

113TH CONGRESS
1ST SESSION

H. R. 1526

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.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Restoring Healthy Forests for Healthy Communities
 6 Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RESTORING THE COMMITMENT TO RURAL COUNTIES
AND SCHOOLS

Sec. 101. Purposes.

Sec. 102. Definitions.

Sec. 103. Establishment of Forest Reserve Revenue Areas and annual volume requirements.

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Sec. 105. Distribution of forest reserve revenues.

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TITLE II—HEALTHY FOREST MANAGEMENT AND CATASTROPHIC
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Sec. 201. Purposes.

Sec. 202. Definitions.

Sec. 203. Hazardous fuel reduction projects and forest health projects in at-risk forests.

Sec. 204. Environmental analysis.

Sec. 205. State designation of high-risk areas of National Forest System and public lands.

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Sec. 207. Moratorium on use of prescribed fire in Mark Twain National Forest, Missouri, pending report.

TITLE III—OREGON AND CALIFORNIA RAILROAD GRANT LANDS
TRUST, CONSERVATION, AND JOBS

Sec. 301. Short title.

Sec. 302. Definitions.

Subtitle A—Trust, Conservation, and Jobs

CHAPTER 1—CREATION AND TERMS OF O&C TRUST

Sec. 311. Creation of O&C Trust and designation of O&C Trust lands.

Sec. 312. Legal effect of O&C Trust and judicial review.

- Sec. 313. Board of Trustees.
- Sec. 314. Management of O&C Trust lands.
- Sec. 315. Distribution of revenues from O&C Trust lands.
- Sec. 316. Land exchange authority.
- Sec. 317. Payments to the United States Treasury.

CHAPTER 2—TRANSFER OF CERTAIN LANDS TO FOREST SERVICE

- Sec. 321. Transfer of certain Oregon and California Railroad Grant lands to Forest Service.
- Sec. 322. Management of transferred lands by Forest Service.
- Sec. 323. Management efficiencies and expedited land exchanges.
- Sec. 324. Review panel and old growth protection.
- Sec. 325. Uniqueness of old growth protection on Oregon and California Railroad Grant lands.

CHAPTER 3—TRANSITION

- Sec. 331. Transition period and operations.
- Sec. 332. O&C Trust management capitalization.
- Sec. 333. Existing Bureau of Land Management and Forest Service contracts.
- Sec. 334. Protection of valid existing rights and access to non-Federal land.
- Sec. 335. Repeal of superseded law relating to Oregon and California Railroad Grant lands.

Subtitle B—Coos Bay Wagon Roads

- Sec. 341. Transfer of management authority over certain Coos Bay Wagon Road Grant lands to Coos County, Oregon.
- Sec. 342. Transfer of certain Coos Bay Wagon Road Grant lands to Forest Service.
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- Sec. 361. Wild and scenic river designations, Molalla River.
- Sec. 362. Wild and Scenic Rivers Act technical corrections related to Chetco River.
- Sec. 363. Wild and scenic river designations, Wasson Creek and Franklin Creek.
- Sec. 364. Wild and scenic river designations, Rogue River area.
- Sec. 365. Additional protections for Rogue River tributaries.

CHAPTER 3—ADDITIONAL PROTECTIONS

- Sec. 371. Limitations on land acquisition.
- Sec. 372. Overflights.
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 Sec. 505. Clarification of National Forest Management Act of 1976 authority.
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 Sec. 507. Exception of certain forest projects and activities from Appeals Reform Act and other review.
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1 **TITLE I—RESTORING THE COM-**
2 **MITMENT TO RURAL COUN-**
3 **TIES AND SCHOOLS**

4 **SEC. 101. PURPOSES.**

5 The purposes of this title are as follows:

6 (1) To restore employment and educational op-
7 portunities in, and improve the economic stability of,
8 counties containing National Forest System land.

9 (2) To ensure that such counties have a de-
10 pendable source of revenue from National Forest
11 System land.

12 (3) To reduce Forest Service management costs
13 while also ensuring the protection of United States
14 forests resources.

15 **SEC. 102. DEFINITIONS.**

16 In this title:

17 (1) **ANNUAL VOLUME REQUIREMENT.**—

18 (A) **IN GENERAL.**—The term “annual vol-
19 ume requirement”, with respect to a Forest Re-
20 serve Revenue Area, means a volume of na-
21 tional forest materials no less than 50 percent
22 of the sustained yield of the Forest Reserve
23 Revenue Area.

24 (B) **EXCLUSIONS.**—In determining the vol-
25 ume of national forest materials or the sus-

1 tained yield of a Forest Reserve Revenue Area,
2 the Secretary may not include non-commercial
3 post and pole sales and personal use firewood.

4 (2) BENEFICIARY COUNTY.—The term “bene-
5 ficiary county” means a political subdivision of a
6 State that, on account of containing National Forest
7 System land, was eligible to receive payments
8 through the State under title I of the Secure Rural
9 Schools and Community Self-Determination Act of
10 2000 (16 U.S.C. 7111 et seq.).

11 (3) CATASTROPHIC EVENT.—The term “cata-
12 strophic event” means an event (including severe
13 fire, insect or disease infestations, windthrow, or
14 other extreme weather or natural disaster) that the
15 Secretary determines will cause or has caused sub-
16 stantial damage to National Forest System land or
17 natural resources on National Forest System land.

18 (4) COVERED FOREST RESERVE PROJECT.—
19 The terms “covered forest reserve project” and “cov-
20 ered project” mean a project involving the manage-
21 ment or sale of national forest materials within a
22 Forest Reserve Revenue Area to generate forest re-
23 serve revenues and achieve the annual volume re-
24 quirement for the Forest Reserve Revenue Area.

25 (5) FOREST RESERVE REVENUE AREA.—

1 (A) IN GENERAL.—The term “Forest Re-
2 serve Revenue Area” means National Forest
3 System land in a unit of the National Forest
4 System designated for sustainable forest man-
5 agement for the production of national forest
6 materials and forest reserve revenues.

7 (B) INCLUSIONS.—Subject to subpara-
8 graph (C), but otherwise notwithstanding any
9 other provision of law, including executive or-
10 ders and regulations, the Secretary shall include
11 in Forest Reserve Revenue Areas not less than
12 50 percent of the National Forest System lands
13 identified as commercial forest land capable of
14 producing twenty cubic feet of timber per acre.

15 (C) EXCLUSIONS.—A Forest Reserve Rev-
16 enue Area may not include National Forest
17 System land—

18 (i) that is a component of the Na-
19 tional Wilderness Preservation System;

20 (ii) on which the removal of vegetation
21 is specifically prohibited by Federal stat-
22 ute; or

23 (iii) that is within a National Monu-
24 ment as of the date of the enactment of
25 this Act.

1 (6) FOREST RESERVE REVENUES.—The term
2 “forest reserve revenues” means revenues derived
3 from the sale of national forest materials in a Forest
4 Reserve Revenue Area.

5 (7) NATIONAL FOREST MATERIALS.—The term
6 “national forest materials” has the meaning given
7 that term in section 14(e)(1) of the National Forest
8 Management Act of 1976 (16 U.S.C. 472a(e)(1)).

9 (8) NATIONAL FOREST SYSTEM.—The term
10 “National Forest System” has the meaning given
11 that term in section 11(a) of the Forest and Range-
12 land Renewable Resources Planning Act of 1974 (16
13 U.S.C. 1609(a)), except that the term does not in-
14 clude the National Grasslands and land utilization
15 projects designated as National Grasslands adminis-
16 tered pursuant to the Act of July 22, 1937 (7
17 U.S.C. 1010–1012).

18 (9) SECRETARY.—The term “Secretary” means
19 the Secretary of Agriculture.

20 (10) SUSTAINED YIELD.—The term “sustained
21 yield” means the maximum annual growth potential
22 of the forest calculated on the basis of the culmina-
23 tion of mean annual increment using cubic measure-
24 ment.

1 (11) STATE.—The term “State” includes the
2 Commonwealth of Puerto Rico.

3 (12) 25-PERCENT PAYMENT.—The term “25-
4 percent payment” means the payment to States re-
5 quired by the sixth paragraph under the heading of
6 “FOREST SERVICE” in the Act of May 23, 1908
7 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the
8 Act of March 1, 1911 (36 Stat. 963; 16 U.S.C.
9 500).

10 **SEC. 103. ESTABLISHMENT OF FOREST RESERVE REVENUE**

11 **AREAS AND ANNUAL VOLUME REQUIRE-**
12 **MENTS.**

13 (a) ESTABLISHMENT OF FOREST RESERVE REV-
14 ENUE AREAS.—Notwithstanding any other provision of
15 law, the Secretary shall establish one or more Forest Re-
16 serve Revenue Areas within each unit of the National For-
17 est System.

18 (b) DEADLINE FOR ESTABLISHMENT.—The Sec-
19 retary shall complete establishment of the Forest Reserve
20 Revenue Areas not later than 60 days after the date of
21 enactment of this Act,

22 (c) PURPOSE.—The purpose of a Forest Reserve Rev-
23 enue Area is to provide a dependable source of 25-percent
24 payments and economic activity through sustainable forest

1 management for each beneficiary county containing Na-
2 tional Forest System land.

3 (d) FIDUCIARY RESPONSIBILITY.—The Secretary
4 shall have a fiduciary responsibility to beneficiary counties
5 to manage Forest Reserve Revenue Areas to satisfy the
6 annual volume requirement.

7 (e) DETERMINATION OF ANNUAL VOLUME REQUIRE-
8 MENT.—Not later than 30 days after the date of the es-
9 tablishment of a Forest Reserve Revenue Area, the Sec-
10 retary shall determine the annual volume requirement for
11 that Forest Reserve Revenue Area.

12 (f) LIMITATION ON REDUCTION OF FOREST RE-
13 SERVE REVENUE AREAS.—Once a Forest Reserve Rev-
14 enue Area is established under subsection (a), the Sec-
15 retary may not reduce the number of acres of National
16 Forest System land included in that Forest Reserve Rev-
17 enue Area.

18 (g) MAP.—The Secretary shall provide a map of all
19 Forest Reserve Revenue Areas established under sub-
20 section (a) for each unit of the National Forest System—

21 (1) to the Committee on Agriculture and the
22 Committee on Natural Resources of the House of
23 Representatives; and

1 (2) to the Committee on Agriculture, Nutrition,
2 and Forestry and the Committee on Energy and
3 Natural Resources of the Senate.

4 (h) RECOGNITION OF VALID AND EXISTING
5 RIGHTS.—Neither the establishment of Forest Reserve
6 Revenue Areas under subsection (a) nor any other provi-
7 sion of this title shall be construed to limit or restrict—

8 (1) access to National Forest System land for
9 hunting, fishing, recreation, and other related pur-
10 poses; or

11 (2) valid and existing rights regarding National
12 Forest System land, including rights of any federally
13 recognized Indian tribe.

14 **SEC. 104. MANAGEMENT OF FOREST RESERVE REVENUE**
15 **AREAS.**

16 (a) REQUIREMENT TO ACHIEVE ANNUAL VOLUME
17 REQUIREMENT.—Immediately upon the establishment of
18 a Forest Reserve Revenue Area, the Secretary shall man-
19 age the Forest Reserve Revenue Area in the manner nec-
20 essary to achieve the annual volume requirement for the
21 Forest Reserve Revenue Area. The Secretary is authorized
22 and encouraged to commence covered forest reserve
23 projects as soon as practicable after the date of the enact-
24 ment of this Act to begin generating forest reserve reve-
25 nues.

1 (b) STANDARDS FOR PROJECTS WITHIN FOREST RE-
2 SERVE REVENUE AREAS.—The Secretary shall conduct
3 covered forest reserve projects within Forest Reserve Rev-
4 enue Areas in accordance with this section, which shall
5 serve as the sole means by which the Secretary will comply
6 with the National Environmental Policy Act of 1969 (42
7 U.S.C. 4331 et seq.) and other laws applicable to the cov-
8 ered projects.

9 (c) ENVIRONMENTAL ANALYSIS PROCESS FOR
10 PROJECTS IN FOREST RESERVE REVENUE AREAS.—

11 (1) ENVIRONMENTAL ASSESSMENT.—The Sec-
12 retary shall give published notice and complete an
13 environmental assessment pursuant to section
14 102(2) of the National Environmental Policy Act of
15 1969 (42 U.S.C. 4332(2)) for a covered forest re-
16 serve project proposed to be conducted within a For-
17 est Reserve Revenue Area, except that the Secretary
18 is not required to study, develop, or describe any al-
19 ternative to the proposed agency action.

20 (2) CUMULATIVE EFFECTS.—The Secretary
21 shall consider cumulative effects solely by evaluating
22 the impacts of a proposed covered forest reserve
23 project combined with the impacts of any other
24 projects that were approved with a Decision Notice
25 or Record of Decision before the date on which the

1 Secretary published notice of the proposed covered
2 project. The cumulative effects of past projects may
3 be considered in the environmental assessment by
4 using a description of the current environmental
5 conditions.

6 (3) LENGTH.—The environmental assessment
7 prepared for a proposed covered forest reserve
8 project shall not exceed 100 pages in length. The
9 Secretary may incorporate in the environmental as-
10 sessment, by reference, any documents that the Sec-
11 retary determines, in the sole discretion of the Sec-
12 retary, are relevant to the assessment of the environ-
13 mental effects of the covered project.

14 (4) DEADLINE FOR COMPLETION.—The Sec-
15 retary shall complete the environmental assessment
16 for a covered forest reserve project within 180 days
17 after the date on which the Secretary published no-
18 tice of the proposed covered project.

19 (5) TREATMENT OF DECISION NOTICE.— The
20 decision notice for a covered forest reserve project
21 shall be considered a final agency action and no ad-
22 ditional analysis under the National Environmental
23 Policy Act of 1969 (42 U.S.C. 4331 et seq.) shall be
24 required to implement any portion of the covered
25 project.

1 (6) CATEGORICAL EXCLUSION.—A covered for-
2 est reserve project that is proposed in response to a
3 catastrophic event, that covers an area of 10,000
4 acres or less, or an eligible hazardous fuel reduction
5 or forest health project proposed under title II that
6 involves the removal of insect-infected trees, dead or
7 dying trees, trees presenting a threat to public safe-
8 ty, or other hazardous fuels within 500 feet of utility
9 or telephone infrastructure, campgrounds, roadsides,
10 heritage sites, recreation sites, schools, or other in-
11 frastructure, shall be categorically excluded from the
12 requirements of the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4331 et seq.).

14 (d) APPLICATION OF LAND AND RESOURCE MANAGE-
15 MENT PLAN.—The Secretary may modify the standards
16 and guidelines contained in the land and resource manage-
17 ment plan for the unit of the National Forest System in
18 which the covered forest reserve project will be carried out
19 as necessary to achieve the requirements of this Act. Sec-
20 tion 6(g)(3)(E)(iv) of the Forest and Rangeland Renew-
21 able Resources Planning Act of 1974 (16 U.S.C.
22 1604(g)(3)(E)(iv)) shall not apply to a covered forest re-
23 serve project.

24 (e) COMPLIANCE WITH ENDANGERED SPECIES
25 ACT.—

1 (1) NON-JEOPARDY ASSESSMENT.—If the Sec-
2 retary determines that a proposed covered forest re-
3 serve project may affect the continued existence of
4 any species listed as endangered or threatened under
5 section 4 of the Endangered Species Act of 1973 (16
6 U.S.C. 1533), the Secretary shall issue a determina-
7 tion explaining the view of the Secretary that the
8 proposed covered project is not likely to jeopardize
9 the continued existence of the species.

10 (2) SUBMISSION, REVIEW, AND RESPONSE.—

11 (A) SUBMISSION.—The Secretary shall
12 submit a determination issued by the Secretary
13 under paragraph (1) to the Secretary of the In-
14 terior or the Secretary of Commerce, as appro-
15 priate.

16 (B) REVIEW AND RESPONSE.—Within 30
17 days after receiving a determination under sub-
18 paragraph (A), the Secretary of the Interior or
19 the Secretary of Commerce, as appropriate,
20 shall provide a written response to the Sec-
21 retary concurring in or rejecting the Secretary's
22 determination. If the Secretary of the Interior
23 or the Secretary of Commerce rejects the deter-
24 mination, the written response shall include rec-
25 ommendations for measures that—

1 (i) will avoid the likelihood of jeopardy
2 to an endangered or threatened species;

3 (ii) can be implemented in a manner
4 consistent with the intended purpose of the
5 covered forest reserve project;

6 (iii) can be implemented consistent
7 with the scope of the Secretary's legal au-
8 thority and jurisdiction; and

9 (iv) are economically and techno-
10 logically feasible.

11 (3) FORMAL CONSULTATION.—If the Secretary
12 of the Interior or the Secretary of Commerce rejects
13 a determination issued by the Secretary under para-
14 graph (1), the Secretary of the Interior or the Sec-
15 retary of Commerce also is required to engage in
16 formal consultation with the Secretary. The Secre-
17 taries shall complete such consultation pursuant to
18 section 7 of the Endangered Species Act of 1973 (16
19 U.S.C. 1536) within 90 days after the submission of
20 the written response under paragraph (2).

21 (f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

22 (1) ADMINISTRATIVE REVIEW.—Administrative
23 review of a covered forest reserve project shall occur
24 only in accordance with the special administrative
25 review process established under section 105 of the

1 Healthy Forests Restoration Act of 2003 (16 U.S.C.
2 6515).

3 (2) JUDICIAL REVIEW.—

4 (A) IN GENERAL.—Judicial review of a
5 covered forest reserve project shall occur in ac-
6 cordance with section 106 of the Healthy For-
7 ests Restoration Act of 2003 (16 U.S.C. 6516),
8 except that a court of the United States may
9 not issue a restraining order, preliminary in-
10 junction, or injunction pending appeal covering
11 a covered forest reserve project in response to
12 an allegation that the Secretary violated any
13 procedural requirement applicable to how the
14 project was selected, planned, or analyzed.

15 (B) BOND REQUIRED.—A plaintiff chal-
16 lenging a covered forest reserve project shall be
17 required to post a bond or other security ac-
18 ceptable to the court for the reasonably esti-
19 mated costs, expenses, and attorneys fees of the
20 Secretary as defendant. All proceedings in the
21 action shall be stayed until the security is given.
22 If the plaintiff has not complied with the order
23 to post such bond or other security within 90
24 days after the date of service of the order, then
25 the action shall be dismissed with prejudice.

1 (C) RECOVERY.—If the Secretary prevails
2 in the case, the Secretary shall submit to the
3 court a motion for payment of all litigation ex-
4 penses.

5 (g) USE OF ALL-TERRAIN VEHICLES FOR MANAGE-
6 MENT ACTIVITIES.—The Secretary may allow the use of
7 all-terrain vehicles within the Forest Reserve Revenue
8 Areas for the purpose of activities associated with the sale
9 of national forest materials in a Forest Reserve Revenue
10 Area.

11 **SEC. 105. DISTRIBUTION OF FOREST RESERVE REVENUES.**

12 (a) 25-PERCENT PAYMENTS.—The Secretary shall
13 use forest reserve revenues generated by a covered forest
14 reserve project to make 25-percent payments to States for
15 the benefit of beneficiary counties.

16 (b) DEPOSIT IN KNUTSON-VANDENBERG AND SAL-
17 VAGE SALE FUNDS.—After compliance with subsection
18 (a), the Secretary shall use forest reserve revenues to
19 make deposits into the fund established under section 3
20 of the Act of June 9, 1930 (16 U.S.C. 576b; commonly
21 known as the Knutson-Vandenberg Fund) and the fund
22 established under section 14(h) of the National Forest
23 Management Act of 1976 (16 U.S.C. 472a(h); commonly
24 known as the salvage sale fund) in contributions equal to

1 the monies otherwise collected under those Acts for
2 projects conducted on National Forest System land.

