

SEPTEMBER 11, 2013

RULES COMMITTEE PRINT 113-21
H.R. 1526, RESTORING HEALTHY FORESTS FOR
HEALTHY COMMUNITIES ACT

**[Showing the text of the bill as ordered reported by the
Committee on Natural Resources.]**

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

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

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

Sec. 104. Management of Forest Reserve Revenue Areas.

Sec. 105. Distribution of forest reserve revenues.

**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.

Sec. 206. Use of hazardous fuels reduction or forest health projects for high-
risk areas.

**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.

CHAPTER 2—WILD AND SCENIC RIVER DESIGNATED AND RELATED PROTECTIONS

- Sec. 361. Wild and scenic river designations, Molalla River.
- Sec. 362. Wild and Scenic Rivers Act technical corrections related to Cheteo River.
- Sec. 363. Wild and scenic river designations, Wasson Creek and Franklin Creek.
- Sec. 364. Wild and scenic river designations, Rogue River area.

Sec. 365. Additional protections for Rogue River tributaries.

CHAPTER 3—ADDITIONAL PROTECTIONS

Sec. 371. Limitations on land acquisition.

Sec. 372. Overflights.

Sec. 373. Buffer zones.

Sec. 374. Prevention of wildfires.

Sec. 375. Limitation on designation of certain lands in Oregon.

CHAPTER 4—EFFECTIVE DATE

Sec. 381. Effective date.

Subtitle D—Tribal Trust Lands

PART 1—COUNCIL CREEK LAND CONVEYANCE

Sec. 391. Definitions.

Sec. 392. Conveyance.

Sec. 393. Map and legal description.

Sec. 394. Administration.

PART 2—OREGON COASTAL LAND CONVEYANCE

Sec. 395. Definitions.

Sec. 396. Conveyance.

Sec. 397. Map and legal description.

Sec. 398. Administration.

TITLE IV—COMMUNITY FOREST MANAGEMENT DEMONSTRATION

Sec. 401. Purpose and definitions.

Sec. 402. Establishment of community forest demonstration areas.

Sec. 403. Advisory committee.

Sec. 404. Management of community forest demonstration areas.

Sec. 405. Distribution of funds from community forest demonstration area.

Sec. 406. Initial funding authority.

Sec. 407. Payments to United States Treasury.

Sec. 408. Termination of community forest demonstration area.

TITLE V—REAUTHORIZATION AND AMENDMENT OF EXISTING AUTHORITIES AND OTHER MATTERS

Sec. 501. Extension of Secure Rural Schools and Community Self-Determination Act of 2000 pending full operation of Forest Reserve Revenue Areas.

Sec. 502. Restoring original calculation method for 25-percent payments.

Sec. 503. Forest Service and Bureau of Land Management good-neighbor cooperation with States to reduce wildfire risks.

Sec. 504. Stewardship end result contracting project authority.

Sec. 505. Clarification of National Forest Management Act of 1976 authority.

Sec. 506. Treatment as supplemental funding.

Sec. 507. Exception of certain forest projects and activities from Appeals Reform Act and other review.

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 shall not modify the stand-
16 ards and guidelines contained in the land and resource
17 management plan for the unit of the National Forest Sys-
18 tem in which the covered forest reserve project will be car-
19 ried out unless necessary to achieve the requirements of
20 this Act. Section 6(g)(3)(E)(iv) of the Forest and Range-
21 land Renewable Resources Planning Act of 1974 (16
22 U.S.C. 1604(g)(3)(E)(iv)) shall not apply to a covered for-
23 est reserve 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 (B) BOND REQUIRED.—A plaintiff chal-
9 lenging a covered forest reserve project shall be
10 required to post a bond or other security ac-
11 ceptable to the court for the reasonably esti-
12 mated costs, expenses, and attorneys fees of the
13 Secretary as defendant. All proceedings in the
14 action shall be stayed until the security is given.
15 If the plaintiff has not complied with the order
16 to post such bond or other security within 90
17 days after the date of service of the order, then
18 the action shall be dismissed with prejudice.

19 (C) RECOVERY.—If the Secretary prevails
20 in the case, the Secretary shall submit to the
21 court a motion for payment of all litigation ex-
22 penses.

