15 records the agreement entered into under section
16 204(d)(1).

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

18 (a) IN GENERAL.—As soon as practicable after the
19 date of enactment of this Act, the Secretary shall file a
20 map and legal description of the Oregon Coastal land
21 with—

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

24 (2) the Committee on Natural Resources of the
25 House of Representatives.

1 (b) FORCE AND EFFECT.—The map and legal de-
2 scription filed under subsection (a) shall have the same
3 force and effect as if included in this title, except that
4 the Secretary may correct any clerical or typographical er-
5 rors in the map or legal description.

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

10 **SEC. 204. ADMINISTRATION.**

11 (a) IN GENERAL.—Unless expressly provided in this
12 title, nothing in this title affects any right or claim of the
13 Confederated Tribes existing on the date of enactment of
14 this Act to any land or interest in land.

15 (b) PROHIBITIONS.—

16 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-
17 eral law (including regulations) relating to the ex-
18 port of unprocessed logs harvested from Federal
19 land shall apply to any unprocessed logs that are
20 harvested from the Oregon Coastal land taken into
21 trust under section 202.

22 (2) NON-PERMISSIBLE USE OF LAND.—Any real
23 property taken into trust under section 202 shall not
24 be eligible, or used, for any gaming activity carried

1 out under Public Law 100–497 (25 U.S.C. 2701 et
2 seq.).

3 (c) FOREST MANAGEMENT.—Any forest management
4 activity that is carried out on the Oregon Coastal land
5 shall be managed in accordance with all applicable Federal
6 laws.

7 (d) AGREEMENTS.—

8 (1) MEMORANDUM OF AGREEMENT FOR ADMIN-
9 ISTRATIVE ACCESS.—Not later than 180 days after
10 the date of enactment of this Act, the Secretary
11 shall seek to enter into an agreement with the Con-
12 federated Tribes that secures existing administrative
13 access by the Secretary to the Oregon Coastal land
14 and that provides for—

15 (A) access for certain activities, includ-
16 ing—

17 (i) forest management;

18 (ii) timber and rock haul;

19 (iii) road maintenance;

20 (iv) wildland fire protection and man-
21 agement;

22 (v) cadastral surveys;

23 (vi) wildlife, cultural, and other sur-
24 veys; and

25 (vii) law enforcement activities;

1 (B) the management of the Oregon Coastal
2 land that is acquired or developed under chap-
3 ter 2003 of title 54, United States Code, con-
4 sistent with section 200305(f)(3) of that title;
5 and

6 (C) the terms of public vehicular transit
7 across the Oregon Coastal land to and from the
8 Hult Log Storage Reservoir located in T. 15 S.,
9 R. 7 W., as generally depicted on the map de-
10 scribed in section 201(2), subject to the re-
11 quirement that if the Bureau of Land Manage-
12 ment discontinues maintenance of the public
13 recreation site known as “Hult Reservoir”, the
14 terms of any agreement in effect on that date
15 that provides for public vehicular transit to and
16 from the Hult Log Storage Reservoir shall be
17 void.

18 (2) RECIPROCAL RIGHT-OF-WAY AGREE-
19 MENTS.—

20 (A) IN GENERAL.—On the date on which
21 the agreement is entered into under paragraph
22 (1), the Secretary shall provide to the Confed-
23 erated Tribes all reciprocal right-of-way agree-
24 ments to the Oregon Coastal land in existence
25 on the date of enactment of this Act.

1 (B) CONTINUED ACCESS.—Beginning on
2 the date on which the Oregon Coastal land is
3 taken into trust under section 202, the Confed-
4 erated Tribes shall continue the access provided
5 by the reciprocal right-of-way agreements re-
6 ferred to in subparagraph (A) in perpetuity.

7 (e) LAND USE PLANNING REQUIREMENTS.—Except
8 as provided in subsection (c), once the Oregon Coastal
9 land is taken into trust under section 202, the Oregon
10 Coastal land shall not be subject to the land use planning
11 requirements of the Federal Land Policy and Management
12 Act of 1976 (43 U.S.C. 1701 et seq.) or the Act of August
13 28, 1937 (43 U.S.C. 1181a et seq.).

14 **SEC. 205. LAND RECLASSIFICATION.**

15 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
16 RAILROAD GRANT LAND.—Not later than 180 days after
17 the date of enactment of this Act, the Secretary of Agri-
18 culture and the Secretary shall identify any Oregon and
19 California Railroad grant land that is held in trust by the
20 United States for the benefit of the Confederated Tribes
21 under section 202.

22 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—
23 Not later than 2 years after the date of enactment of this
24 Act, the Secretary shall identify public domain land in the
25 State of Oregon that—

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

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

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

11 (d) RECLASSIFICATION.—

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

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

20 **TITLE III—AMENDMENTS TO** 21 **COQUILLE RESTORATION ACT**

22 **SEC. 301. AMENDMENTS TO COQUILLE RESTORATION ACT.**

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

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

3 “(5) MANAGEMENT.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), the Secretary, acting through the
6 Assistant Secretary for Indian Affairs, shall
7 manage the Coquille Forest in accordance with
8 the laws pertaining to the management of In-
9 dian trust land.

10 “(B) ADMINISTRATION.—

11 “(i) UNPROCESSED LOGS.—Unproc-
12 essed logs harvested from the Coquille For-
13 est shall be subject to the same Federal
14 statutory restrictions on export to foreign
15 nations that apply to unprocessed logs har-
16 vested from Federal land.

17 “(ii) SALES OF TIMBER.—Notwith-
18 standing any other provision of law, all
19 sales of timber from land subject to this
20 subsection shall be advertised, offered, and
21 awarded according to competitive bidding
22 practices, with sales being awarded to the
23 highest responsible bidder.”;

24 (2) by striking paragraph (9); and

- 1 (3) by redesignating paragraphs (10) through
- 2 (12) as paragraphs (9) through (11), respectively.