3 (c) DEPOSIT IN GENERAL FUND OF THE TREAS-
4 URY.—After compliance with subsections (a) and (b), the
5 Secretary shall deposit remaining forest reserve revenues
6 into the general fund of the Treasury.

7 **SEC. 106. ANNUAL REPORT.**

8 (a) REPORT REQUIRED.—Not later than 60 days
9 after the end of each fiscal year, the Secretary shall sub-
10 mit to Congress an annual report specifying the annual
11 volume requirement in effect for that fiscal year for each
12 Forest Reserve Revenue Area, the volume of board feet
13 actually harvested for each Forest Reserve Revenue Area,
14 the average cost of preparation for timber sales, the forest
15 reserve revenues generated from such sales, and the
16 amount of receipts distributed to each beneficiary county.

17 (b) FORM OF REPORT.—The information required by
18 subsection (a) to be provided with respect to a Forest Re-
19 serve Revenue Area shall be presented on a single page.
20 In addition to submitting each report to Congress, the
21 Secretary shall also make the report available on the
22 website of the Forest Service.

1 **TITLE II—HEALTHY FOREST**
2 **MANAGEMENT AND CATA-**
3 **STROPHIC WILDFIRE PRE-**
4 **VENTION**

5 **SEC. 201. PURPOSES.**

6 The purposes of this title are as follows:

7 (1) To provide the Secretary of Agriculture and
8 the Secretary of the Interior with the tools necessary
9 to reduce the potential for wildfires.

10 (2) To expedite wildfire prevention projects to
11 reduce the chances of wildfire on certain high-risk
12 Federal lands.

13 (3) To protect communities and forest habitat
14 from uncharacteristic wildfires.

15 (4) To enhance aquatic conditions and terres-
16 trial wildlife habitat.

17 (5) To restore diverse and resilient landscapes
18 through improved forest conditions.

19 **SEC. 202. DEFINITIONS.**

20 In this title:

21 (1) **AT-RISK COMMUNITY.**—The term “at-risk
22 community” has the meaning given that term in sec-
23 tion 101 of the Healthy Forests Restoration Act of
24 2003 (16 U.S.C. 6511).

1 (2) AT-RISK FOREST.—The term “at-risk for-
2 est” means—

3 (A) Federal land in condition class II or
4 III, as those classes were developed by the For-
5 est Service Rocky Mountain Research Station
6 in the general technical report titled “Develop-
7 ment of Coarse-Scale Spatial Data for Wildland
8 Fire and Fuel Management” (RMRS-87) and
9 dated April 2000 or any subsequent revision of
10 the report; or

11 (B) Federal land where there exists a high
12 risk of losing an at-risk community, key eco-
13 system, water supply, wildlife, or wildlife habi-
14 tat to wildfire, including catastrophic wildfire
15 and post-fire disturbances, as designated by the
16 Secretary concerned.

17 (3) FEDERAL LAND.—

18 (A) COVERED LAND.—The term “Federal
19 land” means—

20 (i) land of the National Forest System
21 (as defined in section 11(a) of the Forest
22 and Rangeland Renewable Resources Plan-
23 ning Act of 1974 (16 U.S.C. 1609(a))); or

1 (ii) public lands (as defined in section
2 103 of the Federal Land Policy and Man-
3 agement Act of 1976 (43 U.S.C. 1702)).

4 (B) EXCLUDED LAND.—The term does not
5 include land—

6 (i) that is a component of the Na-
7 tional Wilderness Preservation System;

8 (ii) on which the removal of vegetation
9 is specifically prohibited by Federal stat-
10 ute; or

11 (iii) that is within a National Monu-
12 ment as of the date of the enactment of
13 this Act.

14 (4) HIGH-RISK AREA.—The term “high-risk
15 area” means an area of Federal land identified
16 under section 205 as an area suffering from the
17 bark beetle epidemic, drought, or deteriorating forest
18 health conditions, with the resulting imminent risk
19 of devastating wildfires, or otherwise at high risk for
20 bark beetle infestation, drought, or wildfire.

21 (5) SECRETARY CONCERNED.—The term “Sec-
22 retary concerned” means—

23 (A) the Secretary of Agriculture, in the
24 case of National Forest System land; and

1 (B) the Secretary of the Interior, in the
2 case of public lands.

3 (6) ELIGIBLE HAZARDOUS FUEL REDUCTION
4 AND FOREST HEALTH PROJECTS.—The terms “haz-
5 arduous fuel reduction project” or “forest health
6 project” mean the measures and methods developed
7 for a project to be carried out on Federal land—

8 (A) in an at-risk forest under section 203
9 for hazardous fuels reduction, forest health, for-
10 est restoration, or watershed restoration, using
11 ecological restoration principles consistent with
12 the forest type where such project will occur; or

13 (B) in a high-risk area under section 206.

14 **SEC. 203. HAZARDOUS FUEL REDUCTION PROJECTS AND**
15 **FOREST HEALTH PROJECTS IN AT-RISK FOR-**
16 **ESTS.**

17 (a) IMPLEMENTATION.—As soon as practicable after
18 the date of the enactment of this Act, the Secretary con-
19 cerned is authorized to implement a hazardous fuel reduc-
20 tion project or a forest health project in at-risk forests
21 in a manner that focuses on surface, ladder, and canopy
22 fuels reduction activities using ecological restoration prin-
23 ciples consistent with the forest type in the location where
24 such project will occur.

25 (b) AUTHORIZED PRACTICES.—

1 (1) INCLUSION OF LIVESTOCK GRAZING AND
2 TIMBER HARVESTING.—A hazardous fuel reduction
3 project or a forest health project may include live-
4 stock grazing and timber harvest projects carried
5 out for the purposes of hazardous fuels reduction,
6 forest health, forest restoration, watershed restora-
7 tion, or threatened and endangered species habitat
8 protection or improvement, if the management ac-
9 tion is consistent with achieving long-term ecological
10 restoration of the forest type in the location where
11 such project will occur.

12 (2) GRAZING.—Domestic livestock grazing may
13 be used in a hazardous fuel reduction project or a
14 forest health project to reduce surface fuel loads and
15 to recover burned areas. Utilization standards shall
16 not apply when domestic livestock grazing is used in
17 such a project.

18 (3) TIMBER HARVESTING AND THINNING.—
19 Timber harvesting and thinning, where the ecologi-
20 cal restoration principles are consistent with the for-
21 est type in the location where such project will
22 occur, may be used in a hazardous fuel reduction
23 project or a forest health project to reduce ladder
24 and canopy fuel loads to prevent unnatural fire.

1 (c) PRIORITY.—The Secretary concerned shall give
2 priority to hazardous fuel reduction projects and forest
3 health projects submitted by the Governor of a State as
4 provided in section 206(c) and to projects submitted under
5 the Tribal Forest Protection Act of 2004 (25 U.S.C.
6 3115a).

7 **SEC. 204. ENVIRONMENTAL ANALYSIS.**

8 Subsections (b) through (f) of section 104 shall apply
9 to the implementation of a hazardous fuel reduction
10 project or a forest health project under this title. In addi-
11 tion, if the primary purpose of a hazardous fuel reduction
12 project or a forest health project under this title is the
13 salvage of dead, damaged, or down timber resulting from
14 wildfire occurring in 2013, the hazardous fuel reduction
15 project or forest health project, and any decision of the
16 Secretary concerned in connection with the project, shall
17 not be subject to judicial review or to any restraining order
18 or injunction issued by a United States court.

19 **SEC. 205. STATE DESIGNATION OF HIGH-RISK AREAS OF NA-**
20 **TIONAL FOREST SYSTEM AND PUBLIC LANDS.**

21 (a) DESIGNATION AUTHORITY.—The Governor of a
22 State may designate high-risk areas of Federal land in the
23 State for the purposes of addressing—

24 (1) deteriorating forest health conditions in ex-
25 istence as of the date of the enactment of this Act

1 due to the bark beetle epidemic or drought, with the
2 resulting imminent risk of devastating wildfires; and

3 (2) the future risk of insect infestations or dis-
4 ease outbreaks through preventative treatments to
5 improve forest health conditions.

6 (b) CONSULTATION.—In designating high-risk areas,
7 the Governor of a State shall consult with county govern-
8 ment from affected counties and with affected Indian
9 tribes.

10 (c) EXCLUSION OF CERTAIN AREAS.—The following
11 Federal land may not be designated as a high-risk area:

12 (1) A component of the National Wilderness
13 Preservation System.

14 (2) Federal land on which the removal of vege-
15 tation is specifically prohibited by Federal statute.

16 (3) Federal land within a National Monument
17 as of the date of the enactment of this Act.

18 (d) STANDARDS FOR DESIGNATION.—Designation of
19 high-risk areas shall be consistent with standards and
20 guidelines contained in the land and resource management
21 plan or land use plan for the unit of Federal land for
22 which the designation is being made, except that the Sec-
23 retary concerned may modify such standards and guide-
24 lines to correspond with a specific high-risk area designa-
25 tion.

1 (e) TIME FOR INITIAL DESIGNATIONS.—The first
2 high-risk areas should be designated not later than 60
3 days after the date of the enactment of this Act, but high-
4 risk areas may be designated at any time consistent with
5 subsection (a).

6 (f) DURATION OF DESIGNATION.—The designation of
7 a high-risk area in a State shall expire 20 years after the
8 date of the designation, unless earlier terminated by the
9 Governor of the State.

10 (g) REDESIGNATION.—The expiration of the 20-year
11 period specified in subsection (f) does not prohibit the
12 Governor from redesignating an area of Federal land as
13 a high-risk area under this section if the Governor deter-
14 mines that the Federal land continues to be subject to the
15 terms of this section.

16 (h) RECOGNITION OF VALID AND EXISTING
17 RIGHTS.—The designation of a high-risk area shall not
18 be construed to limit or restrict—

19 (1) access to Federal land included in the area
20 for hunting, fishing, and other related purposes; or

21 (2) valid and existing rights regarding the Fed-
22 eral land.

1 **SEC. 206. USE OF HAZARDOUS FUELS REDUCTION OR FOR-**
2 **EST HEALTH PROJECTS FOR HIGH-RISK**
3 **AREAS.**

4 (a) PROJECT PROPOSALS.—

5 (1) PROPOSALS AUTHORIZED.—Upon designa-
6 tion of a high-risk area in a State, the Governor of
7 the State may provide for the development of pro-
8 posed hazardous fuel reduction projects or forest
9 health projects for the high-risk area.

10 (2) PROJECT CRITERIA.—In preparing a pro-
11 posed hazardous fuel reduction project or a forest
12 health project, the Governor of a State and the Sec-
13 retary concerned shall—

14 (A) take into account managing for rights
15 of way, protection of watersheds, protection of
16 wildlife and endangered species habitat, safe-
17 guarding water resources, and protecting at-
18 risk communities from wildfires; and

19 (B) emphasize activities that thin the for-
20 est to provide the greatest health and longevity
21 of the forest.

22 (b) CONSULTATION.—In preparing a proposed haz-
23 ardous fuel reduction project or a forest health project,
24 the Governor of a State shall consult with county govern-
25 ment from affected counties, and with affected Indian
26 tribes.

1 (c) SUBMISSION AND IMPLEMENTATION.—The Gov-
2 ernor of a State shall submit proposed emergency haz-
3 ardous fuel reduction projects and forest health projects
4 to the Secretary concerned for implementation as provided
5 in section 203.

6 **SEC. 207. MORATORIUM ON USE OF PRESCRIBED FIRE IN**
7 **MARK TWAIN NATIONAL FOREST, MISSOURI,**
8 **PENDING REPORT.**

9 (a) MORATORIUM.—Except as provided in subsection
10 (b), the Secretary of Agriculture may not conduct any pre-
11 scribed fire in Mark Twain National Forest, Missouri,
12 under the Collaborative Forest Landscape Restoration
13 Project until the report required by subsection (c) is sub-
14 mitted to Congress.

15 (b) EXCEPTION FOR WILDFIRE SUPPRESSION.—Sub-
16 section (a) does not prohibit the use of prescribed fire as
17 part of wildfire suppression activities.

18 (c) REPORT REQUIRED.—Not later than one year
19 after the date of the enactment of this Act, the Secretary
20 of Agriculture shall submit to Congress a report con-
21 taining an evaluation of recent and current Forest Service
22 management practices for Mark Twain National Forest,
23 including lands in the National Forest enrolled, or under
24 consideration for enrollment, in the Collaborative Forest
25 Landscape Restoration Project to convert certain lands

1 into shortleaf pine-oak woodlands, to determine the impact
2 of such management practices on forest health and tree
3 mortality. The report shall specifically address—

4 (1) the economic costs associated with the fail-
5 ure to utilize hardwoods cut as part of the Collabora-
6 tive Forest Landscape Restoration Project and the
7 subsequent loss of hardwood production from the
8 treated lands in the long term;

9 (2) the extent of increased tree mortality due to
10 excessive heat generated by prescribed fires;

11 (3) the impacts to water quality and rate of
12 water run off due to erosion of the scorched earth
13 left in the aftermath of the prescribed fires; and

14 (4) a long-term plan for evaluation of the im-
15 pacts of prescribed fires on lands previously burned
16 within the Eleven Point Ranger District.

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

21 **SEC. 301. SHORT TITLE.**

22 This title may be cited as the “O&C Trust, Conserva-
23 tion, and Jobs Act”.

24 **SEC. 302. DEFINITIONS.**

25 In this title:

1 (1) AFFILIATES.—The term “Affiliates” has
2 the meaning given such term in part 121 of title 13,
3 Code of Federal Regulations.

4 (2) BOARD OF TRUSTEES.—The term “Board
5 of Trustees” means the Board of Trustees for the
6 Oregon and California Railroad Grant Lands Trust
7 appointed under section 313.

8 (3) COOS BAY WAGON ROAD GRANT LANDS.—
9 The term “Coos Bay Wagon Road Grant lands”
10 means the lands reconveyed to the United States
11 pursuant to the first section of the Act of February
12 26, 1919 (40 Stat. 1179).

13 (4) FISCAL YEAR.—The term “fiscal year”
14 means the Federal fiscal year, October 1 through
15 the next September 30.

16 (5) GOVERNOR.—The term “Governor” means
17 the Governor of the State of Oregon.

18 (6) O&C REGION PUBLIC DOMAIN LANDS.—The
19 term “O&C Region Public Domain lands” means all
20 the land managed by the Bureau of Land Manage-
21 ment in the Salem District, Eugene District,
22 Roseburg District, Coos Bay District, and Medford
23 District in the State of Oregon, excluding the Or-
24 egon and California Railroad Grant lands and the
25 Coos Bay Wagon Road Grant lands.

1 (7) O&C TRUST.—The terms “Oregon and Cali-
2 fornia Railroad Grant Lands Trust” and “O&C
3 Trust” mean the trust created by section 311, which
4 has fiduciary responsibilities to act for the benefit of
5 the O&C Trust counties in the management of O&C
6 Trust lands.

7 (8) O&C TRUST COUNTY.—The term “O&C
8 Trust county” means each of the 18 counties in the
9 State of Oregon that contained a portion of the Or-
10 regon and California Railroad Grant lands as of Jan-
11 uary 1, 2013, each of which are beneficiaries of the
12 O&C Trust.

13 (9) O&C TRUST LANDS.—The term “O&C
14 Trust lands” means the surface estate of the lands
15 over which management authority is transferred to
16 the O&C Trust pursuant to section 311(c)(1). The
17 term does not include any of the lands excluded
18 from the O&C Trust pursuant to section 311(c)(2),
19 transferred to the Forest Service under section 321,
20 or Tribal lands transferred under subtitle D.

21 (10) OREGON AND CALIFORNIA RAILROAD
22 GRANT LANDS.—The term “Oregon and California
23 Railroad Grant lands” means the following lands:

24 (A) All lands in the State of Oregon re-
25 vested in the United States under the Act of

1 June 9, 1916 (39 Stat. 218), regardless of
2 whether the lands are—

3 (i) administered by the Secretary of
4 the Interior, acting through the Bureau of
5 Land Management, pursuant to the first
6 section of the Act of August 28, 1937 (43
7 U.S.C. 1181a); or

8 (ii) administered by the Secretary of
9 Agriculture as part of the National Forest
10 System pursuant to the first section of the
11 Act of June 24, 1954 (43 U.S.C. 1181g).

12 (B) All lands in the State obtained by the
13 Secretary of the Interior pursuant to the land
14 exchanges authorized and directed by section 2
15 of the Act of June 24, 1954 (43 U.S.C. 1181h).

16 (C) All lands in the State acquired by the
17 United States at any time and made subject to
18 the provisions of title II of the Act of August
19 28, 1937 (43 U.S.C. 1181f).

20 (11) RESERVE FUND.—The term “Reserve
21 Fund” means the reserve fund created by the Board
22 of Trustees under section 315(b).

23 (12) SECRETARY CONCERNED.—The term
24 “Secretary concerned” means—

1 (A) the Secretary of the Interior, with re-
2 spect to Oregon and California Railroad Grant
3 lands that are transferred to the management
4 authority of the O&C Trust and, immediately
5 before such transfer, were managed by the Bu-
6 reau of Land Management; and

7 (B) the Secretary of Agriculture, with re-
8 spect to Oregon and California Railroad Grant
9 lands that—

10 (i) are transferred to the management
11 authority of the O&C Trust and, imme-
12 diately before such transfer, were part of
13 the National Forest System; or

14 (ii) are transferred to the Forest
15 Service under section 321.

16 (13) STATE.—The term “State” means the
17 State of Oregon.

18 (14) TRANSITION PERIOD.—The term “transi-
19 tion period” means the three fiscal-year period speci-
20 fied in section 331 following the appointment of the
21 Board of Trustees during which—

22 (A) the O&C Trust is created; and

23 (B) interim funding of the O&C Trust is
24 secured.

1 (15) TRIBAL LANDS.—The term “Tribal lands”
 2 means any of the lands transferred to the Cow
 3 Creek Band of the Umpqua Tribe of Indians or the
 4 Confederated Tribes of Coos, Lower Umpqua, and
 5 Siuslaw Indians under subtitle D.

6 **Subtitle A—Trust, Conservation,**
 7 **and Jobs**

8 **CHAPTER 1—CREATION AND TERMS OF**
 9 **O&C TRUST**

10 **SEC. 311. CREATION OF O&C TRUST AND DESIGNATION OF**
 11 **O&C TRUST LANDS.**

12 (a) CREATION.—The Oregon and California Railroad
 13 Grant Lands Trust is established effective on October 1
 14 of the first fiscal year beginning after the appointment of
 15 the Board of Trustees. As management authority over the
 16 surface of estate of the O&C Trust lands is transferred
 17 to the O&C Trust during the transition period pursuant
 18 to section 331, the transferred lands shall be held in trust
 19 for the benefit of the O&C Trust counties.

20 (b) TRUST PURPOSE.—The purpose of the O&C
 21 Trust is to produce annual maximum sustained revenues
 22 in perpetuity for O&C Trust counties by managing the
 23 timber resources on O&C Trust lands on a sustained-yield
 24 basis subject to the management requirements of section
 25 314.

1 (c) DESIGNATION OF O&C TRUST LANDS.—

2 (1) LANDS INCLUDED.—Except as provided in
3 paragraph (2), the O&C Trust lands shall include all
4 of the lands containing the stands of timber de-
5 scribed in subsection (d) that are located, as of Jan-
6 uary 1, 2013, on Oregon and California Railroad
7 Grant lands and O&C Region Public Domain lands.