23 (g) USE OF ALL-TERRAIN VEHICLES FOR MANAGE-
24 MENT ACTIVITIES.—The Secretary may allow the use of
25 all-terrain vehicles within the Forest Reserve Revenue

1 Areas for the purpose of activities associated with the sale
2 of national forest materials in a Forest Reserve Revenue
3 Area.

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

5 (a) 25-PERCENT PAYMENTS.—The Secretary shall
6 use forest reserve revenues generated by a covered forest
7 reserve project to make 25-percent payments to States for
8 the benefit of beneficiary counties.

9 (b) DEPOSIT IN KNUTSON-VANDENBERG AND SAL-
10 VAGE SALE FUNDS.—After compliance with subsection
11 (a), the Secretary shall use forest reserve revenues to
12 make deposits into the fund established under section 3
13 of the Act of June 9, 1930 (16 U.S.C. 576b; commonly
14 known as the Knutson-Vandenberg Fund) and the fund
15 established under section 14(h) of the National Forest
16 Management Act of 1976 (16 U.S.C. 472a(h); commonly
17 known as the salvage sale fund) in contributions equal to
18 the monies otherwise collected under those Acts for
19 projects conducted on National Forest System land.

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

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.

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

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

16 (1) deteriorating forest health conditions in ex-
17 istence as of the date of the enactment of this Act
18 due to the bark beetle epidemic or drought, with the
19 resulting imminent risk of devastating wildfires; and

20 (2) the future risk of insect infestations or dis-
21 ease outbreaks through preventative treatments to
22 improve forest health conditions.

23 (b) CONSULTATION.—In designating high-risk areas,
24 the Governor of a State shall consult with county govern-

1 ment from affected counties and with affected Indian
2 tribes.

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

5 (1) A component of the National Wilderness
6 Preservation System.

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

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

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

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

24 (f) DURATION OF DESIGNATION.—The designation of
25 a high-risk area in a State shall expire 20 years after the

1 date of the designation, unless earlier terminated by the
2 Governor of the State.

3 (g) REDESIGNATION.—The expiration of the 20-year
4 period specified in subsection (f) does not prohibit the
5 Governor from redesignating an area of Federal land as
6 a high-risk area under this section if the Governor deter-
7 mines that the Federal land continues to be subject to the
8 terms of this section.

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

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

14 (2) valid and existing rights regarding the Fed-
15 eral land.

16 **SEC. 206. USE OF HAZARDOUS FUELS REDUCTION OR FOR-**
17 **EST HEALTH PROJECTS FOR HIGH-RISK**
18 **AREAS.**

19 (a) PROJECT PROPOSALS.—

20 (1) PROPOSALS AUTHORIZED.—Upon designa-
21 tion of a high-risk area in a State, the Governor of
22 the State may provide for the development of pro-
23 posed hazardous fuel reduction projects or forest
24 health projects for the high-risk area.

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

5 (A) take into account managing for rights
6 of way, protection of watersheds, protection of
7 wildlife and endangered species habitat, safe-
8 guarding water resources, and protecting at-
9 risk communities from wildfires; and

10 (B) emphasize activities that thin the for-
11 est to provide the greatest health and longevity
12 of the forest.

13 (b) CONSULTATION.—In preparing a proposed haz-
14 ardous fuel reduction project or a forest health project,
15 the Governor of a State shall consult with county govern-
16 ment from affected counties, and with affected Indian
17 tribes.

18 (c) SUBMISSION AND IMPLEMENTATION.—The Gov-
19 ernor of a State shall submit proposed emergency haz-
20 ardous fuel reduction projects and forest health projects
21 to the Secretary concerned for implementation as provided
22 in section 203.

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

5 **SEC. 301. SHORT TITLE.**

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

8 **SEC. 302. DEFINITIONS.**

9 In this title:

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

13 (2) **BOARD OF TRUSTEES.**—The term “Board
14 of Trustees” means the Board of Trustees for the
15 Oregon and California Railroad Grant Lands Trust
16 appointed under section 313.

17 (3) **COOS BAY WAGON ROAD GRANT LANDS.**—
18 The term “Coos Bay Wagon Road Grant lands”
19 means the lands reconveyed to the United States
20 pursuant to the first section of the Act of February
21 26, 1919 (40 Stat. 1179).

22 (4) **FISCAL YEAR.**—The term “fiscal year”
23 means the Federal fiscal year, October 1 through
24 the next September 30.

