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PUBLIC LAW 110–364—OCT. 8, 2008

OREGON SURPLUS FEDERAL LAND ACT OF 2008

Public Law 110–364
110th Congress

An Act

Oct. 8, 2008
[H.R. 6370]

To transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Oregon Surplus Federal Land Act of 2008.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Surplus Federal Land Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) LIGHT STATION.—The term "Light Station" means the Cape Arago Light Station on Chief's Island in the State of Oregon.

(3) MAPS.—The term "maps" means the maps filed under section 3(d).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) TRIBES.—The Term "Tribes" means the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians in the State of Oregon.

SEC. 3. TRANSFER OF ADMINISTRATIVE JURISDICTION.

Deadline.

(a) IN GENERAL.—As soon as practicable, but not later than 5 years, after the date of enactment of this Act and subject to subsection (c), the Commandant shall transfer to the Secretary, to hold in trust for the benefit of the Tribes, administrative jurisdiction over the Federal land described in subsection (b).

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a) consists of the parcels of Coast Guard land (including any improvements to the land) comprising approximately 24 acres, located in Coos County, Oregon, in the areas commonly know as "Gregory Point" and "Chief's Island", as depicted on the maps.

(c) CONDITIONS.—

(1) COMPLIANCE WITH APPLICABLE LAW.—Before completing the transfer of administrative jurisdiction under subsection (a), the Commandant shall execute any actions required to comply with applicable environmental and cultural resources laws.

(2) TRUST STATUS.—On transfer of administrative jurisdiction over the land under subsection (a), the land transferred to the Secretary shall be—

(A) held in trust by the United States for the Tribes; and

(B) included in the reservation of the Tribes.

(3) MAINTENANCE OF CAPE ARAGO LIGHT STATION.—

(A) IN GENERAL.—The transfer of administrative jurisdiction over the Light Station under subsection (a) shall be subject to the conditions that the Tribes—

(i) shall—

(I) use, and make reasonable efforts to maintain, the Light Station in accordance with—

(aa) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(bb) the Secretary of the Interior's Standards for the Treatment of Historic Properties under part 68 of title 36, Code of Federal Regulations; and

(cc) any other applicable laws; and

(II) submit any proposed changes to the Light Station for review and approval by the Secretary, in consultation with the Oregon State Historic Preservation Officer, if the Secretary determines that the changes are consistent with—

(aa) section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations; and

(bb) the Secretary of the Interior's Standards for Rehabilitation under section 67.7 of title 36, Code of Federal Regulations;

(ii) shall make the Light Station available to the general public for educational, park, recreational, cultural, or historic preservation purposes at times and under conditions determined to be reasonable by the Secretary;

(iii) shall not—

(I) sell, convey, assign, exchange, or encumber the Cape Arago Light Station (or any part of the Light Station) or any associated historic artifact conveyed in conjunction with the transfer under subsection (a), unless the sale, conveyance, assignment, exchange, or encumbrance is approved by Secretary; or

(II) conduct any commercial activities at the Cape Arago Light Station (or any part of the Light Station) or in connection with any historic artifact conveyed in conjunction with the transfer under subsection (a) in any manner, unless the commercial activities are approved by the Secretary; and

(iv) shall allow the United States, at any time, to enter the Light Station without notice, for purposes of ensuring compliance with this section, to the extent that it is not practicable to provide advance notice.

(B) REVERSION.—If the Tribes fail to meet any condition described in subparagraph (A), the Light Station, or any associated historic artifact conveyed in conjunction with the transfer under subsection (a), shall, at the option of the Secretary—

(i) revert to the United States; and

(ii) be placed under the administrative control of the Secretary.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file the maps entitled "Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Land Transfer Maps" and legal descriptions of the parcels to be transferred under subsection (a) with—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Secretary.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct any errors in the maps and legal descriptions.

(3) AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate office of the Department of the Interior.

(e) EASEMENTS.—The Coast Guard may retain easements on, or other property interests as may be necessary in, the land described in subsection (b) to operate, maintain, relocate, install, improve, replace, or remove any aid to navigation located on the land as may be required by the Coast Guard.

(f) TRIBAL FISHING RIGHTS.—No fishing rights of the Tribes that are in existence on the date of enactment of this Act shall be enlarged, impaired, or otherwise affected by the transfer of administrative jurisdiction under subsection (a).

Approved October 8, 2008.

LEGISLATIVE HISTORY—H.R. 6370:

HOUSE REPORTS: No. 110–865 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 154 (2008):
Sept. 22, considered and passed House.
Sept. 24, considered and passed Senate.

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