8 (2) LANDS EXCLUDED.—O&C Trust lands shall
9 not include any of the following Oregon and Cali-
10 fornia Railroad Grant lands and O&C Region Public
11 Domain lands (even if the lands are otherwise de-
12 scribed in subsection (d)):

13 (A) Federal lands within the National
14 Landscape Conservation System as of January
15 1, 2013.

16 (B) Federal lands designated as Areas of
17 Critical Environmental Concern as of January
18 1, 2013.

19 (C) Federal lands that were in the Na-
20 tional Wilderness Preservation System as of
21 January 1, 2013.

22 (D) Federal lands included in the National
23 Wild and Scenic Rivers System of January 1,
24 2013.

1 (E) Federal lands within the boundaries of
2 a national monument, park, or other developed
3 recreation area as of January 1, 2013.

4 (F) Oregon treasures addressed in subtitle
5 C, any portion of which, as of January 1, 2013,
6 consists of Oregon and California Railroad
7 Grant lands or O&C Region Public Domain
8 lands.

9 (G) Tribal lands addressed in subtitle D.

10 (d) COVERED STANDS OF TIMBER.—

11 (1) DESCRIPTION.—The O&C Trust lands con-
12 sist of stands of timber that have previously been
13 managed for timber production or that have been
14 materially altered by natural disturbances since
15 1886. Most of these stands of timber are 80 years
16 old or less, and all of such stands can be classified
17 as having a predominant stand age of 125 years or
18 less.

19 (2) DELINEATION OF BOUNDARIES BY BUREAU
20 OF LAND MANAGEMENT.—The Oregon and Cali-
21 fornia Railroad Grant lands and O&C Region Public
22 Domain lands that, immediately before transfer to
23 the O&C Trust, were managed by the Bureau of
24 Land Management are timber stands that have pre-
25 dominant birth date attributes of 1886 or later, with

1 boundaries that are defined by polygon spatial data
2 layer in and electronic data compilation filed by the
3 Bureau of Land Management pursuant to paragraph
4 (4). Except as provided in paragraph (5), the bound-
5 aries of all timber stands constituting the O&C
6 Trust lands are finally and conclusively determined
7 for all purposes by coordinates in or derived by ref-
8 erence to the polygon spatial data layer prepared by
9 the Bureau of Land Management and filed pursuant
10 to paragraph (4), notwithstanding anomalies that
11 might later be discovered on the ground. The bound-
12 ary coordinates are locatable on the ground by use
13 of global positioning system signals. In cases where
14 the location of the stand boundary is disputed or is
15 inconsistent with paragraph (1), the location of
16 boundary coordinates on the ground shall be, except
17 as otherwise provided in paragraph (5), finally and
18 conclusively determined for all purposes by the direct
19 or indirect use of global positioning system equip-
20 ment with accuracy specification of one meter or
21 less.

22 (3) DELINEATION OF BOUNDARIES BY FOREST
23 SERVICE.—The O&C Trust lands that, immediately
24 before transfer to the O&C Trust, were managed by
25 the Forest Service are timber stands that can be

1 classified as having predominant stand ages of 125
2 years old or less. Within 30 days after the date of
3 the enactment of this Act, the Secretary of Agri-
4 culture shall commence identification of the bound-
5 aries of such stands, and the boundaries of all such
6 stands shall be identified and made available to the
7 Board of Trustees not later than 180 days following
8 the creation of the O&C Trust pursuant to sub-
9 section (a). In identifying the stand boundaries, the
10 Secretary may use geographic information system
11 data, satellite imagery, cadastral survey coordinates,
12 or any other means available within the time al-
13 lowed. The boundaries shall be provided to the
14 Board of Trustees within the time allowed in the
15 form of a spatial data layer from which coordinates
16 can be derived that are locatable on the ground by
17 use of global positioning system signals. Except as
18 provided in paragraph (5), the boundaries of all tim-
19 ber stands constituting the O&C Trust lands are fi-
20 nally and conclusively determined for all purposes by
21 coordinates in or derived by reference to the data
22 provided by the Secretary within the time provided
23 by this paragraph, notwithstanding anomalies that
24 might later be discovered on the ground. In cases
25 where the location of the stand boundary is disputed

1 or inconsistent with paragraph (1), the location of
2 boundary coordinates on the ground shall be, except
3 as otherwise provided in paragraph (5), finally and
4 conclusively determined for all purposes by the
5 boundary coordinates provided by the Secretary as
6 they are located on the ground by the direct or indi-
7 rect use of global positioning system equipment with
8 accuracy specifications of one meter or less. All ac-
9 tions taken by the Secretary under this paragraph
10 shall be deemed to not involve Federal agency action
11 or Federal discretionary involvement or control.

12 (4) DATA AND MAPS.—Copies of the data con-
13 taining boundary coordinates for the stands included
14 in the O&C Trust lands, or from which such coordi-
15 nates are derived, and maps generally depicting the
16 stand locations shall be filed with the Committee on
17 Energy and Natural Resources of the Senate, the
18 Committee on Natural Resources of the House of
19 Representatives, and the office of the Secretary con-
20 cerned. The maps and data shall be filed—

21 (A) not later than 90 days after the date
22 of the enactment of this Act, in the case of the
23 lands identified pursuant to paragraph (2); and

24 (B) not later than 180 days following the
25 creation of the O&C Trust pursuant to sub-

1 section (a), in the case of lands identified pur-
2 suant to paragraph (3).

3 (5) ADJUSTMENT AUTHORITY AND LIMITA-
4 TIONS.—

5 (A) NO IMPACT ON DETERMINING TITLE
6 OR PROPERTY OWNERSHIP BOUNDARIES.—
7 Stand boundaries identified under paragraph
8 (2) or (3) shall not be relied upon for purposes
9 of determining title or property ownership
10 boundaries. If the boundary of a stand identi-
11 fied under paragraph (2) or (3) extends beyond
12 the property ownership boundaries of Oregon
13 and California Railroad Grant lands or O&C
14 Region Public Domain lands, as such property
15 boundaries exist on the date of enactment of
16 this Act, then that stand boundary is deemed
17 adjusted by this subparagraph to coincide with
18 the property ownership boundary.

19 (B) EFFECT OF DATA ERRORS OR INCON-
20 SISTENCIES.—Data errors or inconsistencies
21 may result in parcels of land along property
22 ownership boundaries that are unintentionally
23 omitted from the O&C Trust lands that are
24 identified under paragraph (2) or (3). In order
25 to correct such errors, any parcel of land that

1 satisfies all of the following criteria is hereby
2 deemed to be O&C Trust land:

3 (i) The parcel is within the ownership
4 boundaries of Oregon and California Rail-
5 road Grant lands or O&C Region Public
6 Domain lands on the date of the enact-
7 ment of this Act.

8 (ii) The parcel satisfies the description
9 in paragraph (1) on the date of enactment
10 of this Act.

11 (iii) The parcel is not excluded from
12 the O&C Trust lands pursuant to sub-
13 section (c)(2).

14 (C) NO IMPACT ON LAND EXCHANGE AU-
15 THORITY.—Nothing in this subsection is in-
16 tended to limit the authority of the Trust and
17 the Forest Service to engage in land exchanges
18 between themselves or with owners of non-Fed-
19 eral land as provided elsewhere in this title.

20 **SEC. 312. LEGAL EFFECT OF O&C TRUST AND JUDICIAL RE-**
21 **VIEW.**

22 (a) LEGAL STATUS OF TRUST LANDS.—Subject to
23 the other provisions of this section, all right, title, and in-
24 terest in and to the O&C Trust lands remain in the United
25 States, except that—

1 (1) the Board of Trustees shall have all author-
2 ity to manage the surface estate of the O&C Trust
3 lands and the resources found thereon;

4 (2) actions on the O&C Trust lands shall be
5 deemed to involve no Federal agency action or Fed-
6 eral discretionary involvement or control and the
7 laws of the State shall apply to the surface estate of
8 the O&C Trust lands in the manner applicable to
9 privately owned timberlands in the State; and

10 (3) the O&C Trust shall be treated as the bene-
11 ficial owner of the surface estate of the O&C Trust
12 lands for purposes of all legal proceedings involving
13 the O&C Trust lands.

14 (b) MINERALS.—

15 (1) IN GENERAL.—Mineral and other sub-
16 surface rights in the O&C Trust lands are retained
17 by the United States or other owner of such rights
18 as of the date on which management authority over
19 the surface estate of the lands are transferred to the
20 O&C Trust.

21 (2) ROCK AND GRAVEL.—

22 (A) USE AUTHORIZED; PURPOSE.—For
23 maintenance or construction on the road system
24 under the control of the O&C Trust or for non-

1 Federal lands intermingled with O&C Trust
2 lands, the Board of Trustees may—

3 (i) utilize rock or gravel found within
4 quarries in existence immediately before
5 the date of the enactment of this Act on
6 any Oregon and California Railroad Grant
7 lands and O&C Region Public Domain
8 lands, excluding those lands designated
9 under subtitle C or transferred under sub-
10 title D; and

11 (ii) construct new quarries on O&C
12 Trust lands, except that any quarry so
13 constructed may not exceed 5 acres.

14 (B) EXCEPTION.—The Board of Trustees
15 shall not construct new quarries on any of the
16 lands transferred to the Forest Service under
17 section 321 or lands designated under subtitle
18 D.

19 (c) ROADS.—

20 (1) IN GENERAL.—Except as provided in sub-
21 section (b), the Board of Trustees shall assume au-
22 thority and responsibility over, and have authority to
23 use, all roads and the road system specified in the
24 following subparagraphs:

1 (A) All roads and road systems on the Or-
2 egon and California Railroad and Grant lands
3 and O&C Region Public Domain lands owned or
4 administered by the Bureau of Land Manage-
5 ment immediately before the date of the enact-
6 ment of this Act, except that the Secretary of
7 Agriculture shall assume the Secretary of Inte-
8 rior's obligations for pro-rata maintenance ex-
9 pense and road use fees under reciprocal right-
10 of-way agreements for those lands transferred
11 to the Forest Service under section 321. All of
12 the lands transferred to the Forest Service
13 under section 321 shall be considered as part of
14 the tributary area used to calculate pro-rata
15 maintenance expense and road use fees.

16 (B) All roads and road systems owned or
17 administered by the Forest Service immediately
18 before the date of the enactment of this Act
19 and subsequently included within the bound-
20 aries of the O&C Trust lands.

21 (C) All roads later added to the road sys-
22 tem for management of the O&C Trust lands.

23 (2) LANDS TRANSFERRED TO FOREST SERV-
24 ICE.—The Secretary of Agriculture shall assume the
25 obligations of the Secretary of Interior for pro-rata

1 maintenance expense and road use fees under recip-
2 rocal rights-of-way agreements for those Oregon and
3 California Railroad Grant lands or O&C Region
4 Public Domain lands transferred to the Forest Serv-
5 ice under section 321.

6 (3) COMPLIANCE WITH CLEAN WATER ACT.—

7 All roads used, constructed, or reconstructed under
8 the jurisdiction of the O&C Trust must comply with
9 requirements of the Federal Water Pollution Control
10 Act (33 U.S.C. 1251 et seq.) applicable to private
11 lands through the use of Best Management Prac-
12 tices under the Oregon Forest Practices Act.

13 (d) PUBLIC ACCESS.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 public access to O&C Trust lands shall be preserved
16 consistent with the policies of the Secretary con-
17 cerned applicable to the O&C Trust lands as of the
18 date on which management authority over the sur-
19 face estate of the lands is transferred to the O&C
20 Trust.

21 (2) RESTRICTIONS.—The Board of Trustees
22 may limit or control public access for reasons of
23 public safety or to protect the resources on the O&C
24 Trust lands.

1 (e) LIMITATIONS.—The assets of the O&C Trust
2 shall not be subject to the creditors of an O&C Trust coun-
3 ty, or otherwise be distributed in an unprotected manner
4 or be subject to anticipation, encumbrance, or expenditure
5 other than for a purpose for which the O&C Trust was
6 created.

7 (f) REMEDY.—An O&C Trust county shall have all
8 of the rights and remedies that would normally accrue to
9 a beneficiary of a trust. An O&C Trust county shall pro-
10 vide the Board of Trustees, the Secretary concerned, and
11 the Attorney General with not less than 60 days notice
12 of an intent to sue to enforce the O&C Trust county's
13 rights under the O&C Trust.

14 (g) JUDICIAL REVIEW.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), judicial review of any provision of this
17 title shall be sought in the United States Court of
18 Appeals for the District of Columbia Circuit. Parties
19 seeking judicial review of the validity of any provi-
20 sion of this title must file suit within 90 days after
21 the date of the enactment of this Act and no pre-
22 liminary injunctive relief or stays pending appeal will
23 be permitted. If multiple cases are filed under this
24 paragraph, the Court shall consolidate the cases.

1 The Court must rule on any action brought under
2 this paragraph within 180 days.

3 (2) DECISIONS OF BOARD OF TRUSTEES.—De-
4 cisions made by the Board of Trustees shall be sub-
5 ject to judicial review only in an action brought by
6 an O&C County, except that nothing in this title
7 precludes bringing a legal claim against the Board
8 of Trustees that could be brought against a private
9 landowner for the same action.

10 **SEC. 313. BOARD OF TRUSTEES.**

11 (a) APPOINTMENT AUTHORIZATION.—Subject to the
12 conditions on appointment imposed by this section, the
13 Governor is authorized to appoint the Board of Trustees
14 to administer the O&C Trust and O&C Trust lands. Ap-
15 pointments by the Governor shall be made within 60 days
16 after the date of the enactment of this Act.

17 (b) MEMBERS AND ELIGIBILITY.—

18 (1) NUMBER.—Subject to subsection (c), the
19 Board of Trustees shall consist of seven members.

20 (2) RESIDENCY REQUIREMENT.—Members of
21 the Board of Trustees must reside within an O&C
22 Trust county.

23 (3) GEOGRAPHICAL REPRESENTATION.—To the
24 extent practicable, the Governor shall ensure broad
25 geographic representation among the O&C Trust

1 counties in appointing members to the Board of
2 Trustees.

3 (c) COMPOSITION.—The Board of Trustees shall in-
4 clude the following members:

5 (1)(A) Two forestry and wood products rep-
6 resentatives, consisting of—

7 (i) one member who represents the com-
8 mercial timber, wood products, or milling indus-
9 tries and who represents an Oregon-based com-
10 pany with more than 500 employees, taking
11 into account its affiliates, that has submitted a
12 bid for a timber sale on the Oregon and Cali-
13 fornia Railroad Grant lands, O&C Region Pub-
14 lic Domain lands, Coos Bay Wagon Road Grant
15 lands, or O&C Trust lands in the preceding five
16 years; and

17 (ii) one member who represents the com-
18 mercial wood products or milling industries and
19 who represents an Oregon-based company with
20 500 or fewer employees, taking into account its
21 affiliates, that has submitted a bid for a timber
22 sale on the Oregon and California Railroad
23 Grant lands, O&C Region Public Domain lands,
24 Coos Bay Wagon Road Grant lands, or O&C
25 Trust lands in the preceding five years.

1 (B) At least one of the two representatives se-
2 lected in this paragraph must own commercial forest
3 land that is adjacent to the O&C Trust lands and
4 from which the representative has not exported un-
5 processed timber in the preceding five years.

6 (2) One representative of the general public
7 who has professional experience in one or more of
8 the following fields:

9 (A) Business management.

10 (B) Law.

11 (C) Accounting.

12 (D) Banking.

13 (E) Labor management.

14 (F) Transportation.

15 (G) Engineering.

16 (H) Public policy.

17 (3) One representative of the science commu-
18 nity who, at a minimum, holds a Doctor of Philos-
19 ophy degree in wildlife biology, forestry, ecology, or
20 related field and has published peer-reviewed aca-
21 demic articles in the representative's field of exper-
22 tise.

23 (4) Three governmental representatives, con-
24 sisting of—

1 (A) two members who are serving county
2 commissioners of an O&C Trust county and
3 who are nominated by the governing bodies of
4 a majority of the O&C Trust counties and ap-
5 proved by the Governor, except that the two
6 representatives may not be from the same coun-
7 ty; and

8 (B) one member who holds State-wide
9 elected office (or is a designee of such a person)
10 or who represents a federally recognized Indian
11 tribe or tribes within one or more O&C Trust
12 counties.

13 (d) TERM, INITIAL APPOINTMENT, VACANCIES.—

14 (1) TERM.—Except in the case of initial ap-
15 pointments, members of the Board of Trustees shall
16 serve for five-year terms and may be reappointed for
17 one consecutive term.

18 (2) INITIAL APPOINTMENTS.—In making the
19 first appointments to the Board of Trustees, the
20 Governor shall stagger initial appointment lengths so
21 that two members have three-year terms, two mem-
22 bers have four-year terms, and three members have
23 a full five-year term.

24 (3) VACANCIES.—Any vacancy on the Board of
25 Trustees shall be filled within 45 days by the Gov-

1 error for the unexpired term of the departing mem-
2 ber.

3 (4) BOARD OF TRUSTEES MANAGEMENT
4 COSTS.—Members of the Board of Trustees may re-
5 ceive annual compensation from the O&C Trust at
6 a rate not to exceed 50 percent of the average an-
7 nual salary for commissioners of the O&C Trust
8 counties for that year.

9 (e) CHAIRPERSON AND OPERATIONS.—

10 (1) CHAIRPERSON.—A majority of the Board of
11 Trustees shall select the chairperson for the Board
12 of Trustees each year.

13 (2) MEETINGS.—The Board of Trustees shall
14 establish proceedings to carry out its duties. The
15 Board shall meet at least quarterly. Except for
16 meetings substantially involving personnel and con-
17 tractual decisions, all meetings of the Board shall
18 comply with the public meetings law of the State.

19 (f) QUORUM AND DECISION-MAKING.—

20 (1) QUORUM.—A quorum shall consist of five
21 members of the Board of Trustees. The presence of
22 a quorum is required to constitute an official meet-
23 ing of the board of trustees to satisfy the meeting
24 requirement under subsection (e)(2).

1 (2) DECISIONS.—All actions and decisions by
2 the Board of Trustees shall require approval by a
3 majority of members.

4 (g) ANNUAL AUDIT.—Financial statements regard-
5 ing operation of the O&C Trust shall be independently
6 prepared and audited annually for review by the O&C
7 Trust counties, Congress, and the State.

8 **SEC. 314. MANAGEMENT OF O&C TRUST LANDS.**

9 (a) IN GENERAL.—Except as otherwise provided in
10 this title, the O&C Trust lands will be managed by the
11 Board of Trustees in compliance with all Federal and
12 State laws in the same manner as such laws apply to pri-
13 vate forest lands.

14 (b) TIMBER SALE PLANS.—The Board of Trustees
15 shall approve and periodically update management and
16 sale plans for the O&C Trust lands consistent with the
17 purpose specified in section 311(b). The Board of Trust-
18 ees may defer sale plans during periods of depressed tim-
19 ber markets if the Board of Trustees, in its discretion,
20 determines that such delay until markets improve is finan-
21 cially prudent and in keeping with its fiduciary obligation
22 to the O&C Trust counties.

23 (c) STAND ROTATION.—

24 (1) 100–120 YEAR ROTATION.—The Board of
25 Trustees shall manage not less than 50 percent of

1 the harvestable acres of the O&C Trust lands on a
2 100–120 year rotation. The acreage subject to 100–
3 120 year management shall be geographically dis-
4 persed across the O&C Trust lands in a manner that
5 the Board of Trustees, in its discretion, determines
6 will contribute to aquatic and terrestrial ecosystem
7 values.