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

3 (6) O&C REGION PUBLIC DOMAIN LANDS.—The
4 term “O&C Region Public Domain lands” means all
5 the land managed by the Bureau of Land Manage-
6 ment in the Salem District, Eugene District,
7 Roseburg District, Coos Bay District, and Medford
8 District in the State of Oregon, excluding the Or-
9 egon and California Railroad Grant lands and the
10 Coos Bay Wagon Road Grant lands.

11 (7) O&C TRUST.—The terms “Oregon and Cali-
12 fornia Railroad Grant Lands Trust” and “O&C
13 Trust” mean the trust created by section 311, which
14 has fiduciary responsibilities to act for the benefit of
15 the O&C Trust counties in the management of O&C
16 Trust lands.

17 (8) O&C TRUST COUNTY.—The term “O&C
18 Trust county” means each of the 18 counties in the
19 State of Oregon that contained a portion of the Or-
20 egon and California Railroad Grant lands as of Jan-
21 uary 1, 2013, each of which are beneficiaries of the
22 O&C Trust.

23 (9) O&C TRUST LANDS.—The term “O&C
24 Trust lands” means the surface estate of the lands
25 over which management authority is transferred to

1 the O&C Trust pursuant to section 311(c)(1). The
2 term does not include any of the lands excluded
3 from the O&C Trust pursuant to section 311(c)(2),
4 transferred to the Forest Service under section 321,
5 or Tribal lands transferred under subtitle D.

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

9 (A) All lands in the State of Oregon re-
10 vested in the United States under the Act of
11 June 9, 1916 (39 Stat. 218), regardless of
12 whether the lands are—

13 (i) administered by the Secretary of
14 the Interior, acting through the Bureau of
15 Land Management, pursuant to the first
16 section of the Act of August 28, 1937 (43
17 U.S.C. 1181a); or

18 (ii) administered by the Secretary of
19 Agriculture as part of the National Forest
20 System pursuant to the first section of the
21 Act of June 24, 1954 (43 U.S.C. 1181g).

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

1 (C) All lands in the State acquired by the
2 United States at any time and made subject to
3 the provisions of title II of the Act of August
4 28, 1937 (43 U.S.C. 1181f).

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

8 (12) SECRETARY CONCERNED.—The term
9 “Secretary concerned” means—

10 (A) the Secretary of the Interior, with re-
11 spect to Oregon and California Railroad Grant
12 lands that are transferred to the management
13 authority of the O&C Trust and, immediately
14 before such transfer, were managed by the Bu-
15 reau of Land Management; and

16 (B) the Secretary of Agriculture, with re-
17 spect to Oregon and California Railroad Grant
18 lands that—

19 (i) are transferred to the management
20 authority of the O&C Trust and, imme-
21 diately before such transfer, were part of
22 the National Forest System; or

23 (ii) are transferred to the Forest
24 Service under section 321.

1 (13) STATE.—The term “State” means the
2 State of Oregon.

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

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

8 (B) interim funding of the O&C Trust is
9 secured.

10 (15) TRIBAL LANDS.—The term “Tribal lands”
11 means any of the lands transferred to the Cow
12 Creek Band of the Umpqua Tribe of Indians or the
13 Confederated Tribes of Coos, Lower Umpqua, and
14 Siuslaw Indians under subtitle D.

15 **Subtitle A—Trust, Conservation,**
16 **and Jobs**

17 **CHAPTER 1—CREATION AND TERMS OF**
18 **O&C TRUST**

19 **SEC. 311. CREATION OF O&C TRUST AND DESIGNATION OF**
20 **O&C TRUST LANDS.**

21 (a) CREATION.—The Oregon and California Railroad
22 Grant Lands Trust is established effective on October 1
23 of the first fiscal year beginning after the appointment of
24 the Board of Trustees. As management authority over the
25 surface of estate of the O&C Trust lands is transferred

1 to the O&C Trust during the transition period pursuant
2 to section 331, the transferred lands shall be held in trust
3 for the benefit of the O&C Trust counties.

4 (b) TRUST PURPOSE.—The purpose of the O&C
5 Trust is to produce annual maximum sustained revenues
6 in perpetuity for O&C Trust counties by managing the
7 timber resources on O&C Trust lands on a sustained-yield
8 basis subject to the management requirements of section
9 314.

