

113TH CONGRESS  
1ST SESSION

# H. R. 1526

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2013

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

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## AN ACT

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

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.

Sec. 106. Annual report.

**TITLE II—HEALTHY FOREST MANAGEMENT AND CATASTROPHIC  
 WILDFIRE PREVENTION**

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.
- Sec. 343. Land exchange authority.

##### Subtitle C—Oregon Treasures

#### CHAPTER 1—WILDERNESS AREAS

- Sec. 351. Designation of Devil's Staircase Wilderness.
- Sec. 352. Expansion of Wild Rogue Wilderness Area.

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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.
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 Sec. 392. Conveyance.  
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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           regon 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(c).

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 NE<sup>1</sup>/<sub>4</sub> 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 igned 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:

KAREN L. HAAS,

*Clerk.*