8 (2) BALANCE.—The balance of the harvestable
9 acreage of the O&C Trust lands shall be managed
10 on any rotation age the Board of Trustees, in its
11 discretion and in compliance with applicable State
12 law, determines will best satisfy its fiduciary obliga-
13 tion to provide revenue to the O&C Trust counties.

14 (3) THINNING.—Nothing in this subsection is
15 intended to limit the ability of the Board of Trustees
16 to decide, in its discretion, to thin stands of timber
17 on O&C Trust lands.

18 (d) SALE TERMS.—

19 (1) IN GENERAL.—Subject to paragraphs (2)
20 and (3), the Board of Trustees is authorized to es-
21 tablish the terms for sale contracts of timber or
22 other forest products from O&C Trust lands.

23 (2) SET ASIDE.—The Board of Trustees shall
24 establish a program consistent with the program of
25 the Bureau of Land Management under a March 10,

1 1959 Memorandum of Understanding, as amended,
2 regarding calculation of shares and sale of timber
3 set aside for purchase by business entities with 500
4 or fewer employees and consistent with the regula-
5 tions in part 121 of title 13, Code of Federal Regu-
6 lations applicable to timber sale set asides, except
7 that existing shares in effect on the date of enact-
8 ment of this Act shall apply until the next scheduled
9 recomputation of shares. In implementing its pro-
10 gram that is consistent with such Memorandum of
11 Understanding, the Board of Trustees shall utilize
12 the Timber Sale Procedure Handbook and other ap-
13 plicable procedures of the Bureau of Land Manage-
14 ment, including the Operating Procedures for Con-
15 ducting the Five-Year Recomputation of Small Busi-
16 ness Share Percentages in effect on January 1,
17 2013.

18 (3) COMPETITIVE BIDDING.—The Board of
19 Trustees must sell timber on a competitive bid basis.
20 No less than 50 percent of the total volume of tim-
21 ber sold by the Board of Trustees each year shall be
22 sold by oral bidding consistent with practices of the
23 Bureau of Land Management as of January 1,
24 2013.

25 (e) PROHIBITION ON EXPORT.—

1 (1) IN GENERAL.—As a condition on the sale of
2 timber or other forest products from O&C Trust
3 lands, unprocessed timber harvested from O&C
4 Trust lands may not be exported.

5 (2) VIOLATIONS.—Any person who knowingly
6 exports unprocessed timber harvested from O&C
7 Trust lands, who knowingly provides such unproc-
8 essed timber for export by another person, or know-
9 ingly sells timber harvested from O&C Trust lands
10 to a person who is disqualified from purchasing tim-
11 ber from such lands pursuant to this section shall be
12 disqualified from purchasing timber or other forest
13 products from O&C Trust lands or from Federal
14 lands administered under this subtitle. Any person
15 who uses unprocessed timber harvested from O&C
16 Trust lands in substitution for exported unprocessed
17 timber originating from private lands shall be dis-
18 qualified from purchasing timber or other forest
19 products from O&C Trust lands or from Federal
20 lands administered under this subtitle.

21 (3) UNPROCESSED TIMBER DEFINED.—In this
22 subsection, the term “unprocessed timber” has the
23 meaning given such term in section 493(9) of the
24 Forest Resources Conservation and Shortage Relief
25 Act of 1990 (16 U.S.C. 620e(9)).

1 (f) INTEGRATED PEST, DISEASE, AND WEED MAN-
2 AGEMENT PLAN.—The Board of Trustees shall develop an
3 integrated pest and vegetation management plan to assist
4 forest managers in prioritizing and minimizing the use of
5 pesticides and herbicides approved by the Environmental
6 Protection Agency and used in compliance with the Or-
7 egon Forest Practices Act. The plan shall optimize the
8 ability of the O&C Trust to re-establish forest stands after
9 harvest in compliance with the Oregon Forest Practices
10 Act and to create diverse early seral stage forests. The
11 plan shall allow for the eradication, containment and sup-
12 pression of disease, pests, weeds and noxious plants, and
13 invasive species as found on the State Noxious Weed List
14 and prioritize ground application of herbicides and pes-
15 ticides to the greatest extent practicable. The plan shall
16 be completed before the start of the second year of the
17 transition period. The planning process shall be open to
18 the public and the Board of Trustees shall hold not less
19 than two public hearings on the proposed plan before final
20 adoption.

21 (g) ACCESS TO LANDS TRANSFERRED TO FOREST
22 SERVICE.—Persons acting on behalf of the O&C Trust
23 shall have a right of timely access over lands transferred
24 to the Forest Service under section 321 and Tribal lands
25 transferred under subtitle D as is reasonably necessary for

1 the Board of Trustees to carry out its management activi-
2 ties with regard to the O&C Trust lands and the O&C
3 Trust to satisfy its fiduciary duties to O&C counties.

4 (h) HARVEST AREA TREE AND RETENTION RE-
5 QUIREMENTS.—

6 (1) IN GENERAL.—The O&C Trust lands shall
7 include harvest area tree and retention requirements
8 consistent with State law.

9 (2) USE OF OLD GROWTH DEFINITION.—To the
10 greatest extent practicable, and at the discretion of
11 the Board of Trustees, old growth, as defined by the
12 Old Growth Review Panel created by section 324,
13 shall be used to meet the retention requirements ap-
14 plicable under paragraph (1).

15 (i) RIPARIAN AREA MANAGEMENT.—

16 (1) IN GENERAL.—The O&C Trust lands shall
17 be managed with timber harvesting limited in ripar-
18 ian areas as follows:

19 (A) STREAMS.—For all fish bearing
20 streams and all perennial non-fish-bearing
21 streams, there shall be no removal of timber
22 within a distance equal to the height of one site
23 potential tree on both sides of the stream chan-
24 nel. For intermittent, non-fish-bearing streams,
25 there shall be no removal of timber within a

1 distance equal to one-half the height of a site
2 potential tree on both sides of the stream chan-
3 nel. For purposes of this subparagraph, the
4 stream channel boundaries are the lines of ordi-
5 nary high water.

6 (B) LARGER LAKES, PONDS AND RES-
7 ERVOIRS.—For all lakes, ponds, and reservoirs
8 with surface area larger than one quarter of
9 one acre, there shall be no removal of timber
10 within a distance equal to the height of one site
11 potential tree from the line of ordinary high
12 water of the water body.

13 (C) SMALL PONDS AND NATURAL WET-
14 LANDS, SPRINGS AND SEEPS.—For all ponds
15 with surface area one quarter acre or less, and
16 for all natural wetlands, springs and seeps,
17 there shall be no removal of timber within the
18 area dominated by riparian vegetation.

19 (2) MEASUREMENTS.—For purposes of para-
20 graph (1), all distances shall be measured along
21 slopes, and all site potential tree heights shall be av-
22 erage height at maturity of the dominant species of
23 conifer determined at a scale no finer than the appli-
24 cable fifth field watershed.

1 (3) RULES OF CONSTRUCTION.—Nothing in
2 paragraph (1) shall be construed—

3 (A) to prohibit the falling or placement of
4 timber into streams to create large woody de-
5 bris for the benefit of aquatic ecosystems; or

6 (B) to prohibit the falling of trees within
7 riparian areas as may be reasonably necessary
8 for safety or operational reasons in areas adja-
9 cent to the riparian areas, or for road construc-
10 tion or maintenance pursuant to section
11 312(c)(3).

12 (j) FIRE PROTECTION AND EMERGENCY RE-
13 SPONSE.—

14 (1) RECIPROCAL FIRE PROTECTION AGREE-
15 MENTS.—

16 (A) CONTINUATION OF AGREEMENTS.—
17 Subject to subparagraphs (B), (C), and (D),
18 any reciprocal fire protection agreement be-
19 tween the State or any other entity and the
20 Secretary concerned with regard to Oregon and
21 California Railroad Grant lands and O&C Re-
22 gion Public Domain lands in effect on the date
23 of the enactment of this Act shall remain in
24 place for a period of ten years after such date

1 unless earlier terminated by the State or other
2 entity.

3 (B) ASSUMPTION OF BLM RIGHTS AND DU-
4 TIES.—The Board of Trustees shall exercise the
5 rights and duties of the Bureau of Land Man-
6 agement under the agreements described in
7 subparagraph (A), except as such rights and
8 duties might apply to Tribal lands under sub-
9 title D.

10 (C) EFFECT OF EXPIRATION OF PERIOD.—
11 Following the expiration of the ten-year period
12 under subparagraph (A), the Board of Trustees
13 shall continue to provide for fire protection of
14 the Oregon and California Railroad Grant lands
15 and O&C Region Public Domain lands, includ-
16 ing those transferred to the Forest Service
17 under section 331, through continuation of the
18 reciprocal fire protection agreements, new coop-
19 erative agreements, or by any means otherwise
20 permitted by law. The means selected shall be
21 based on the review by the Board of Trustees
22 of whether the reciprocal fire protection agree-
23 ments were effective in protecting the lands
24 from fire.

1 (D) EMERGENCY RESPONSE.—Nothing in
2 this paragraph shall prevent the Secretary of
3 Agriculture from an emergency response to a
4 fire on the O&C Trust lands or lands trans-
5 ferred to the Forest Service under section 321.

6 (2) EMERGENCY RESPONSE TO FIRE.—Subject
7 to paragraph (1), if the Secretary of Agriculture de-
8 termines that fire on any of the lands transferred
9 under section 321 is burning uncontrolled or the
10 Secretary, the Board of Trustees, or contracted
11 party does not have readily and immediately avail-
12 able personnel and equipment to control or extin-
13 guish the fire, the Secretary, or any forest protective
14 association or agency under contract or agreement
15 with the Secretary or the Board of Trustees for the
16 protection of forestland against fire, shall summarily
17 and aggressively abate the nuisance thus controlling
18 and extinguishing the fire.

19 (k) NORTHERN SPOTTED OWL.—So long as the O&C
20 Trust maintains the 100–120 year rotation on 50 percent
21 of the harvestable acres required in subsection (c), the sec-
22 tion 321 lands representing the best quality habitat for
23 the owl are transferred to the Forest Service, and the O&C
24 Trust protects currently occupied northern spotted owl
25 nest sites consistent with the forest practices in the Or-

1 egon Forest Practices Act, management of the O&C Trust
2 land by the Board of Trustees shall be considered to com-
3 ply with section 9 of Public Law 93–205 (16 U.S.C. 1538)
4 for the northern spotted owl. A currently occupied north-
5 ern spotted owl nest site shall be considered abandoned
6 if there are no northern spotted owl responses following
7 three consecutive years of surveys using the Protocol for
8 Surveying Management Activities that May Impact North-
9 ern Spotted Owls dated February 2, 2013.

10 **SEC. 315. DISTRIBUTION OF REVENUES FROM O&C TRUST**

11 **LANDS.**

12 (a) ANNUAL DISTRIBUTION OF REVENUES.—

13 (1) TIME FOR DISTRIBUTION; USE.—Payments
14 to each O&C Trust county shall be made available
15 to the general fund of the O&C Trust county as soon
16 as practicable following the end of each fiscal year,
17 to be used as are other unrestricted county funds.

18 (2) AMOUNT.—The amount paid to an O&C
19 Trust county in relation to the total distributed to
20 all O&C Trust counties for a fiscal year shall be
21 based on the proportion that the total assessed value
22 of the Oregon and California Railroad Grant lands
23 in each of the O&C Trust counties for fiscal year
24 1915 bears to the total assessed value of all of the
25 Oregon and California Railroad Grant lands in the

1 State for that same fiscal year. However, for the
2 purposes of this subsection the portion of the re-
3 vested Oregon and California Railroad Grant lands
4 in each of the O&C Trust counties that was not as-
5 sessed for fiscal year 1915 shall be deemed to have
6 been assessed at the average assessed value of the
7 Oregon and California Railroad Grant lands in the
8 county.

9 (3) LIMITATION.—After the fifth payment made
10 under this subsection, the payment to an O&C Trust
11 county for a fiscal year shall not exceed 110 percent
12 of the previous year's payment to the O&C Trust
13 county, adjusted for inflation based on the consumer
14 price index applicable to the geographic area in
15 which the O&C Trust counties are located.

16 (b) RESERVE FUND.—

17 (1) ESTABLISHMENT OF RESERVE FUND.—The
18 Board of Trustees shall generate and maintain a re-
19 serve fund.

20 (2) DEPOSITS TO RESERVE FUND.—Within 10
21 years after creation of the O&C Trust or as soon
22 thereafter as is practicable, the Board of Trustees
23 shall establish and seek to maintain an annual bal-
24 ance of \$125,000,000 in the Reserve Fund, to be de-
25 rived from revenues generated from management ac-

1 activities involving O&C Trust lands. All annual reve-
2 nues generated in excess of operating costs and pay-
3 ments to O&C Trust counties required by subsection
4 (a) and payments into the Conservation Fund as
5 provided in subsection (c) shall be deposited in the
6 Reserve Fund.

7 (3) EXPENDITURES FROM RESERVE FUND.—

8 The Board of Trustees shall use amounts in the Re-
9 serve Fund only—

10 (A) to pay management and administrative
11 expenses or capital improvement costs on O&C
12 Trust lands; and

13 (B) to make payments to O&C Trust coun-
14 ties when payments to the counties under sub-
15 section (a) are projected to be 90 percent or
16 less of the previous year's payments.

17 (c) O&C TRUST CONSERVATION FUND.—

18 (1) ESTABLISHMENT OF CONSERVATION
19 FUND.—The Board of Trustees shall use a portion
20 of revenues generated from activity on the O&C
21 Trust lands, consistent with paragraph (2), to estab-
22 lish and maintain a O&C Trust Conservation Fund.
23 The O&C Trust Conservation Fund shall include no
24 Federal appropriations.

1 (2) REVENUES.—Following the transition pe-
2 riod, five percent of the O&C Trust’s annual net op-
3 erating revenue, after deduction of all management
4 costs and expenses, including the payment required
5 under section 317, shall be deposited to the O&C
6 Trust Conservation Fund.

7 (3) EXPENDITURES FROM CONSERVATION
8 FUND.—The Board of Trustees shall use amounts
9 from the O&C Trust Conservation Fund only—

10 (A) to fund the voluntary acquisition of
11 conservation easements from willing private
12 landowners in the State;

13 (B) to fund watershed restoration, remedi-
14 ation and enhancement projects within the
15 State; or

16 (C) to contribute to balancing values in a
17 land exchange with willing private landowners
18 proposed under section 323(b), if the land ex-
19 change will result in a net increase in ecosystem
20 benefits for fish, wildlife, or rare native plants.

21 **SEC. 316. LAND EXCHANGE AUTHORITY.**

22 (a) AUTHORITY.—Subject to approval by the Sec-
23 retary concerned, the Board of Trustees may negotiate
24 proposals for land exchanges with owners of lands adja-
25 cent to O&C Trust lands in order to create larger contig-

1 uous blocks of land under management by the O&C Trust
2 to facilitate resource management, to improve conserva-
3 tion value of such lands, or to improve the efficiency of
4 management of such lands.

5 (b) APPROVAL REQUIRED; CRITERIA.—The Sec-
6 retary concerned may approve a land exchange proposed
7 by the Board of Trustees administratively if the exchange
8 meets the following criteria:

9 (1) The non-Federal lands are completely with-
10 in the State.

11 (2) The non-Federal lands have high timber
12 production value, or are necessary for more efficient
13 or effective management of adjacent or nearby O&C
14 Trust lands.

15 (3) The non-Federal lands have equal or great-
16 er value to the O&C Trust lands proposed for ex-
17 change.

18 (4) The proposed exchange is reasonably likely
19 to increase the net income to the O&C Trust coun-
20 ties over the next 20 years and not decrease the net
21 income to the O&C Trust counties over the next 10
22 years.

23 (c) ACREAGE LIMITATION.—The Secretary concerned
24 shall not approve land exchanges under this section that,
25 taken together with all previous exchanges involving the

1 O&C Trust lands, have the effect of reducing the total
2 acreage of the O&C Trust lands by more than five percent
3 from the total acreage to be designated as O&C Trust land
4 under section 311(c)(1).

5 (d) INAPPLICABILITY OF CERTAIN LAWS.—Section 3
6 of the Oregon Public Lands Transfer and Protection Act
7 of 1998 (Public Law 105–321; 112 Stat. 3022), the Fed-
8 eral Land Policy and Management Act of 1976 (43 U.S.C.
9 1701 et. seq.), including the amendments made by the
10 Federal Land Exchange Facilitation Act of 1988 (Public
11 Law 100–409; 102 Stat. 1086), the Act of March 20,
12 1922 (16 U.S.C. 485, 486), and the Act of March 1, 1911
13 (commonly known as the Weeks Act; 16 U.S.C. 480 et
14 seq.) shall not apply to the land exchange authority pro-
15 vided by this section.

16 (e) EXCHANGES WITH FOREST SERVICE.—

17 (1) EXCHANGES AUTHORIZED.—The Board of
18 Trustees is authorized to engage in land exchanges
19 with the Forest Service if approved by the Secretary
20 pursuant to section 323(e).

21 (2) MANAGEMENT OF EXCHANGED LANDS.—

22 Following completion of a land exchange under para-
23 graph (1), the management requirements applicable
24 to the newly acquired lands by the O&C Trust or the
25 Forest Service shall be the same requirements under

1 this subtitle applicable to the other lands that are
2 managed by the O&C Board or the Forest Service.

3 **SEC. 317. PAYMENTS TO THE UNITED STATES TREASURY.**

4 As soon as practicable after the end of the third fiscal
5 year of the transition period and in each of the subsequent
6 seven fiscal years, the O&C Trust shall submit a payment
7 of \$10,000,000 to the United States Treasury.

8 **CHAPTER 2—TRANSFER OF CERTAIN**
9 **LANDS TO FOREST SERVICE**

10 **SEC. 321. TRANSFER OF CERTAIN OREGON AND CALI-**
11 **FORNIA RAILROAD GRANT LANDS TO FOREST**
12 **SERVICE.**

13 (a) **TRANSFER REQUIRED.**—The Secretary of the In-
14 terior shall transfer administrative jurisdiction over all Or-
15 egon and California Railroad Grant lands and O&C Re-
16 gion Public Domain lands not designated as O&C Trust
17 lands by subparagraphs (A) through (F) of section
18 311(c)(1), including those lands excluded by section
19 311(c)(2), to the Secretary of Agriculture for inclusion in
20 the National Forest System and administration by the
21 Forest Service as provided in section 322.

22 (b) **EXCEPTION.**—This section does not apply to
23 Tribal lands transferred under subtitle D.

1 **SEC. 322. MANAGEMENT OF TRANSFERRED LANDS BY FOR-**
2 **EST SERVICE.**

3 (a) ASSIGNMENT TO EXISTING NATIONAL FOR-
4 ESTS.—To the greatest extent practicable, management
5 responsibilities for the lands transferred under section 321
6 shall be assigned to the unit of the National Forest Sys-
7 tem geographically closest to the transferred lands. The
8 Secretary of Agriculture shall have ultimate decision-mak-
9 ing authority, but shall assign the transferred lands to a
10 unit not later than the applicable transfer date provided
11 in the transition period.

12 (b) APPLICATION OF NORTHWEST FOREST PLAN.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the lands transferred under section 321
15 shall be managed under the Northwest Forest Plan
16 and shall retain Northwest Forest Plan land use
17 designations until or unless changed in the manner
18 provided by Federal laws applicable to the adminis-
19 tration and management of the National Forest Sys-
20 tem.

21 (2) EXCEPTION FOR CERTAIN DESIGNATED
22 LANDS.—The lands excluded from the O&C Trust by
23 subparagraphs (A) through (F) of section 311(c)(2)
24 and transferred to the Forest Service under section
25 321 shall be managed as provided by Federal laws
26 applicable to the lands.