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

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

17 (2) LANDS EXCLUDED.—O&C Trust lands shall
18 not include any of the following Oregon and Cali-
19 fornia Railroad Grant lands and O&C Region Public
20 Domain lands (even if the lands are otherwise de-
21 scribed in subsection (d)):

22 (A) Federal lands within the National
23 Landscape Conservation System as of January
24 1, 2013.

1 (B) Federal lands designated as Areas of
2 Critical Environmental Concern as of January
3 1, 2013.

4 (C) Federal lands that were in the Na-
5 tional Wilderness Preservation System as of
6 January 1, 2013.

7 (D) Federal lands included in the National
8 Wild and Scenic Rivers System of January 1,
9 2013.

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

13 (F) Oregon treasures addressed in subtitle
14 C, any portion of which, as of January 1, 2013,
15 consists of Oregon and California Railroad
16 Grant lands or O&C Region Public Domain
17 lands.

18 (G) Tribal lands addressed in subtitle D.

19 (d) COVERED STANDS OF TIMBER.—

20 (1) DESCRIPTION.—The O&C Trust lands con-
21 sist of stands of timber that have previously been
22 managed for timber production or that have been
23 materially altered by natural disturbances since
24 1886. Most of these stands of timber are 80 years
25 old or less, and all of such stands can be classified

1 as having a predominant stand age of 125 years or
2 less.

3 (2) DELINEATION OF BOUNDARIES BY BUREAU
4 OF LAND MANAGEMENT.—The Oregon and Cali-
5 fornia Railroad Grant lands and O&C Region Public
6 Domain lands that, immediately before transfer to
7 the O&C Trust, were managed by the Bureau of
8 Land Management are timber stands that have pre-
9 dominant birth date attributes of 1886 or later, with
10 boundaries that are defined by polygon spatial data
11 layer in and electronic data compilation filed by the
12 Bureau of Land Management pursuant to paragraph
13 (4). Except as provided in paragraph (5), the bound-
14 aries of all timber stands constituting the O&C
15 Trust lands are finally and conclusively determined
16 for all purposes by coordinates in or derived by ref-
17 erence to the polygon spatial data layer prepared by
18 the Bureau of Land Management and filed pursuant
19 to paragraph (4), notwithstanding anomalies that
20 might later be discovered on the ground. The bound-
21 ary coordinates are locatable on the ground by use
22 of global positioning system signals. In cases where
23 the location of the stand boundary is disputed or is
24 inconsistent with paragraph (1), the location of
25 boundary coordinates on the ground shall be, except

1 as otherwise provided in paragraph (5), finally and
2 conclusively determined for all purposes by the direct
3 or indirect use of global positioning system equip-
4 ment with accuracy specification of one meter or
5 less.

6 (3) DELINEATION OF BOUNDARIES BY FOREST
7 SERVICE.—The O&C Trust lands that, immediately
8 before transfer to the O&C Trust, were managed by
9 the Forest Service are timber stands that can be
10 classified as having predominant stand ages of 125
11 years old or less. Within 30 days after the date of
12 the enactment of this Act, the Secretary of Agri-
13 culture shall commence identification of the bound-
14 aries of such stands, and the boundaries of all such
15 stands shall be identified and made available to the
16 Board of Trustees not later than 180 days following
17 the creation of the O&C Trust pursuant to sub-
18 section (a). In identifying the stand boundaries, the
19 Secretary may use geographic information system
20 data, satellite imagery, cadastral survey coordinates,
21 or any other means available within the time al-
22 lowed. The boundaries shall be provided to the
23 Board of Trustees within the time allowed in the
24 form of a spatial data layer from which coordinates
25 can be derived that are locatable on the ground by

1 use of global positioning system signals. Except as
2 provided in paragraph (5), the boundaries of all tim-
3 ber stands constituting the O&C Trust lands are fi-
4 nally and conclusively determined for all purposes by
5 coordinates in or derived by reference to the data
6 provided by the Secretary within the time provided
7 by this paragraph, notwithstanding anomalies that
8 might later be discovered on the ground. In cases
9 where the location of the stand boundary is disputed
10 or inconsistent with paragraph (1), the location of
11 boundary coordinates on the ground shall be, except
12 as otherwise provided in paragraph (5), finally and
13 conclusively determined for all purposes by the
14 boundary coordinates provided by the Secretary as
15 they are located on the ground by the direct or indi-
16 rect use of global positioning system equipment with
17 accuracy specifications of one meter or less. All ac-
18 tions taken by the Secretary under this paragraph
19 shall be deemed to not involve Federal agency action
20 or Federal discretionary involvement or control.

21 (4) DATA AND MAPS.—Copies of the data con-
22 taining boundary coordinates for the stands included
23 in the O&C Trust lands, or from which such coordi-
24 nates are derived, and maps generally depicting the
25 stand locations shall be filed with the Committee on

1 Energy and Natural Resources of the Senate, the
2 Committee on Natural Resources of the House of
3 Representatives, and the office of the Secretary con-
4 cerned. The maps and data shall be filed—

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

8 (B) not later than 180 days following the
9 creation of the O&C Trust pursuant to sub-
10 section (a), in the case of lands identified pur-
11 suant to paragraph (3).

12 (5) ADJUSTMENT AUTHORITY AND LIMITA-
13 TIONS.—

14 (A) NO IMPACT ON DETERMINING TITLE
15 OR PROPERTY OWNERSHIP BOUNDARIES.—

16 Stand boundaries identified under paragraph
17 (2) or (3) shall not be relied upon for purposes
18 of determining title or property ownership
19 boundaries. If the boundary of a stand identi-
20 fied under paragraph (2) or (3) extends beyond
21 the property ownership boundaries of Oregon
22 and California Railroad Grant lands or O&C
23 Region Public Domain lands, as such property
24 boundaries exist on the date of enactment of
25 this Act, then that stand boundary is deemed

1 adjusted by this subparagraph to coincide with
2 the property ownership boundary.

3 (B) EFFECT OF DATA ERRORS OR INCON-
4 SISTENCIES.—Data errors or inconsistencies
5 may result in parcels of land along property
6 ownership boundaries that are unintentionally
7 omitted from the O&C Trust lands that are
8 identified under paragraph (2) or (3). In order
9 to correct such errors, any parcel of land that
10 satisfies all of the following criteria is hereby
11 deemed to be O&C Trust land:

12 (i) The parcel is within the ownership
13 boundaries of Oregon and California Rail-
14 road Grant lands or O&C Region Public
15 Domain lands on the date of the enact-
16 ment of this Act.

17 (ii) The parcel satisfies the description
18 in paragraph (1) on the date of enactment
19 of this Act.

20 (iii) The parcel is not excluded from
21 the O&C Trust lands pursuant to sub-
22 section (c)(2).

23 (C) NO IMPACT ON LAND EXCHANGE AU-
24 THORITY.—Nothing in this subsection is in-
25 tended to limit the authority of the Trust and

1 the Forest Service to engage in land exchanges
2 between themselves or with owners of non-Fed-
3 eral land as provided elsewhere in this title.

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

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

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

13 (2) actions on the O&C Trust lands shall be
14 deemed to involve no Federal agency action or Fed-
15 eral discretionary involvement or control and the
16 laws of the State shall apply to the surface estate of
17 the O&C Trust lands in the manner applicable to
18 privately owned timberlands in the State; and

19 (3) the O&C Trust shall be treated as the bene-
20 ficial owner of the surface estate of the O&C Trust
21 lands for purposes of all legal proceedings involving
22 the O&C Trust lands.

23 (b) **MINERALS.**—

24 (1) **IN GENERAL.**—Mineral and other sub-
25 surface rights in the O&C Trust lands are retained

1 by the United States or other owner of such rights
2 as of the date on which management authority over
3 the surface estate of the lands are transferred to the
4 O&C Trust.

5 (2) ROCK AND GRAVEL.—

6 (A) USE AUTHORIZED; PURPOSE.—For
7 maintenance or construction on the road system
8 under the control of the O&C Trust or for non-
9 Federal lands intermingled with O&C Trust
10 lands, the Board of Trustees may—

11 (i) utilize rock or gravel found within
12 quarries in existence immediately before
13 the date of the enactment of this Act on
14 any Oregon and California Railroad Grant
15 lands and O&C Region Public Domain
16 lands, excluding those lands designated
17 under subtitle C or transferred under sub-
18 title D; and

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

22 (B) EXCEPTION.—The Board of Trustees
23 shall not construct new quarries on any of the
24 lands transferred to the Forest Service under

1 section 321 or lands designated under subtitle

2 D.

3 (c) ROADS.—

4 (1) IN GENERAL.—Except as provided in sub-
5 section (b), the Board of Trustees shall assume au-
6 thority and responsibility over, and have authority to
7 use, all roads and the road system specified in the
8 following subparagraphs:

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

24 (B) All roads and road systems owned or
25 administered by the Forest Service immediately

1 before the date of the enactment of this Act
2 and subsequently included within the bound-
3 aries of the O&C Trust lands.