1 (c) PROTECTION OF OLD GROWTH.—Old growth, as
2 defined by the Old Growth Review Panel pursuant to rule-
3 making conducted in accordance with section 553 of title
4 5, United States Code, shall not be harvested by the For-
5 est Service on lands transferred under section 321.

6 (d) EMERGENCY RESPONSE TO FIRE.—Subject to
7 section 314(i), if the Secretary of Agriculture determines
8 that fire on any of the lands transferred under section 321
9 is burning uncontrolled or the Secretary or contracted
10 party does not have readily and immediately available per-
11 sonnel and equipment to control or extinguish the fire, the
12 Secretary, or any forest protective association or agency
13 under contract or agreement with the Secretary for the
14 protection of forestland against fire, and within whose pro-
15 tection area the fire exists, shall summarily and aggres-
16 sively abate the nuisance thus controlling and extin-
17 guishing the fire.

18 **SEC. 323. MANAGEMENT EFFICIENCIES AND EXPEDITED**
19 **LAND EXCHANGES.**

20 (a) LAND EXCHANGE AUTHORITY.—The Secretary
21 of Agriculture may conduct land exchanges involving lands
22 transferred under section 321, other than the lands ex-
23 cluded from the O&C Trust by subparagraphs (A) through
24 (F) of section 311(c)(2), in order create larger contiguous
25 blocks of land under management of the Secretary to fa-

1 cilitate resource management, to improve conservation
2 value of such lands, or to improve the efficiency of man-
3 agement of such lands.

4 (b) CRITERIA FOR EXCHANGES WITH NON-FEDERAL
5 OWNERS.—The Secretary of Agriculture may conduct a
6 land exchange administratively under this section with a
7 non-Federal owner (other than the O&C Trust) if the land
8 exchange meets the following criteria:

9 (1) The non-Federal lands are completely with-
10 in the State.

11 (2) The non-Federal lands have high wildlife
12 conservation or recreation value or the exchange is
13 necessary to increase management efficiencies of
14 lands administered by the Forest Service for the
15 purposes of the National Forest System.

16 (3) The non-Federal lands have equal or great-
17 er value to the Federal lands purposed for exchange
18 or a balance of values can be achieved—

19 (A) with a grant of funds provided by the
20 O&C Trust pursuant to section 315(c); or

21 (B) from other sources.

22 (c) CRITERIA FOR EXCHANGES WITH O&C TRUST.—
23 The Secretary of Agriculture may conduct land exchanges
24 with the Board of Trustees administratively under this
25 subsection, and such an exchange shall be deemed to not

1 involve any Federal action or Federal discretionary in-
2 volvement or control if the land exchange with the O&C
3 Trust meets the following criteria:

4 (1) The O&C Trust lands to be exchanged have
5 high wildlife value or ecological value or the ex-
6 change would facilitate resource management or oth-
7 erwise contribute to the management efficiency of
8 the lands administered by the Forest Service.

9 (2) The exchange is requested or approved by
10 the Board of Trustees for the O&C Trust and will
11 not impair the ability of the Board of Trustees to
12 meet its fiduciary responsibilities.

13 (3) The lands to be exchanged by the Forest
14 Service do not contain stands of timber meeting the
15 definition of old growth established by the Old
16 Growth Review Panel pursuant to section 324.

17 (4) The lands to be exchanged are equal in
18 acreage.

19 (d) ACREAGE LIMITATION.—The Secretary of Agri-
20 culture shall not approve land exchanges under this sec-
21 tion that, taken together with all previous exchanges in-
22 volving the lands described in subsection (a), have the ef-
23 fect of reducing the total acreage of such lands by more
24 than five percent from the total acreage originally trans-
25 ferred to the Secretary.

1 (e) INAPPLICABILITY OF CERTAIN LAWS.—Section 3
2 of the Oregon Public Lands Transfer and Protection Act
3 of 1998 (Public Law 105–321; 112 Stat. 3022), the Fed-
4 eral Land Policy and Management Act of 1976 (43 U.S.C.
5 1701 et. seq.), including the amendments made by the
6 Federal Land Exchange Facilitation Act of 1988 (Public
7 Law 100–409; 102 Stat. 1086), the Act of March 20,
8 1922 (16 U.S.C. 485, 486), and the Act of March 1, 1911
9 (commonly known as the Weeks Act; 16 U.S.C. 480 et
10 seq.) shall not apply to the land exchange authority pro-
11 vided by this section.

12 **SEC. 324. REVIEW PANEL AND OLD GROWTH PROTECTION.**

13 (a) APPOINTMENT; MEMBERS.—Within 60 days after
14 the date of the enactment of this Act the Secretary of Ag-
15 riculture shall appoint an Old Growth Review Panel con-
16 sisting of five members. At a minimum, the members must
17 hold a Doctor of Philosophy degree in wildlife biology, for-
18 estry, ecology, or related field and published peer-reviewed
19 academic articles in their field of expertise.

20 (b) PURPOSE OF REVIEW.—Members of the Old
21 Growth Review Panel shall review existing, published,
22 peer-reviewed articles in relevant academic journals and
23 establish a definition or definitions of old growth as it ap-
24 plies to the ecologically, geographically and climato-
25 logically unique Oregon and California Railroad Grant

1 lands and O&C Region Public Domain lands managed by
2 the O&C Trust or the Forest Service only. The definition
3 or definitions shall bear no legal force, shall not be used
4 as a precedent for, and shall not apply to any lands other
5 than the Oregon and California Railroad Grant lands and
6 O&C Region Public Domain lands managed by the O&C
7 Trust or the Forest Service in western Oregon. The defini-
8 tion or definitions shall not apply to Tribal lands.

9 (c) SUBMISSION OF RESULTS.—The definition or
10 definitions for old growth in western Oregon established
11 under subsection (b), if approved by at least four members
12 of the Old Growth Review Panel, shall be submitted to
13 the Secretary of Agriculture within six months after the
14 date of the enactment of this Act.

15 **SEC. 325. UNIQUENESS OF OLD GROWTH PROTECTION ON**
16 **OREGON AND CALIFORNIA RAILROAD GRANT**
17 **LANDS.**

18 All sections of this subtitle referring to the term “old
19 growth” are uniquely suited to resolve management issues
20 for the lands covered by this subtitle only, and shall not
21 be construed as precedent for any other situation involving
22 management of other Federal, State, Tribal, or private
23 lands.

1 **CHAPTER 3—TRANSITION**

2 **SEC. 331. TRANSITION PERIOD AND OPERATIONS.**

3 (a) **TRANSITION PERIOD.**—

4 (1) **COMMENCEMENT; DURATION.**—Effective on
5 October 1 of the first fiscal year beginning after the
6 appointment of the Board of Trustees under section
7 313, a transition period of three fiscal years shall
8 commence.

9 (2) **EXCEPTIONS.**—Unless specifically stated in
10 the following subsections, any action under this sec-
11 tion shall be deemed not to involve Federal agency
12 action or Federal discretionary involvement or con-
13 trol.

14 (b) **YEAR ONE.**—

15 (1) **APPLICABILITY.**—During the first fiscal
16 year of the transition period, the activities described
17 in this subsection shall occur.

18 (2) **BOARD OF TRUSTEES ACTIVITIES.**—The
19 Board of Trustees shall employ sufficient staff or
20 contractors to prepare for beginning management of
21 O&C Trust lands and O&C Region Public Domain
22 lands in the second fiscal year of the transition pe-
23 riod, including preparation of management plans
24 and a harvest schedule for the lands over which

1 management authority is transferred to the O&C
2 Trust in the second fiscal year.

3 (3) FOREST SERVICE ACTIVITIES.—The Forest
4 Service shall begin preparing to assume management
5 authority of all Oregon and California Railroad
6 Grant lands and O&C Region Public Domain lands
7 transferred under section 321 in the second fiscal
8 year.

9 (4) SECRETARY CONCERNED ACTIVITIES.—The
10 Secretary concerned shall continue to exercise man-
11 agement authority over all Oregon and California
12 Railroad Grant lands and O&C Region Public Do-
13 main lands under all existing Federal laws.

14 (5) INFORMATION SHARING.—Upon written re-
15 quest from the Board of Trustees, the Secretary of
16 the Interior shall provide copies of any documents or
17 data, however stored or maintained, that includes
18 the requested information concerning O&C Trust
19 lands. The copies shall be provided as soon as prac-
20 ticable and to the greatest extent possible, but in no
21 event later than 30 days following the date of the re-
22 quest.

23 (6) EXCEPTION.—This subsection does not
24 apply to Tribal lands transferred under subtitle D.

25 (c) YEAR TWO.—

1 (1) APPLICABILITY.—During the second fiscal
2 year of the transition period, the activities described
3 in this subsection shall occur.

4 (2) TRANSFER OF O&C TRUST LANDS.—Effec-
5 tive on October 1 of the second fiscal year of the
6 transition period, management authority over the
7 O&C Trust lands shall be transferred to the O&C
8 Trust.

9 (3) TRANSFER OF LANDS TO FOREST SERV-
10 ICE.—The transfers required by section 321 shall
11 occur.

12 (4) INFORMATION SHARING.—The Secretary of
13 Agriculture shall obtain and manage, as soon as
14 practicable, all documents and data relating to the
15 Oregon and California Railroad Grant lands, O&C
16 Region Public Domain lands, and Coos Bay Wagon
17 Road lands previously managed by the Bureau of
18 Land Management. Upon written request from the
19 Board of Trustees, the Secretary of Agriculture shall
20 provide copies of any documents or data, however
21 stored or maintained, that includes the requested in-
22 formation concerning O&C Trust lands. The copies
23 shall be provided as soon as practicable and to the
24 greatest extent possible, but in no event later than
25 30 days following the date of the request.

1 (5) IMPLEMENTATION OF MANAGEMENT
2 PLAN.—The Board of Trustees shall begin imple-
3 menting its management plan for the O&C Trust
4 lands and revise the plan as necessary. Distribution
5 of revenues generated from all activities on the O&C
6 Trust lands shall be subject to section 315.

7 (d) YEAR THREE AND SUBSEQUENT YEARS.—

8 (1) APPLICABILITY.—During the third fiscal
9 year of the transition period and all subsequent fis-
10 cal years, the activities described in this subsection
11 shall occur.

12 (2) BOARD OF TRUSTEES MANAGEMENT.—The
13 Board of Trustees shall manage the O&C Trust
14 lands pursuant to subtitle A.

15 **SEC. 332. O&C TRUST MANAGEMENT CAPITALIZATION.**

16 (a) BORROWING AUTHORITY.—The Board of Trust-
17 ees is authorized to borrow from any available private
18 sources and non-Federal, public sources in order to pro-
19 vide for the costs of organization, administration, and
20 management of the O&C Trust during the three-year tran-
21 sition period provided in section 331.

22 (b) SUPPORT.—Notwithstanding any other provision
23 of law, O&C Trust counties are authorized to loan to the
24 O&C Trust, and the Board of Trustees is authorized to
25 borrow from willing O&C Trust counties, amounts held on

1 account by such counties that are required to be expended
2 in accordance with the Act of May 23, 1908 (35 Stat. 260;
3 16 U.S.C. 500) and section 13 of the Act of March 1,
4 1911 (36 Stat. 963; 16 U.S.C. 500), except that, upon
5 repayment by the O&C Trust, the obligation of such coun-
6 ties to expend the funds in accordance with such Acts shall
7 continue to apply.

8 **SEC. 333. EXISTING BUREAU OF LAND MANAGEMENT AND**
9 **FOREST SERVICE CONTRACTS.**

10 (a) TREATMENT OF EXISTING CONTRACTS.—Any
11 work or timber contracts sold or awarded by the Bureau
12 of Land Management or Forest Service on or with respect
13 to Oregon and California Railroad Grant lands or O&C
14 Region Public Domain lands before the transfer of the
15 lands to the O&C Trust or the Forest Service, or Tribal
16 lands transferred under subtitle D, shall remain binding
17 and effective according to the terms of the contracts after
18 the transfer of the lands. The Board of Trustees and Sec-
19 retary concerned shall make such accommodations as are
20 necessary to avoid interfering in any way with the per-
21 formance of the contracts.

22 (b) TREATMENT OF PAYMENTS UNDER CON-
23 TRACTS.—Payments made pursuant to the contracts de-
24 scribed in subsection (a), if any, shall be made as provided
25 in those contracts and not made to the O&C Trust.

1 **SEC. 334. PROTECTION OF VALID EXISTING RIGHTS AND**
2 **ACCESS TO NON-FEDERAL LAND.**

3 (a) **VALID RIGHTS.**—Nothing in this title, or any
4 amendment made by this title, shall be construed as termi-
5 nating any valid lease, permit, patent, right-of-way, agree-
6 ment, or other right of authorization existing on the date
7 of the enactment of this Act with regard to Oregon and
8 California Railroad Grant lands or O&C Region Public
9 Domain lands, including O&C Trust lands over which
10 management authority is transferred to the O&C Trust
11 pursuant to section 311(c)(1), lands transferred to the
12 Forest Service under section 321, and Tribal lands trans-
13 ferred under subtitle D.

14 (b) **ACCESS TO LANDS.**—

15 (1) **EXISTING ACCESS RIGHTS.**—The Secretary
16 concerned shall preserve all rights of access and use,
17 including (but not limited to) reciprocal right-of-way
18 agreements, tail hold agreements, or other right-of-
19 way or easement obligations existing on the date of
20 the enactment of this Act, and such rights shall re-
21 main applicable to lands covered by this subtitle in
22 the same manner and to the same extent as such
23 rights applied before the date of the enactment of
24 this Act.

25 (2) **NEW ACCESS RIGHTS.**—If a current or fu-
26 ture landowner of land intermingled with Oregon

1 and California Railroad Grant lands or O&C Region
2 Public Domain lands does not have an existing ac-
3 cess agreement related to the lands covered by this
4 subtitle, the Secretary concerned shall enter into an
5 access agreement, including appurtenant lands, to
6 secure the landowner the reasonable use and enjoy-
7 ment of the landowner's land, including the harvest
8 and hauling of timber.

9 (c) MANAGEMENT COOPERATION.—The Board of
10 Trustees and the Secretary concerned shall provide cur-
11 rent and future landowners of land intermingled with Or-
12 egon and California Railroad Grant lands or O&C Region
13 Public Domain lands the permission needed to manage
14 their lands, including to locate tail holds, tramways, and
15 logging wedges, to purchase guylines, and to cost-share
16 property lines surveys to the lands covered by this subtitle,
17 within 30 days after receiving notification of the land-
18 owner's plan of operation.

19 (d) JUDICIAL REVIEW.—Notwithstanding section
20 312(g)(2), a private landowner may obtain judicial review
21 of a decision of the Board of Trustees to deny—

22 (1) the landowner the rights provided by sub-
23 section (b) regarding access to the landowner's land;
24 or

1 (2) the landowner the reasonable use and enjoy-
2 ment of the landowner's land.

3 **SEC. 335. REPEAL OF SUPERSEDED LAW RELATING TO OR-**
4 **EGON AND CALIFORNIA RAILROAD GRANT**
5 **LANDS.**

6 (a) REPEAL.—Except as provided in subsection (b),
7 the Act of August 28, 1937 (43 U.S.C. 1181a et seq.)
8 is repealed effective on October 1 of the first fiscal year
9 beginning after the appointment of the Board of Trustees.

10 (b) EFFECT OF CERTAIN COURT RULINGS.—If, as
11 a result of judicial review authorized by section 312, any
12 provision of this subtitle is held to be invalid and imple-
13 mentation of the provision or any activity conducted under
14 the provision is then enjoined, the Act of August 28, 1937
15 (43 U.S.C. 1181a et seq.), as in effect immediately before
16 its repeal by subsection (a), shall be restored to full legal
17 force and effect as if the repeal had not taken effect.

18 **Subtitle B—Coos Bay Wagon Roads**

19 **SEC. 341. TRANSFER OF MANAGEMENT AUTHORITY OVER**
20 **CERTAIN COOS BAY WAGON ROAD GRANT**
21 **LANDS TO COOS COUNTY, OREGON.**

22 (a) TRANSFER REQUIRED.—Except in the case of the
23 lands described in subsection (b), the Secretary of the In-
24 terior shall transfer management authority over the Coos
25 Bay Wagon Road Grant lands reconveyed to the United

1 States pursuant to the first section of the Act of February
2 26, 1919 (40 Stat. 1179), and the surface resources there-
3 on, to the Coos County government. The transfer shall be
4 completed not later than one year after the date of the
5 enactment of this Act.

6 (b) LANDS EXCLUDED.—The transfer under sub-
7 section (a) shall not include any of the following Coos Bay
8 Wagon Road Grant lands:

9 (1) Federal lands within the National Land-
10 scape Conservation System as of January 1, 2013.

11 (2) Federal lands designated as Areas of Crit-
12 ical Environmental Concern as of January 1, 2013.

13 (3) Federal lands that were in the National
14 Wilderness Preservation System as of January 1,
15 2013.

16 (4) Federal lands included in the National Wild
17 and Scenic Rivers System of January 1, 2013.

18 (5) Federal lands within the boundaries of a
19 national monument, park, or other developed recre-
20 ation area as of January 1, 2013.

21 (6) All stands of timber generally older than
22 125 years old, as of January 1, 2011, which shall
23 be conclusively determined by reference to the pol-
24 ygon spatial data layer in the electronic data com-
25 pilation filed by the Bureau of Land Management

1 based on the predominant birth-date attribute, and
2 the boundaries of such stands shall be conclusively
3 determined for all purposes by the global positioning
4 system coordinates for such stands.

5 (7) Tribal lands addressed in subtitle D.

6 (c) MANAGEMENT.—

7 (1) IN GENERAL.—Coos County shall manage
8 the Coos Bay Wagon Road Grant lands over which
9 management authority is transferred under sub-
10 section (a) consistent with section 314, and for pur-
11 poses of applying such section, “Board of Trustees”
12 shall be deemed to mean “Coos County” and “O&C
13 Trust lands” shall be deemed to mean the trans-
14 ferred lands.

15 (2) RESPONSIBILITY FOR MANAGEMENT
16 COSTS.—Coos County shall be responsible for all
17 management and administrative costs of the Coos
18 Bay Wagon Road Grant lands over which manage-
19 ment authority is transferred under subsection (a).

20 (3) MANAGEMENT CONTRACTS.—Coos County
21 may contract, if competitively bid, with one or more
22 public, private, or tribal entities, including (but not
23 limited to) the Coquille Indian Tribe, if such entities
24 are substantially based in Coos or Douglas Counties,
25 Oregon, to manage and administer the lands.

1 (d) TREATMENT OF REVENUES.—

2 (1) IN GENERAL.—All revenues generated from
3 the Coos Bay Wagon Road Grant lands over which
4 management authority is transferred under sub-
5 section (a) shall be deposited in the general fund of
6 the Coos County treasury to be used as are other
7 unrestricted county funds.

8 (2) TREASURY.—As soon as practicable after
9 the end of the third fiscal year of the transition pe-
10 riod and in each of the subsequent seven fiscal
11 years, Coos County shall submit a payment of
12 \$400,000 to the United States Treasury.

13 (3) DOUGLAS COUNTY.—Beginning with the
14 first fiscal year for which management of the Coos
15 Bay Wagon Road Grant lands over which manage-
16 ment authority is transferred under subsection (a)
17 generates net positive revenues, and for all subse-
18 quent fiscal years, Coos County shall transmit a
19 payment to the general fund of the Douglas County
20 treasury from the net revenues generated from the
21 lands. The payment shall be made as soon as prac-
22 ticable following the end of each fiscal year and the
23 amount of the payment shall bear the same propor-
24 tion to total net revenues for the fiscal year as the
25 proportion of the Coos Bay Wagon Road Grant

1 lands in Douglas County in relation to all Coos Bay
2 Wagon Road Grant lands in Coos and Douglas
3 Counties as of January 1, 2013.

4 **SEC. 342. TRANSFER OF CERTAIN COOS BAY WAGON ROAD**
5 **GRANT LANDS TO FOREST SERVICE.**

6 The Secretary of the Interior shall transfer adminis-
7 trative jurisdiction over the Coos Bay Wagon Road Grant
8 lands excluded by paragraphs (1) through (6) of section
9 341(b) to the Secretary of Agriculture for inclusion in the
10 National Forest System and administration by the Forest
11 Service as provided in section 322.

12 **SEC. 343. LAND EXCHANGE AUTHORITY.**

13 Coos County may recommend land exchanges to the
14 Secretary of Agriculture and carry out such land ex-
15 changes in the manner provided in section 316.

16 **Subtitle C—Oregon Treasures**

17 **CHAPTER 1—WILDERNESS AREAS**

18 **SEC. 351. DESIGNATION OF DEVIL’S STAIRCASE WILDER-**
19 **NESS.**

20 (a) DESIGNATION.—In furtherance of the purposes of
21 the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal
22 land in the State of Oregon administered by the Forest
23 Service and the Bureau of Land Management, comprising
24 approximately 30,520 acres, as generally depicted on the
25 map titled “Devil’s Staircase Wilderness Proposal”, dated

1 October 26, 2009, are designated as a wilderness area for
2 inclusion in the National Wilderness Preservation System
3 and to be known as the “Devil’s Staircase Wilderness”.

4 (b) MAP AND LEGAL DESCRIPTION.—As soon as
5 practicable after the date of the enactment of this Act,
6 the Secretary shall file with the Committee on Natural Re-
7 sources of the House of Representatives and the Com-
8 mittee on Energy and Natural Resources of the Senate
9 a map and legal description of wilderness area designated
10 by subsection (a). The map and legal description shall
11 have the same force and effect as if included in this Act,
12 except that the Secretary may correct clerical and typo-
13 graphical errors in the map and description. In the case
14 of any discrepancy between the acreage specified in sub-
15 section (a) and the map, the map shall control. The map
16 and legal description shall be on file and available for pub-
17 lic inspection in the Office of the Chief of the Forest Serv-
18 ice.

19 (c) ADMINISTRATION.—

20 (1) IN GENERAL.—Subject to valid existing
21 rights, the Devil’s Staircase Wilderness Area shall be
22 administered by the Secretaries of Agriculture and
23 the Interior, in accordance with the Wilderness Act
24 and the Oregon Wilderness Act of 1984, except that,
25 with respect to the wilderness area, any reference in

1 the Wilderness Act to the effective date of that Act
2 shall be deemed to be a reference to the date of the
3 enactment of this Act.

4 (2) FOREST SERVICE ROADS.—As provided in
5 section 4(d)(1) of the Wilderness Act (16 U.S.C.
6 1133(d)(1)), the Secretary of Agriculture shall—

7 (A) decommission any National Forest
8 System road within the wilderness boundaries;
9 and

10 (B) convert Forest Service Road 4100
11 within the wilderness boundary to a trail for
12 primitive recreational use.

13 (d) INCORPORATION OF ACQUIRED LAND AND IN-
14 TERESTS.—Any land within the boundary of the wilder-
15 ness area designated by this section that is acquired by
16 the United States shall—

17 (1) become part of the Devil’s Staircase Wilder-
18 ness Area; and

19 (2) be managed in accordance with this section
20 and any other applicable law.

21 (e) FISH AND WILDLIFE.—Nothing in this section
22 shall be construed as affecting the jurisdiction or respon-
23 sibilities of the State of Oregon with respect to wildlife
24 and fish in the national forests.

1 (f) WITHDRAWAL.—Subject to valid rights in exist-
2 ence on the date of enactment of this Act, the Federal
3 land designated as wilderness area by this section is with-
4 drawn from all forms of—

5 (1) entry, appropriation, or disposal under the
6 public land laws;

7 (2) location, entry, and patent under the mining
8 laws; and

9 (3) disposition under all laws pertaining to min-
10 eral and geothermal leasing or mineral materials.

11 (g) PROTECTION OF TRIBAL RIGHTS.—Nothing in
12 this section shall be construed to diminish—

13 (1) the existing rights of any Indian tribe; or

14 (2) tribal rights regarding access to Federal
15 lands for tribal activities, including spiritual, cul-
16 tural, and traditional food gathering activities.

17 **SEC. 352. EXPANSION OF WILD ROGUE WILDERNESS AREA.**

18 (a) EXPANSION.—In accordance with the Wilderness
19 Act (16 U.S.C. 1131 et seq.), certain Federal land man-
20 aged by the Bureau of Land Management, comprising ap-
21 proximately 58,100 acres, as generally depicted on the
22 map entitled “Wild Rogue”, dated September 16, 2010,
23 are hereby included in the Wild Rogue Wilderness, a com-
24 ponent of the National Wilderness Preservation System.

25 (b) MAPS AND LEGAL DESCRIPTIONS.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of this Act, the Secretary of
3 the Interior shall file a map and a legal description
4 of the wilderness area designated by this section,
5 with—

6 (A) the Committee on Energy and Natural
7 Resources of the Senate; and

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

10 (2) FORCE OF LAW.—The maps and legal de-
11 scriptions filed under paragraph (1) shall have the
12 same force and effect as if included in this subtitle,
13 except that the Secretary may correct typographical
14 errors in the maps and legal descriptions.

15 (3) PUBLIC AVAILABILITY.—Each map and
16 legal description filed under paragraph (1) shall be
17 on file and available for public inspection in the ap-
18 propriate offices of the Forest Service.

19 (c) ADMINISTRATION.—Subject to valid existing
20 rights, the area designated as wilderness by this section
21 shall be administered by the Secretary of Agriculture in
22 accordance with the Wilderness Act (16 U.S.C. 1131 et
23 seq.).

24 (d) WITHDRAWAL.—Subject to valid rights in exist-
25 ence on the date of enactment of this Act, the Federal

1 land designated as wilderness by this section is withdrawn
 2 from all forms of—

3 (1) entry, appropriation, or disposal under the
 4 public land laws;

5 (2) location, entry, and patent under the mining
 6 laws; and

7 (3) disposition under all laws pertaining to min-
 8 eral and geothermal leasing or mineral materials.

9 **CHAPTER 2—WILD AND SCENIC RIVER**
 10 **DESIGNATED AND RELATED PROTEC-**
 11 **TIONS**

12 **SEC. 361. WILD AND SCENIC RIVER DESIGNATIONS,**
 13 **MOLALLA RIVER.**

14 (a) DESIGNATIONS.—Section 3(a) of the Wild and
 15 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
 16 ing at the end the following:

17 “(____) MOLALLA RIVER, OREGON.—The fol-
 18 lowing segments in the State of Oregon, to be ad-
 19 ministered by the Secretary of the Interior as a rec-
 20 reational river:

21 “(A) The approximately 15.1-mile segment
 22 from the southern boundary line of T. 7 S., R.
 23 4 E., sec. 19, downstream to the edge of the
 24 Bureau of Land Management boundary in T. 6
 25 S., R. 3 E., sec. 7.

1 “(B) The approximately 6.2-mile segment
2 from the easternmost Bureau of Land Manage-
3 ment boundary line in the NE¹/₄ sec. 4, T. 7 S.,
4 R. 4 E., downstream to the confluence with the
5 Molalla River.”.

6 (b) TECHNICAL CORRECTIONS.—Section 3(a)(102) of
7 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102))
8 is amended—

9 (1) in the heading, by striking “SQUAW
10 CREEK” and inserting “WHYCHUS CREEK”;

11 (2) in the matter preceding subparagraph (A),
12 by striking “McAllister Ditch, including the Soap
13 Fork Squaw Creek, the North Fork, the South
14 Fork, the East and West Forks of Park Creek, and
15 Park Creek Fork” and inserting “Plainview Ditch,
16 including the Soap Creek, the North and South
17 Forks of Whychus Creek, the East and West Forks
18 of Park Creek, and Park Creek”; and

19 (3) in subparagraph (B), by striking
20 “McAllister Ditch” and inserting “Plainview Ditch”.

21 **SEC. 362. WILD AND SCENIC RIVERS ACT TECHNICAL COR-**
22 **RECTIONS RELATED TO CHETCO RIVER.**

23 Section 3(a)(69) of the Wild and Scenic Rivers Act
24 (16 U.S.C. 1274(a)(69)) is amended—

1 (1) by inserting before the “The 44.5-mile” the
2 following:

3 “(A) DESIGNATIONS.—”;

4 (2) by redesignating subparagraphs (A), (B),
5 and (C) as clauses (i), (ii), and (iii), respectively
6 (and by moving the margins 2 ems to the right);

7 (3) in clause (i), as redesignated—

8 (A) by striking “25.5-mile” and inserting
9 “27.5-mile”; and

10 (B) by striking “Boulder Creek at the
11 Kalmiopsis Wilderness boundary” and inserting
12 “Mislatah Creek”;

13 (4) in clause (ii), as redesignated—

14 (A) by striking “8” and inserting “7.5”;

15 (B) by striking “Boulder Creek” and in-
16 serting “Mislatah Creek”; and

17 (C) by striking “Steel Bridge” and insert-
18 ing “Eagle Creek”;

19 (5) in clause (iii), as redesignated—

20 (A) by striking “11” and inserting “9.5”;

21 and

22 (B) by striking “Steel Bridge” and insert-
23 ing “Eagle Creek”; and

24 (6) by adding at the end the following:

1 “(B) WITHDRAWAL.—Subject to valid rights,
2 the Federal land within the boundaries of the river
3 segments designated by subparagraph (A), is with-
4 drawn from all forms of—

5 “(i) entry, appropriation, or disposal under
6 the public land laws;

7 “(ii) location, entry, and patent under the
8 mining laws; and

9 “(iii) disposition under all laws pertaining
10 to mineral and geothermal leasing or mineral
11 materials.”.

12 **SEC. 363. WILD AND SCENIC RIVER DESIGNATIONS,**
13 **WASSON CREEK AND FRANKLIN CREEK.**

14 Section 3(a) of the Wild and Scenic Rivers Act (16
15 U.S.C. 1274(a)) is amended by adding at the end the fol-
16 lowing:

17 “(____) FRANKLIN CREEK, OREGON.—The 4.5-
18 mile segment from the headwaters to the private
19 land boundary in section 8 to be administered by the
20 Secretary of Agriculture as a wild river.

21 “(____) WASSON CREEK, OREGON.—

22 “(A) The 4.2-mile segment from the east-
23 ern edge of section 17 downstream to the
24 boundary of sections 11 and 12 to be adminis-

1 tered by the Secretary of Interior as a wild
2 river.

3 “(B) The 5.9-mile segment downstream
4 from the boundary of sections 11 and 12 to the
5 private land boundary in section 22 to be ad-
6 ministered by the Secretary of Agriculture as a
7 wild river.”.

8 **SEC. 364. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE**
9 **RIVER AREA.**

10 (a) DESIGNATIONS.—Section 3(a)(5) of the Wild and
11 Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (relating to the
12 Rogue River, Oregon) is amended by adding at the end
13 the following: “In addition to the segment described in the
14 previous sentence, the following segments in the Rogue
15 River area are designated:

16 “(A) KELSEY CREEK.—The approximately 4.8
17 miles of Kelsey Creek from east section line of
18 T32S, R9W, sec. 34, W.M. to the confluence with
19 the Rogue River as a wild river.

20 “(B) EAST FORK KELSEY CREEK.—The ap-
21 proximately 4.6 miles of East Fork Kelsey Creek
22 from the Wild Rogue Wilderness boundary in T33S,
23 R8W, sec. 5, W.M. to the confluence with Kelsey
24 Creek as a wild river.

25 “(C) WHISKY CREEK.—

1 “(i) The approximately 0.6 miles of Whis-
2 ky Creek from the confluence of the East Fork
3 and West Fork to 0.1 miles downstream from
4 road 33-8-23 as a recreational river.

5 “(ii) The approximately 1.9 miles of Whis-
6 ky Creek from 0.1 miles downstream from road
7 33-8-23 to the confluence with the Rogue
8 River as a wild river.

9 “(D) EAST FORK WHISKY CREEK.—

10 “(i) The approximately 2.8 miles of East
11 Fork Whisky Creek from the Wild Rogue Wil-
12 derness boundary in T33S, R8W, sec. 11, W.M.
13 to 0.1 miles downstream of road 33-8-26
14 crossing as a wild river.

15 “(ii) The approximately .3 miles of East
16 Fork Whisky Creek from 0.1 miles downstream
17 of road 33-8-26 to the confluence with Whisky
18 Creek as a recreational river.

19 “(E) WEST FORK WHISKY CREEK.—The ap-
20 proximately 4.8 miles of West Fork Whisky Creek
21 from its headwaters to the confluence with Whisky
22 Creek as a wild river.

23 “(F) BIG WINDY CREEK.—

24 “(i) The approximately 1.5 miles of Big
25 Windy Creek from its headwaters to 0.1 miles

1 downstream from road 34-9-17.1 as a scenic
2 river.

3 “(ii) The approximately 5.8 miles of Big
4 Windy Creek from 0.1 miles downstream from
5 road 34-9-17.1 to the confluence with the
6 Rogue River as a wild river.

7 “(G) EAST FORK BIG WINDY CREEK.—

8 “(i) The approximately 0.2 miles of East
9 Fork Big Windy Creek from its headwaters to
10 0.1 miles downstream from road 34-8-36 as a
11 scenic river.

12 “(ii) The approximately 3.7 miles of East
13 Fork Big Windy Creek from 0.1 miles down-
14 stream from road 34-8-36 to the confluence
15 with Big Windy Creek as a wild river.

16 “(H) LITTLE WINDY CREEK.—The approxi-
17 mately 1.9 miles of Little Windy Creek from 0.1
18 miles downstream of road 34-8-36 to the confluence
19 with the Rogue River as a wild river.

20 “(I) HOWARD CREEK.—

21 “(i) The approximately 0.3 miles of How-
22 ard Creek from its headwaters to 0.1 miles
23 downstream of road 34-9-34 as a scenic river.

24 “(ii) The approximately 6.9 miles of How-
25 ard Creek from 0.1 miles downstream of road

1 34–9–34 to the confluence with the Rogue
2 River as a wild river.

3 “(J) MULE CREEK.—The approximately 6.3
4 miles of Mule Creek from east section line of T32S,
5 R10W, sec. 25, W.M. to the confluence with the
6 Rogue River as a wild river.

7 “(K) ANNA CREEK.—The approximately 3.5-
8 mile section of Anna Creek from its headwaters to
9 the confluence with Howard Creek as a wild river.

10 “(L) MISSOURI CREEK.—The approximately 1.6
11 miles of Missouri Creek from the Wild Rogue Wil-
12 derness boundary in T33S, R10W, sec. 24, W.M. to
13 the confluence with the Rogue River as a wild river.

14 “(M) JENNY CREEK.—The approximately 1.8
15 miles of Jenny Creek from the Wild Rogue Wilder-
16 ness boundary in T33S, R9W, sec. 28, W.M. to the
17 confluence with the Rogue River as a wild river.

18 “(N) RUM CREEK.—The approximately 2.2
19 miles of Rum Creek from the Wild Rogue Wilder-
20 ness boundary in T34S, R8W, sec. 9, W.M. to the
21 confluence with the Rogue River as a wild river.

22 “(O) EAST FORK RUM CREEK.—The approxi-
23 mately 1.5 miles of East Rum Creek from the Wild
24 Rogue Wilderness boundary in T34S, R8W, sec. 10,

1 W.M. to the confluence with Rum Creek as a wild
2 river.

3 “(P) WILDCAT CREEK.—The approximately
4 1.7-mile section of Wildcat Creek from its head-
5 waters downstream to the confluence with the Rogue
6 River as a wild river.

7 “(Q) MONTGOMERY CREEK.—The approxi-
8 mately 1.8-mile section of Montgomery Creek from
9 its headwaters downstream to the confluence with
10 the Rogue River as a wild river.

11 “(R) HEWITT CREEK.—The approximately 1.2
12 miles of Hewitt Creek from the Wild Rogue Wilder-
13 ness boundary in T33S, R9W, sec. 19, W.M. to the
14 confluence with the Rogue River as a wild river.

15 “(S) BUNKER CREEK.—The approximately 6.6
16 miles of Bunker Creek from its headwaters to the
17 confluence with the Rogue River as a wild river.

18 “(T) DULOG CREEK.—

19 “(i) The approximately 0.8 miles of Dulog
20 Creek from its headwaters to 0.1 miles down-
21 stream of road 34–8–36 as a scenic river.

22 “(ii) The approximately 1.0 miles of Dulog
23 Creek from 0.1 miles downstream of road 34–
24 8–36 to the confluence with the Rogue River as
25 a wild river.

1 “(U) QUAIL CREEK.—The approximately 1.7
2 miles of Quail Creek from the Wild Rogue Wilder-
3 ness boundary in T33S, R10W, sec. 1, W.M. to the
4 confluence with the Rogue River as a wild river.

5 “(V) MEADOW CREEK.—The approximately 4.1
6 miles of Meadow Creek from its headwaters to the
7 confluence with the Rogue River as a wild river.

8 “(W) RUSSIAN CREEK.—The approximately 2.5
9 miles of Russian Creek from the Wild Rogue Wilder-
10 ness boundary in T33S, R8W, sec. 20, W.M. to the
11 confluence with the Rogue River as a wild river.

12 “(X) ALDER CREEK.—The approximately 1.2
13 miles of Alder Creek from its headwaters to the con-
14 fluence with the Rogue River as a wild river.

15 “(Y) BOOZE CREEK.—The approximately 1.5
16 miles of Booze Creek from its headwaters to the
17 confluence with the Rogue River as a wild river.

18 “(Z) BRONCO CREEK.—The approximately 1.8
19 miles of Bronco Creek from its headwaters to the
20 confluence with the Rogue River as a wild river.

21 “(AA) COPSEY CREEK.—The approximately 1.5
22 miles of Copsey Creek from its headwaters to the
23 confluence with the Rogue River as a wild river.

1 “(BB) CORRAL CREEK.—The approximately
2 0.5 miles of Corral Creek from its headwaters to the
3 confluence with the Rogue River as a wild river.

4 “(CC) COWLEY CREEK.—The approximately
5 0.9 miles of Cowley Creek from its headwaters to
6 the confluence with the Rogue River as a wild river.

7 “(DD) DITCH CREEK.—The approximately 1.8
8 miles of Ditch Creek from the Wild Rogue Wilder-
9 ness boundary in T33S, R9W, sec. 5, W.M. to its
10 confluence with the Rogue River as a wild river.

11 “(EE) FRANCIS CREEK.—The approximately
12 0.9 miles of Francis Creek from its headwaters to
13 the confluence with the Rogue River as a wild river.

14 “(FF) LONG GULCH.—The approximately 1.1
15 miles of Long Gulch from the Wild Rogue Wilder-
16 ness boundary in T33S, R10W, sec. 23, W.M. to the
17 confluence with the Rogue River as a wild river.

18 “(GG) BAILEY CREEK.—The approximately 1.7
19 miles of Bailey Creek from the west section line of
20 T34S, R8W, sec. 14, W.M. to the confluence of the
21 Rogue River as a wild river.