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

6 (2) LANDS TRANSFERRED TO FOREST SERV-
7 ICE.—The Secretary of Agriculture shall assume the
8 obligations of the Secretary of Interior for pro-rata
9 maintenance expense and road use fees under recip-
10 rocal rights-of-way agreements for those Oregon and
11 California Railroad Grant lands or O&C Region
12 Public Domain lands transferred to the Forest Serv-
13 ice under section 321.

14 (3) COMPLIANCE WITH CLEAN WATER ACT.—
15 All roads used, constructed, or reconstructed under
16 the jurisdiction of the O&C Trust must comply with
17 requirements of the Federal Water Pollution Control
18 Act (33 U.S.C. 1251 et seq.) applicable to private
19 lands through the use of Best Management Prac-
20 tices under the Oregon Forest Practices Act.

21 (d) PUBLIC ACCESS.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 public access to O&C Trust lands shall be preserved
24 consistent with the policies of the Secretary con-
25 cerned applicable to the O&C Trust lands as of the

1 date on which management authority over the sur-
2 face estate of the lands is transferred to the O&C
3 Trust.

4 (2) RESTRICTIONS.—The Board of Trustees
5 may limit or control public access for reasons of
6 public safety or to protect the resources on the O&C
7 Trust lands.

8 (e) LIMITATIONS.—The assets of the O&C Trust
9 shall not be subject to the creditors of an O&C Trust coun-
10 ty, or otherwise be distributed in an unprotected manner
11 or be subject to anticipation, encumbrance, or expenditure
12 other than for a purpose for which the O&C Trust was
13 created.

14 (f) REMEDY.—An O&C Trust county shall have all
15 of the rights and remedies that would normally accrue to
16 a beneficiary of a trust. An O&C Trust county shall pro-
17 vide the Board of Trustees, the Secretary concerned, and
18 the Attorney General with not less than 60 days notice
19 of an intent to sue to enforce the O&C Trust county's
20 rights under the O&C Trust.

21 (g) JUDICIAL REVIEW.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), judicial review of any provision of this
24 title shall be sought in the United States Court of
25 Appeals for the District of Columbia Circuit. Parties

1 seeking judicial review of the validity of any provi-
2 sion of this title must file suit within 60 days after
3 the date of the enactment of this Act and no pre-
4 liminary injunctive relief or stays pending appeal will
5 be permitted. If multiple cases are filed under this
6 paragraph, the Court shall consolidate the cases.
7 The Court must rule on any action brought under
8 this paragraph within 180 days.

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

16 **SEC. 313. BOARD OF TRUSTEES.**

17 (a) APPOINTMENT AUTHORIZATION.—Subject to the
18 conditions on appointment imposed by this section, the
19 Governor is authorized to appoint the Board of Trustees
20 to administer the O&C Trust and O&C Trust lands. Ap-
21 pointments by the Governor shall be made within 60 days
22 after the date of the enactment of this Act.

23 (b) MEMBERS AND ELIGIBILITY.—

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

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

4 (3) GEOGRAPHICAL REPRESENTATION.—To the
5 extent practicable, the Governor shall ensure broad
6 geographic representation among the O&C Trust
7 counties in appointing members to the Board of
8 Trustees.

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

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

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

23 (ii) one member who represents the com-
24 mercial wood products or milling industries and
25 who represents an Oregon-based company with

1 500 or fewer employees, taking into account its
2 affiliates, that has submitted a bid for a timber
3 sale on the Oregon and California Railroad
4 Grant lands, O&C Region Public Domain lands,
5 Coos Bay Wagon Road Grant lands, or O&C
6 Trust lands in the preceding five years.