22 “(HH) SHADY CREEK.—The approximately 0.7
23 miles of Shady Creek from its headwaters to the
24 confluence with the Rogue River as a wild river.

25 “(II) SLIDE CREEK.—

1 “(i) The approximately 0.5-mile section of
2 Slide Creek from its headwaters to 0.1 miles
3 downstream from road 33–9–6 as a scenic
4 river.

5 “(ii) The approximately 0.7-mile section of
6 Slide Creek from 0.1 miles downstream of road
7 33–9–6 to the confluence with the Rogue River
8 as a wild river.”.

9 (b) MANAGEMENT.—All wild, scenic, and recreation
10 classified segments designated by the amendment made by
11 subsection (a) shall be managed as part of the Rogue Wild
12 and Scenic River.

13 (c) WITHDRAWAL.—Subject to valid rights, the Fed-
14 eral land within the boundaries of the river segments des-
15 ignated by the amendment made by subsection (a) is with-
16 drawn from all forms of—

17 (1) entry, appropriation, or disposal under the
18 public land laws;

19 (2) location, entry, and patent under the mining
20 laws; and

21 (3) disposition under all laws pertaining to min-
22 eral and geothermal leasing or mineral materials.

1 **SEC. 365. ADDITIONAL PROTECTIONS FOR ROGUE RIVER**
2 **TRIBUTARIES.**

3 (a) **WITHDRAWAL.**—Subject to valid rights, the Fed-
4 eral land within a quarter-mile on each side of the streams
5 listed in subsection (b) is withdrawn from all forms of—

6 (1) entry, appropriation, or disposal under the
7 public land laws;

8 (2) location, entry, and patent under the mining
9 laws; and

10 (3) disposition under all laws pertaining to min-
11 eral and geothermal leasing or mineral materials.

12 (b) **STREAM SEGMENTS.**—Subsection (a) applies the
13 following tributaries of the Rogue River:

14 (1) **KELSEY CREEK.**—The approximately 4.5
15 miles of Kelsey Creek from its headwaters to the
16 east section line of 32S 9W sec. 34.

17 (2) **EAST FORK KELSEY CREEK.**—The approxi-
18 mately .2 miles of East Fork Kelsey Creek from its
19 headwaters to the Wild Rogue Wilderness boundary
20 in 33S 8W sec. 5.

21 (3) **EAST FORK WHISKY CREEK.**—The approxi-
22 mately .7 miles of East Fork Whisky Creek from its
23 headwaters to the Wild Rogue Wilderness boundary
24 in 33S 8W section 11.

1 (4) LITTLE WINDY CREEK.—The approximately
2 1.2 miles of Little Windy Creek from its headwaters
3 to west section line of 33S 9W sec. 34.

4 (5) MULE CREEK.—The approximately 5.1
5 miles of Mule Creek from its headwaters to east sec-
6 tion line of 32S 10W sec. 25.

7 (6) MISSOURI CREEK.—The approximately 3.1
8 miles of Missouri Creek from its headwaters to the
9 Wild Rogue Wilderness boundary in 33S 10W sec.
10 24.

11 (7) JENNY CREEK.—The approximately 3.1
12 miles of Jenny Creek from its headwaters to the
13 Wild Rogue Wilderness boundary in 33S 9W sec.
14 28.

15 (8) RUM CREEK.—The approximately 2.2 miles
16 of Rum Creek from its headwaters to the Wild
17 Rogue Wilderness boundary in 34S 8W sec. 9.

18 (9) EAST FORK RUM CREEK.—The approxi-
19 mately .5 miles of East Fork Rum Creek from its
20 headwaters to the Wild Rogue Wilderness boundary
21 in 34S 8W sec. 10.

22 (10) HEWITT CREEK.—The approximately 1.4
23 miles of Hewitt Creek from its headwaters to the
24 Wild Rogue Wilderness boundary in 33S 9W sec.
25 19.

1 (11) QUAIL CREEK.—The approximately .8
2 miles of Quail Creek from its headwaters to the Wild
3 Rogue Wilderness boundary in 33S 10W sec. 1.

4 (12) RUSSIAN CREEK.—The approximately .1
5 miles of Russian Creek from its headwaters to the
6 Wild Rogue Wilderness boundary in 33S 8W sec.
7 20.

8 (13) DITCH CREEK.—The approximately .7
9 miles of Ditch Creek from its headwaters to the
10 Wild Rogue Wilderness boundary in 33S 9W sec. 5.

11 (14) LONG GULCH.—The approximately 1.4
12 miles of Long Gulch from its headwaters to the Wild
13 Rogue Wilderness boundary in 33S 10W sec. 23.

14 (15) BAILEY CREEK.—The approximately 1.4
15 miles of Bailey Creek from its headwaters to west
16 section line of 34S 8W sec. 14.

17 (16) QUARTZ CREEK.—The approximately 3.3
18 miles of Quartz Creek from its headwaters to its
19 confluence with the North Fork Galice Creek.

20 (17) NORTH FORK GALICE CREEK.—The ap-
21 proximately 5.7 miles of the North Fork Galice
22 Creek from its headwaters to its confluence with
23 Galice Creek.

24 (18) GRAVE CREEK.—The approximately 10.2
25 mile section of Grave Creek from the confluence of

1 Wolf Creek downstream to the confluence with the
2 Rogue River.

3 (19) CENTENNIAL GULCH.—The approximately
4 2.2 miles of Centennial Gulch from its headwaters to
5 its confluence with the Rogue River.

6 **CHAPTER 3—ADDITIONAL PROTECTIONS**

7 **SEC. 371. LIMITATIONS ON LAND ACQUISITION.**

8 (a) PROHIBITION ON USE OF CONDEMNATION.—The
9 Secretary of the Interior or the Secretary of Agriculture
10 may not acquire by condemnation any land or interest
11 within the boundaries of the river segments or wilderness
12 designated by this subtitle.

13 (b) LANDOWNER CONSENT REQUIRED.—Private or
14 non-Federal public property shall not be included within
15 the boundaries of the river segments or wilderness des-
16 ignated by this subtitle unless the owner of the property
17 has consented in writing to having that property included
18 in such boundaries.

19 **SEC. 372. OVERFLIGHTS.**

20 (a) IN GENERAL.—Nothing in this subtitle or the
21 Wilderness Act shall preclude low-level overflights and op-
22 erations of military aircraft, helicopters, missiles, or un-
23 manned aerial vehicles over the wilderness designated by
24 this subtitle, including military overflights and operations
25 that can be seen or heard within the wilderness.

1 (b) SPECIAL USE AIRSPACE AND TRAINING
2 ROUTES.—Nothing in this subtitle or the Wilderness Act
3 shall preclude the designation of new units of special use
4 airspace, the expansion of existing units of special use air-
5 space, or the use or establishment of military training
6 routes over wilderness designated by this subtitle.

7 **SEC. 373. BUFFER ZONES.**

8 Nothing in this subtitle—

9 (1) establishes or authorizes the establishment
10 of a protective perimeter or buffer zone around the
11 boundaries of the river segments or wilderness des-
12 ignated by this subtitle; or

13 (2) precludes, limits, or restricts an activity
14 from being conducted outside such boundaries, in-
15 cluding an activity that can be seen or heard from
16 within such boundaries.

17 **SEC. 374. PREVENTION OF WILDFIRES.**

18 The designation of a river segment or wilderness by
19 this subtitle or the withdrawal of the Federal land under
20 this subtitle shall not be construed to interfere with the
21 authority of the Secretary of the Interior or the Secretary
22 of Agriculture to authorize mechanical thinning of trees
23 or underbrush to prevent or control the spread of wildfires,
24 or conditions creating the risk of wildfire that threatens
25 areas outside the boundary of the wilderness, or the use

1 of mechanized equipment for wildfire pre-suppression and
2 suppression.

3 **SEC. 375. LIMITATION ON DESIGNATION OF CERTAIN**
4 **LANDS IN OREGON.**

5 A national monument designation under the Act of
6 June 8, 1906 (commonly known as the Antiquities Act;
7 16 U.S.C. 431 et seq.) within or on any portion of the
8 Oregon and California Railroad Grant Lands or the O&C
9 Region Public Domain lands, regardless of whether man-
10 agement authority over the lands are transferred to the
11 O&C Trust pursuant to section 311(c)(1), the lands are
12 excluded from the O&C Trust pursuant to section
13 311(c)(2), or the lands are transferred to the Forest Serv-
14 ice under section 321, shall only be made pursuant to Con-
15 gressional approval in an Act of Congress.

16 **CHAPTER 4—EFFECTIVE DATE**

17 **SEC. 381. EFFECTIVE DATE.**

18 (a) IN GENERAL.—This subtitle and the amendments
19 made by this subtitle shall take effect on October 1 of the
20 second fiscal year of the transition period.

21 (b) EXCEPTION.—If, as a result of judicial review au-
22 thorized by section 312, any provision of subtitle A is held
23 to be invalid and implementation of the provision or any
24 activity conducted under the provision is enjoined, this
25 subtitle and the amendments made by this subtitle shall

1 not take effect, or if the effective date specified in sub-
2 section (a) has already occurred, this subtitle shall have
3 no force and effect and the amendments made by this sub-
4 title are repealed.

5 **Subtitle D—Tribal Trust Lands**

6 **PART 1—COUNCIL CREEK LAND CONVEYANCE**

7 **SEC. 391. DEFINITIONS.**

8 In this part:

9 (1) COUNCIL CREEK LAND.—The term “Council
10 Creek land” means the approximately 17,519 acres
11 of land, as generally depicted on the map entitled
12 “Canyon Mountain Land Conveyance” and dated
13 June 27, 2013.

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

16 **SEC. 392. CONVEYANCE.**

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

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

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

1 (b) SURVEY.—Not later than one year after the date
2 of enactment of this Act, the Secretary of the Interior
3 shall complete a survey of the boundary lines to establish
4 the boundaries of the land taken into trust under sub-
5 section (a).

6 **SEC. 393. MAP AND LEGAL DESCRIPTION.**

7 (a) IN GENERAL.—As soon as practicable after the
8 date of enactment of this Act, the Secretary of the Interior
9 shall file a map and legal description of the Council Creek
10 land with—

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

13 (2) the Committee on Natural Resources of the
14 House of Representatives.

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

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

1 **SEC. 394. ADMINISTRATION.**

2 (a) IN GENERAL.—Unless expressly provided in this
3 part, nothing in this part affects any right or claim of
4 the Tribe existing on the date of enactment of this Act
5 to any land or interest in land.

6 (b) PROHIBITIONS.—

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

12 (2) NON-PERMISSIBLE USE OF LAND.—Any real
13 property taken into trust under section 392 shall not
14 be eligible, or used, for any gaming activity carried
15 out under Public Law 100–497 (25 U.S.C. 2701 et
16 seq.).

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

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 (c) 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.

12 **TITLE IV—COMMUNITY FOREST** 13 **MANAGEMENT DEMONSTRATION**

14 **SEC. 401. PURPOSE AND DEFINITIONS.**

15 (a) PURPOSE.—The purpose of this title is to gen-
16 erate dependable economic activity for counties and local
17 governments by establishing a demonstration program for
18 local, sustainable forest management.

19 (b) DEFINITIONS.—In this title:

20 (1) ADVISORY COMMITTEE.—The term “Advi-
21 sory Committee” means the Advisory Committee ap-
22 pointed by the Governor of a State for the commu-
23 nity forest demonstration area established for the
24 State.

1 (2) COMMUNITY FOREST DEMONSTRATION
2 AREA.—The term “community forest demonstration
3 area” means a community forest demonstration area
4 established for a State under section 402.

5 (3) NATIONAL FOREST SYSTEM.—The term
6 “National Forest System” has the meaning given
7 that term in section 11(a) of the Forest and Range-
8 land Renewable Resources Planning Act of 1974 (16
9 U.S.C. 1609(a)), except that the term does not in-
10 clude the National Grasslands and land utilization
11 projects designated as National Grasslands adminis-
12 tered pursuant to the Act of July 22, 1937 (7
13 U.S.C. 1010–1012).

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture or the designee of the
16 Secretary of Agriculture.

17 (5) STATE.—The term “State” includes the
18 Commonwealth of Puerto Rico.

19 **SEC. 402. ESTABLISHMENT OF COMMUNITY FOREST DEM-**
20 **ONSTRATION AREAS.**

21 (a) ESTABLISHMENT REQUIRED; TIME FOR ESTAB-
22 LISHMENT.—Subject to subsection (c) and not later than
23 one year after the date of the enactment of this Act, the
24 Secretary of Agriculture shall establish a community for-
25 est demonstration area at the request of the Advisory

1 Committee appointed to manage community forest dem-
2 onstration area land in that State.

3 (b) COVERED LAND.—

4 (1) INCLUSION OF NATIONAL FOREST SYSTEM
5 LAND.—The community forest demonstration areas
6 of a State shall consist of the National Forest Sys-
7 tem land in the State identified for inclusion by the
8 Advisory Committee of that State.

9 (2) EXCLUSION OF CERTAIN LAND.—A commu-
10 nity forest demonstration area shall not include Na-
11 tional Forest System land—

12 (A) that is a component of the National
13 Wilderness Preservation System;

14 (B) on which the removal of vegetation is
15 specifically prohibited by Federal statute;

16 (C) National Monuments; or

17 (D) over which administration jurisdiction
18 was first assumed by the Forest Service under
19 title III.

20 (c) CONDITIONS ON ESTABLISHMENT.—

21 (1) ACREAGE REQUIREMENT.—A community
22 forest demonstration area must include at least
23 200,000 acres of National Forest System land. If
24 the unit of the National Forest System in which a
25 community forest demonstration area is being estab-

1 lished contains more than 5,000,000 acres, the com-
2 munity forest demonstration area may include
3 900,000 or more acres of National Forest System
4 land.

5 (2) MANAGEMENT LAW OR BEST MANAGEMENT
6 PRACTICES REQUIREMENT.—A community forest
7 demonstration area may be established in a State
8 only if the State—

9 (A) has a forest practices law applicable to
10 State or privately owned forest land in the
11 State; or

12 (B) has established silvicultural best man-
13 agement practices or other regulations for for-
14 est management practices related to clean
15 water, soil quality, wildlife or forest health.

16 (3) REVENUE SHARING REQUIREMENT.—As a
17 condition of the inclusion in a community forest
18 demonstration area of National Forest System land
19 located in a particular county in a State, the county
20 must enter into an agreement with the Governor of
21 the State that requires that, in utilizing revenues re-
22 ceived by the county under section 406(b), the coun-
23 ty shall continue to meet any obligations under ap-
24 plicable State law as provided under title I of the
25 Secure Rural Schools and Community Self-Deter-

1 mination Act of 2000 (16 U.S.C. 7111 et seq.) or
2 as provided in the sixth paragraph under the head-
3 ing “FOREST SERVICE” in the Act of May 23,
4 1908 (16 U.S.C. 500) and section 13 of the Act of
5 March 1, 1911 (16 U.S.C. 500).

6 (d) TREATMENT UNDER CERTAIN OTHER LAWS.—
7 National Forest System land included in a community for-
8 est demonstration area shall not be considered Federal
9 land for purposes of—

10 (1) making payments to counties under the
11 sixth paragraph under the heading “FOREST
12 SERVICE” in the Act of May 23, 1908 (16 U.S.C.
13 500) and section 13 of the Act of March 1, 1911
14 (16 U.S.C. 500); or

15 (2) title I.

16 (e) ACREAGE LIMITATION.—Not more than a total
17 of 4,000,000 acres of National Forest System land may
18 be established as community forest demonstration areas.

19 (f) RECOGNITION OF VALID AND EXISTING
20 RIGHTS.—Nothing in this title shall be construed to limit
21 or restrict—

22 (1) access to National Forest System land in-
23 cluded in a community forest demonstration area for
24 hunting, fishing, and other related purposes; or

1 (2) valid and existing rights regarding such Na-
2 tional Forest System land, including rights of any
3 federally recognized Indian tribe.

4 **SEC. 403. ADVISORY COMMITTEE.**

5 (a) APPOINTMENT.—A community forest demonstra-
6 tion area for a State shall be managed by an Advisory
7 Committee appointed by the Governor of the State.

8 (b) COMPOSITION.—The Advisory Committee for a
9 community forest demonstration area in a State shall in-
10 clude, but is not limited to, the following members:

11 (1) One member who holds county or local
12 elected office, appointed from each county or local
13 governmental unit in the State containing commu-
14 nity forest demonstration area land.

15 (2) One member who represents the commercial
16 timber, wood products, or milling industry.

17 (3) One member who represents persons hold-
18 ing Federal grazing or other land use permits.

19 (4) One member who represents recreational
20 users of National Forest System land.

21 (c) TERMS.—

22 (1) IN GENERAL.—Except in the case of certain
23 initial appointments required by paragraph (2),
24 members of an Advisory Committee shall serve for
25 a term of three years.

1 (2) INITIAL APPOINTMENTS.—In making initial
2 appointments to an Advisory Committee, the Gov-
3 ernor making the appointments shall stagger terms
4 so that at least one-third of the members will be re-
5 placed every three years.

6 (d) COMPENSATION.—Members of a Advisory Com-
7 mittee shall serve without pay, but may be reimbursed
8 from the funds made available for the management of a
9 community forest demonstration area for the actual and
10 necessary travel and subsistence expenses incurred by
11 members in the performance of their duties.

12 **SEC. 404. MANAGEMENT OF COMMUNITY FOREST DEM-**
13 **ONSTRATION AREAS.**

14 (a) ASSUMPTION OF MANAGEMENT.—

15 (1) CONFIRMATION.—The Advisory Committee
16 appointed for a community forest demonstration
17 area shall assume all management authority with re-
18 gard to the community forest demonstration area as
19 soon as the Secretary confirms that—

20 (A) the National Forest System land to be
21 included in the community forest demonstration
22 area meets the requirements of subsections (b)
23 and (c) of section 402;

1 (B) the Advisory Committee has been duly
2 appointed under section 403 and is able to con-
3 duct business; and

4 (C) provision has been made for essential
5 management services for the community forest
6 demonstration area.

7 (2) SCOPE AND TIME FOR CONFIRMATION.—
8 The determination of the Secretary under paragraph
9 (1) is limited to confirming whether the conditions
10 specified in subparagraphs (A) and (B) of such
11 paragraph have been satisfied. The Secretary shall
12 make the determination not later than 60 days after
13 the date of the appointment of the Advisory Com-
14 mittee.

15 (3) EFFECT OF FAILURE TO CONFIRM.—If the
16 Secretary determines that either or both conditions
17 specified in subparagraphs (A) and (B) of paragraph
18 (1) are not satisfied for confirmation of an Advisory
19 Committee, the Secretary shall—

20 (A) promptly notify the Governor of the af-
21 fected State and the Advisory Committee of the
22 reasons preventing confirmation; and

23 (B) make a new determination under para-
24 graph (2) within 60 days after receiving a new
25 request from the Advisory Committee that ad-

1 dresses the reasons that previously prevented
2 confirmation.

3 (b) MANAGEMENT RESPONSIBILITIES.—Upon as-
4 sumption of management of a community forest dem-
5 onstration area, the Advisory Committee for the commu-
6 nity forest demonstration area shall manage the land and
7 resources of the community forest demonstration area and
8 the occupancy and use thereof in conformity with this
9 title, and to the extent not in conflict with this title, the
10 laws and regulations applicable to management of State
11 or privately-owned forest lands in the State in which the
12 community forest demonstration area is located.

13 (c) APPLICABILITY OF OTHER FEDERAL LAWS.—

14 (1) IN GENERAL.—The administration and
15 management of a community forest demonstration
16 area, including implementing actions, shall not be
17 considered Federal action and shall be subject to the
18 following only to the extent that such laws apply to
19 the State or private administration and management
20 of forest lands in the State in which the community
21 forest demonstration area is located:

22 (A) The Federal Water Pollution Control
23 Act (33 U.S.C. 1251 note).

24 (B) The Clean Air Act (42 U.S.C. 7401 et
25 seq.).

1 (C) The Endangered Species Act of 1973
2 (16 U.S.C. 1531 et seq.).

3 (D) Federal laws and regulations gov-
4 erning procurement by Federal agencies.

5 (E) Except as provided in paragraph (2),
6 other Federal laws.

7 (2) APPLICABILITY OF NATIVE AMERICAN
8 GRAVES PROTECTION AND REPATRIATION ACT.—
9 Notwithstanding the assumption by an Advisory
10 Committee of management of a community forest
11 demonstration area, the Native American Graves
12 Protection and Repatriation Act (25 U.S.C. 3001 et
13 seq.) shall continue to apply to the National Forest
14 System land included in the community forest dem-
15 onstration area.

16 (d) CONSULTATION.—

17 (1) WITH INDIAN TRIBES.—The Advisory Com-
18 mittee for a community forest demonstration area
19 shall cooperate and consult with Indian tribes on
20 management policies and practices for the commu-
21 nity forest demonstration area that may affect the
22 Indian tribes. The Advisory Committee shall take
23 into consideration the use of lands within the com-
24 munity forest demonstration area for religious and
25 cultural uses by Native Americans.

1 (2) WITH COLLABORATIVE GROUPS.—The Advi-
2 sory Committee for a community forest demonstra-
3 tion area shall consult with any applicable forest col-
4 laborative group.

5 (e) RECREATION.—Nothing in this section shall af-
6 fect public use and recreation within a community forest
7 demonstration area.

8 (f) FIRE MANAGEMENT.—The Secretary shall pro-
9 vide fire presuppression, suppression, and rehabilitation
10 services on and with respect to a community forest dem-
11 onstration area to the same extent generally authorized
12 in other units of the National Forest System.

13 (g) PROHIBITION ON EXPORT.—As a condition on
14 the sale of timber or other forest products from a commu-
15 nity forest demonstration area, unprocessed timber har-
16 vested from a community forest demonstration area may
17 not be exported in accordance with subpart F of part 223
18 of title 36, Code of Federal Regulations.

19 **SEC. 405. DISTRIBUTION OF FUNDS FROM COMMUNITY**
20 **FOREST DEMONSTRATION AREA.**

21 (a) RETENTION OF FUNDS FOR MANAGEMENT.—The
22 Advisory Committee appointed for a community forest
23 demonstration area may retain such sums as the Advisory
24 Committee considers to be necessary from amounts gen-
25 erated from that community forest demonstration area to

1 fund the management, administration, restoration, oper-
2 ation and maintenance, improvement, repair, and related
3 expenses incurred with respect to the community forest
4 demonstration area.

5 (b) FUNDS TO COUNTIES OR LOCAL GOVERNMENTAL
6 UNITS.—Subject to subsection (a) and section 407, the
7 Advisory Committee for a community forest demonstra-
8 tion area in a State shall distribute funds generated from
9 that community forest demonstration area to each county
10 or local governmental unit in the State in an amount pro-
11 portional to the funds received by the county or local gov-
12 ernmental unit under title I of the Secure Rural Schools
13 and Community Self-Determination Act of 2000 (16
14 U.S.C. 7111 et seq.).

15 **SEC. 406. INITIAL FUNDING AUTHORITY.**

16 (a) FUNDING SOURCE.—Counties may use such sum
17 as the counties consider to be necessary from the amounts
18 made available to the counties under section 501 to pro-
19 vide initial funding for the management of community for-
20 est demonstration areas.

21 (b) NO RESTRICTION ON USE OF NON-FEDERAL
22 FUNDS.—Nothing in this title restricts the Advisory Com-
23 mittee of a community forest demonstration area from
24 seeking non-Federal loans or other non-Federal funds for
25 management of the community forest demonstration area.

1 **SEC. 407. PAYMENTS TO UNITED STATES TREASURY.**

2 (a) **PAYMENT REQUIREMENT.**—As soon as prac-
3 ticable after the end of the fiscal year in which a commu-
4 nity forest demonstration area is established and as soon
5 as practicable after the end of each subsequent fiscal year,
6 the Advisory Committee for a community forest dem-
7 onstration area shall make a payment to the United States
8 Treasury.

9 (b) **PAYMENT AMOUNT.**—The payment for a fiscal
10 year under subsection (a) with respect to a community for-
11 est demonstration area shall be equal to 75 percent of the
12 quotient obtained by dividing—

13 (1) the number obtained by multiplying the
14 number of acres of land in the community forest
15 demonstration area by the average annual receipts
16 generated over the preceding 10-fiscal year period
17 from the unit or units of the National Forest Sys-
18 tem containing that community forest demonstration
19 area; by

20 (2) the total acres of National Forest System
21 land in that unit or units of the National Forest
22 System.

23 **SEC. 408. TERMINATION OF COMMUNITY FOREST DEM-**
24 **ONSTRATION AREA.**

25 (a) **TERMINATION AUTHORITY.**—Subject to approval
26 by the Governor of the State, the Advisory Committee for

1 a community forest demonstration area may terminate the
2 community forest demonstration area by a unanimous
3 vote.

4 (b) EFFECT OF TERMINATION.—Upon termination of
5 a community forest demonstration area, the Secretary
6 shall immediately resume management of the National
7 Forest System land that had been included in the commu-
8 nity forest demonstration area, and the Advisory Com-
9 mittee shall be dissolved.

10 (c) TREATMENT OF UNDISTRIBUTED FUNDS.—Any
11 revenues from the terminated area that remain undistrib-
12 uted under section 405 more than 30 days after the date
13 of termination shall be deposited in the general fund of
14 the Treasury for use by the Forest Service in such
15 amounts as may be provided in advance in appropriation
16 Acts.

1 **TITLE V—REAUTHORIZATION**
2 **AND AMENDMENT OF EXIST-**
3 **ING AUTHORITIES AND**
4 **OTHER MATTERS**

5 **SEC. 501. EXTENSION OF SECURE RURAL SCHOOLS AND**
6 **COMMUNITY SELF-DETERMINATION ACT OF**
7 **2000 PENDING FULL OPERATION OF FOREST**
8 **RESERVE REVENUE AREAS.**

9 (a) **BENEFICIARY COUNTIES.**—During the month of
10 February 2015, the Secretary of Agriculture shall dis-
11 tribute to each beneficiary county (as defined in section
12 102(2)) a payment equal to the amount distributed to the
13 beneficiary county for fiscal year 2010 under section
14 102(c)(1) of the Secure Rural Schools and Community
15 Self-Determination Act of 2000 (16 U.S.C. 7112(c)(1)).

16 (b) **COUNTIES THAT WERE ELIGIBLE FOR DIRECT**
17 **COUNTY PAYMENTS.**—

18 (1) **TOTAL AMOUNT AVAILABLE FOR PAY-**
19 **MENTS.**—During the month of February 2015, the
20 Secretary of the Interior shall distribute to all coun-
21 ties that received a payment for fiscal year 2010
22 under subsection (a)(2) of section 102 of the Secure
23 Rural Schools and Community Self-Determination
24 Act of 2000 (16 U.S.C. 7112) payments in a total
25 amount equal to the difference between—

1 (A) the total amount distributed to all
2 such counties for fiscal year 2010 under sub-
3 section (c)(1) of such section; and

4 (B) \$27,000,000.

5 (2) COUNTY SHARE.—From the total amount
6 determined under paragraph (1), each county de-
7 scribed in such paragraph shall receive, during the
8 month of February 2015, an amount that bears the
9 same proportion to the total amount made available
10 under such paragraph as that county's payment for
11 fiscal year 2010 under subsection (c)(1) of section
12 102 of the Secure Rural Schools and Community
13 Self-Determination Act of 2000 (16 U.S.C. 7112)
14 bears to the total amount distributed to all such
15 counties for fiscal year 2010 under such subsection.

16 (c) EFFECT ON 25-PERCENT AND 50-PERCENT PAY-
17 MENTS.—A county that receives a payment made under
18 subsection (a) or (b) may not receive a 25-percent pay-
19 ment or 50-percent payment (as those terms are defined
20 in section 3 of the Secure Rural Schools and Community
21 Self-Determination Act of 2000 (16 U.S.C. 7102)) for fis-
22 cal year 2015.

1 **SEC. 502. RESTORING ORIGINAL CALCULATION METHOD**
2 **FOR 25-PERCENT PAYMENTS.**

3 (a) AMENDMENT OF ACT OF MAY 23, 1908.—The
4 sixth paragraph under the heading “FOREST SERV-
5 ICE” in the Act of May 23, 1908 (16 U.S.C. 500) is
6 amended in the first sentence—

7 (1) by striking “the annual average of 25 per-
8 cent of all amounts received for the applicable fiscal
9 year and each of the preceding 6 fiscal years” and
10 inserting “25 percent of all amounts received for the
11 applicable fiscal year”;

12 (2) by striking “said reserve” both places it ap-
13 pears and inserting “the national forest”; and

14 (3) by striking “forest reserve” both places it
15 appears and inserting “national forest”.

16 (b) CONFORMING AMENDMENT TO WEEKS LAW.—
17 Section 13 of the Act of March 1, 1911 (commonly known
18 as the Weeks Law; 16 U.S.C. 500) is amended in the first
19 sentence by striking “the annual average of 25 percent
20 of all amounts received for the applicable fiscal year and
21 each of the preceding 6 fiscal years” and inserting “25
22 percent of all amounts received for the applicable fiscal
23 year”.

1 **SEC. 503. FOREST SERVICE AND BUREAU OF LAND MAN-**
2 **AGEMENT GOOD-NEIGHBOR COOPERATION**
3 **WITH STATES TO REDUCE WILDFIRE RISKS.**

4 (a) DEFINITIONS.—In this section:

5 (1) ELIGIBLE STATE.—The term “eligible
6 State” means a State that contains National Forest
7 System land or land under the jurisdiction of the
8 Bureau of Land Management.

9 (2) SECRETARY.—The term “Secretary”
10 means—

11 (A) the Secretary of Agriculture, with re-
12 spect to National Forest System land; or

13 (B) the Secretary of the Interior, with re-
14 spect to land under the jurisdiction of the Bu-
15 reau of Land Management.

16 (3) STATE FORESTER.—The term “State for-
17 ester” means the head of a State agency with juris-
18 diction over State forestry programs in an eligible
19 State.

20 (b) COOPERATIVE AGREEMENTS AND CONTRACTS
21 AUTHORIZED.—The Secretary may enter into a coopera-
22 tive agreement or contract (including a sole source con-
23 tract) with a State forester to authorize the State forester
24 to provide the forest, rangeland, and watershed restora-
25 tion, management, and protection services described in
26 subsection (c) on National Forest System land or land

1 under the jurisdiction of the Bureau of Land Manage-
2 ment, as applicable, in the eligible State.

3 (c) AUTHORIZED SERVICES.—The forest, rangeland,
4 and watershed restoration, management, and protection
5 services referred to in subsection (b) include the conduct
6 of—

7 (1) activities to treat insect infected forests;

8 (2) activities to reduce hazardous fuels;

9 (3) activities involving commercial harvesting or
10 other mechanical vegetative treatments; or

11 (4) any other activities to restore or improve
12 forest, rangeland, and watershed health, including
13 fish and wildlife habitat.

14 (d) STATE AS AGENT.—Except as provided in sub-
15 section (g), a cooperative agreement or contract entered
16 into under subsection (b) may authorize the State forester
17 to serve as the agent for the Secretary in providing the
18 restoration, management, and protection services author-
19 ized under subsection (b).

20 (e) SUBCONTRACTS.—In accordance with applicable
21 contract procedures for the eligible State, a State forester
22 may enter into subcontracts to provide the restoration,
23 management, and protection services authorized under a
24 cooperative agreement or contract entered into under sub-
25 section (b).

1 (f) **TIMBER SALES.**—Subsections (d) and (g) of sec-
2 tion 14 of the National Forest Management Act of 1976
3 (16 U.S.C. 472a) shall not apply to services performed
4 under a cooperative agreement or contract entered into
5 under subsection (b).

6 (g) **RETENTION OF NEPA RESPONSIBILITIES.**—Any
7 decision required to be made under the National Environ-
8 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with
9 respect to any restoration, management, or protection
10 services to be provided under this section by a State for-
11 ester on National Forest System land or Bureau of Land
12 Management land, as applicable, shall not be delegated to
13 a State forester or any other officer or employee of the
14 eligible State.

15 (h) **APPLICABLE LAW.**—The restoration, manage-
16 ment, and protection services to be provided under this
17 section shall be carried out on a project-to-project basis
18 under existing authorities of the Forest Service or Bureau
19 of Land Management, as applicable.

20 **SEC. 504. STEWARDSHIP END RESULT CONTRACTING**
21 **PROJECT AUTHORITY.**

22 (a) **EXTENSION OF AUTHORITY.**—Effective October
23 1, 2014, section 347(a) of the Department of the Interior
24 and Related Agencies Appropriations Act, 1999 (as con-
25 tained in section 101(e) of division A of Public Law 105–

1 277; 16 U.S.C. 2104 note) is amended by striking “2013”
2 and inserting “2017”.

3 (b) DURATION OF CONTRACTS.—Section 347(c)(2) of
4 the Department of the Interior and Related Agencies Ap-
5 propriations Act, 1999 (as contained in section 101(e) of
6 division A of Public Law 105–277; 16 U.S.C. 2104 note)
7 is amended by striking “10 years” and inserting “20
8 years”.

9 (c) CANCELLATION CEILING.—Section 347(c) of the
10 Department of the Interior and Related Agencies Appro-
11 priations Act, 1999 (as contained in section 101(e) of divi-
12 sion A of Public Law 105–277; 16 U.S.C. 2104 note) is
13 amended—

14 (1) by redesignating paragraphs (4) and (5) as
15 paragraphs (6) and (7), respectively; and

16 (2) by inserting after paragraph (3) the fol-
17 lowing new paragraph (4):

18 “(4) CANCELLATION CEILING.—

19 “(A) AUTHORITY.—The Chief of the For-
20 est Service and the Director of the Bureau of
21 Land Management may obligate funds to cover
22 any potential cancellation or termination costs
23 for an agreement or contract under subsection
24 (a) in stages that are economically or program-
25 matically viable.

1 “(B) NOTICE TO CONGRESS.—Not later
2 than 30 days before entering into a multiyear
3 agreement or contract under subsection (a) that
4 includes a cancellation ceiling in excess of
5 \$25,000,000, but does not include proposed
6 funding for the costs of cancelling the agree-
7 ment or contract up to the cancellation ceiling
8 established in the agreement or contract, the
9 Chief or the Director, as the case may be, shall
10 submit to the Committee on Energy and Nat-
11 ural Resources of the Senate and the Com-
12 mittee on Natural Resources of the House of
13 Representatives a written notice that includes—

14 “(i) the cancellation ceiling amounts
15 proposed for each program year in the
16 agreement or contract and the reasons for
17 such cancellation ceiling amounts;

18 “(ii) the extent to which the costs of
19 contract cancellation are not included in
20 the budget for the agreement or contract;
21 and

22 “(iii) an assessment of the financial
23 risk of not including budgeting for the
24 costs of agreement or contract cancellation.

1 “(C) NOTICE TO OMB.—At least 14 days
2 before the date on which the Chief or Director
3 enters into an agreement or contract under sub-
4 section (a), the Chief or Director shall transmit
5 to the Director of the Office of Management
6 and Budget a copy of any written notice sub-
7 mitted under subparagraph (B) with regard to
8 such agreement or contract.”.

9 (d) FIRE LIABILITY.—Section 347(c) of the Depart-
10 ment of the Interior and Related Agencies Appropriations
11 Act, 1999 (as contained in section 101(e) of division A
12 of Public Law 105–277; 16 U.S.C. 2104 note) is amended
13 by inserting after paragraph (4), as added by subsection
14 (c) of this section, the following new paragraph:

15 “(5) FIRE LIABILITY PROVISIONS.—Not later
16 than 90 days after the date of enactment of this
17 paragraph, the Chief of the Forest Service and the
18 Director of the Bureau of Land Management shall
19 issue, for use in all contracts and agreements under
20 subsection (a), fire liability provisions that are in
21 substantially the same form as the fire liability pro-
22 visions contained in—

23 “(A) integrated resource timber contracts,
24 as described in the Forest Service contract
25 numbered 2400–13, part H, section H.4; and

1 “(B) timber sale contracts conducted pur-
2 suant to section 14 of the National Forest
3 Management Act of 1976 (16 U.S.C. 472a).”.

4 **SEC. 505. CLARIFICATION OF NATIONAL FOREST MANAGE-**
5 **MENT ACT OF 1976 AUTHORITY.**

6 Section 14(g) of the National Forest Management
7 Act of 1976 (16 U.S.C. 472a(g)) is amended by striking
8 “Designation, marking when necessary,” and inserting
9 “Designation, including marking when necessary, or des-
10 ignation by description or by prescription.”.

11 **SEC. 506. TREATMENT AS SUPPLEMENTAL FUNDING.**

12 None of the funds made available to a beneficiary
13 county (as defined in section 102(2)) or other political
14 subdivision of a State under this Act shall be used in lieu
15 of or to otherwise offset State funding sources for local
16 schools, facilities, or educational purposes.

17 **SEC. 507. EXCEPTION OF CERTAIN FOREST PROJECTS AND**
18 **ACTIVITIES FROM APPEALS REFORM ACT**
19 **AND OTHER REVIEW.**

20 Section 322 of the Department of the Interior and
21 Related Agencies Appropriations Act, 1993 (Public Law
22 102–381; 16 U.S.C. 1612 note) and section 428 of Divi-
23 sion E of the Consolidated Appropriations Act, 2012
24 (Public Law 112–74; 125 Stat. 1046; 16 U.S.C. 6515
25 note) shall not apply to any project or activity imple-

1 menting a land and resource management plan developed
2 under section 6 of the Forest and Rangeland Renewable
3 Resources Planning Act of 1974 (16 U.S.C. 1604) that
4 is categorically excluded from documentation in an envi-
5 ronmental assessment or an environmental impact state-
6 ment under the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.).

8 **SEC. 508. DEFINITION OF FIRE SUPPRESSION TO INCLUDE**
9 **CERTAIN RELATED ACTIVITIES.**

10 For purposes of utilizing amounts made available to
11 the Secretary of Agriculture or the Secretary of the Inte-
12 rior for fire suppression activities, including funds made
13 available from the FLAME Fund, the term “fire suppres-
14 sion” includes reforestation, site rehabilitation, salvage op-
15 erations, and replanting occurring following fire damage
16 on lands under the jurisdiction of the Secretary concerned
17 or following fire suppression efforts on such lands by the
18 Secretary concerned.

19 **SEC. 509. PROHIBITION ON CERTAIN ACTIONS REGARDING**
20 **FOREST SERVICE ROADS AND TRAILS.**

21 The Forest Service shall not remove or otherwise
22 eliminate or obliterate any legally created road or trail un-
23 less there has been a specific decision, which included ade-
24 quate and appropriate public involvement, to decommis-
25 sion the specific road or trail in question. The fact that

- 1 any road or trail is a not a Forest System road or trail,
- 2 or does not appear on a Motor Vehicle Use Map, shall
- 3 not constitute a decision.

Passed the House of Representatives September 20,
2013.

Attest:

Clerk.

113TH CONGRESS
1ST SESSION

H. R. 1526

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.