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

12 (2) One representative of the general public
13 who has professional experience in one or more of
14 the following fields:

15 (A) Business management.

16 (B) Law.

17 (C) Accounting.

18 (D) Banking.

19 (E) Labor management.

20 (F) Transportation.

21 (G) Engineering.

22 (H) Public policy.

23 (3) One representative of the science commu-
24 nity who, at a minimum, holds a Doctor of Philos-
25 ophy degree in wildlife biology, forestry, ecology, or

1 related field and has published peer-reviewed aca-
2 demic articles in the representative's field of exper-
3 tise.

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

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

13 (B) one member who holds State-wide
14 elected office (or is a designee of such a person)
15 or who represents a federally recognized Indian
16 tribe or tribes within one or more O&C Trust
17 counties.

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

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

23 (2) INITIAL APPOINTMENTS.—In making the
24 first appointments to the Board of Trustees, the
25 Governor shall stagger initial appointment lengths so

1 that two members have three-year terms, two mem-
2 bers have four-year terms, and three members have
3 a full five-year term.

4 (3) VACANCIES.—Any vacancy on the Board of
5 Trustees shall be filled within 45 days by the Gov-
6 ernor for the unexpired term of the departing mem-
7 ber.

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

14 (e) CHAIRPERSON AND OPERATIONS.—

15 (1) CHAIRPERSON.—A majority of the Board of
16 Trustees shall select the chairperson for the Board
17 of Trustees each year.

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

24 (f) QUORUM AND DECISION-MAKING.—

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

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

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

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

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

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

1 cially prudent and in keeping with its fiduciary obligation
2 to the O&C Trust counties.

3 (c) STAND ROTATION.—

4 (1) 100-120 YEAR ROTATION.—The Board of
5 Trustees shall manage not less than 50 percent of
6 the harvestable acres of the O&C Trust lands on a
7 100-120 year rotation. The acreage subject to 100-
8 120 year management shall be geographically dis-
9 persed across the O&C Trust lands in a manner that
10 the Board of Trustees, in its discretion, determines
11 will contribute to aquatic and terrestrial ecosystem
12 values.

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

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

23 (d) SALE TERMS.—

24 (1) IN GENERAL.—Subject to paragraphs (2)
25 and (3), the Board of Trustees is authorized to es-

1 tablish the terms for sale contracts of timber or
2 other forest products from O&C Trust lands.

3 (2) SET ASIDE.—The Board of Trustees shall
4 establish a program consistent with the program of
5 the Bureau of Land Management under a March 10,
6 1959 Memorandum of Understanding, as amended,
7 regarding calculation of shares and sale of timber
8 set aside for purchase by business entities with 500
9 or fewer employees and consistent with the regula-
10 tions in part 121 of title 13, Code of Federal Regu-
11 lations applicable to timber sale set asides, except
12 that existing shares in effect on the date of enact-
13 ment of this Act shall apply until the next scheduled
14 recomputation of shares. In implementing its pro-
15 gram that is consistent with such Memorandum of
16 Understanding, the Board of Trustees shall utilize
17 the Timber Sale Procedure Handbook and other ap-
18 plicable procedures of the Bureau of Land Manage-
19 ment, including the Operating Procedures for Con-
20 ducting the Five-Year Recomputation of Small Busi-
21 ness Share Percentages in effect on January 1,
22 2013.

23 (3) COMPETITIVE BIDDING.—The Board of
24 Trustees must sell timber on a competitive bid basis.
25 No less than 50 percent of the total volume of tim-

1 ber sold by the Board of Trustees each year shall be
2 sold by oral bidding consistent with practices of the
3 Bureau of Land Management as of January 1,
4 2013.

5 (e) PROHIBITION ON EXPORT.—

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

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

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

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

1 (g) ACCESS TO LANDS TRANSFERRED TO FOREST
2 SERVICE.—Persons acting on behalf of the O&C Trust
3 shall have a right of timely access over lands transferred
4 to the Forest Service under section 321 and Tribal lands
5 transferred under subtitle D as is reasonably necessary for
6 the Board of Trustees to carry out its management activi-
7 ties with regard to the O&C Trust lands and the O&C
8 Trust to satisfy its fiduciary duties to O&C counties.

9 (h) HARVEST AREA TREE AND RETENTION RE-
10 QUIREMENTS.—

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

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

20 (i) RIPARIAN AREA MANAGEMENT.—

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

24 (A) STREAMS.—For all fish bearing
25 streams and all perennial non-fish-bearing

1 streams, there shall be no removal of timber
2 within a distance equal to the height of one site
3 potential tree on both sides of the stream chan-
4 nel. For intermittent, non-fish-bearing streams,
5 there shall be no removal of timber within a
6 distance equal to one-half the height of a site
7 potential tree on both sides of the stream chan-
8 nel. For purposes of this subparagraph, the
9 stream channel boundaries are the lines of ordi-
10 nary high water.

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

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

24 (2) MEASUREMENTS.—For purposes of para-
25 graph (1), all distances shall be measured along

1 slopes, and all site potential tree heights shall be av-
2 erage height at maturity of the dominant species of
3 conifer determined at a scale no finer than the appli-
4 cable fifth field watershed.

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

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

10 (B) to prohibit the falling of trees within
11 riparian areas as may be reasonably necessary
12 for safety or operational reasons in areas adja-
13 cent to the riparian areas, or for road construc-
14 tion or maintenance pursuant to section
15 312(c)(3).

16 (j) FIRE PROTECTION AND EMERGENCY RE-
17 SPONSE.—

18 (1) RECIPROCAL FIRE PROTECTION AGREE-
19 MENTS.—

20 (A) CONTINUATION OF AGREEMENTS.—

21 Subject to subparagraphs (B), (C), and (D),
22 any reciprocal fire protection agreement be-
23 tween the State or any other entity and the
24 Secretary concerned with regard to Oregon and
25 California Railroad Grant lands and O&C Re-

1 gion Public Domain lands in effect on the date
2 of the enactment of this Act shall remain in
3 place for a period of ten years after such date
4 unless earlier terminated by the State or other
5 entity.

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

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

1 ments were effective in protecting the lands
2 from fire.

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

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

21 (k) NORTHERN SPOTTED OWL.—So long as the O&C
22 Trust maintains the 100-120 year rotation on 50 percent
23 of the harvestable acres required in subsection (c), the sec-
24 tion 321 lands representing the best quality habitat for
25 the owl are transferred to the Forest Service, and the O&C

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

12 **SEC. 315. DISTRIBUTION OF REVENUES FROM O&C TRUST**
13 **LANDS.**

14 (a) ANNUAL DISTRIBUTION OF REVENUES.—

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

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

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

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

18 (b) RESERVE FUND.—

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

22 (2) DEPOSITS TO RESERVE FUND.—Within 10
23 years after creation of the O&C Trust or as soon
24 thereafter as is practicable, the Board of Trustees
25 shall establish and seek to maintain an annual bal-

1 ance of \$125,000,000 in the Reserve Fund, to be de-
2 rived from revenues generated from management ac-
3 tivities involving O&C Trust lands. All annual reve-
4 nues generated in excess of operating costs and pay-
5 ments to O&C Trust counties required by subsection
6 (a) and payments into the Conservation Fund as
7 provided in subsection (c) shall be deposited in the
8 Reserve Fund.

9 (3) EXPENDITURES FROM RESERVE FUND.—
10 The Board of Trustees shall use amounts in the Re-
11 serve Fund only—

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

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

19 (c) O&C TRUST CONSERVATION FUND.—

20 (1) ESTABLISHMENT OF CONSERVATION
21 FUND.—The Board of Trustees shall use a portion
22 of revenues generated from activity on the O&C
23 Trust lands, consistent with paragraph (2), to estab-
24 lish and maintain a O&C Trust Conservation Fund.

1 The O&C Trust Conservation Fund shall include no
2 Federal appropriations.

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

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

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

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

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

23 **SEC. 316. LAND EXCHANGE AUTHORITY.**

24 (a) AUTHORITY.—Subject to approval by the Sec-
25 retary concerned, the Board of Trustees may negotiate

1 proposals for land exchanges with owners of lands adja-
2 cent to O&C Trust lands in order to create larger contig-
3 uous blocks of land under management by the O&C Trust
4 to facilitate resource management, to improve conserva-
5 tion value of such lands, or to improve the efficiency of
6 management of such lands.

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

11 (1) The non-Federal lands are completely with-
12 in the State.

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

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

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

1 (c) ACREAGE LIMITATION.—The Secretary concerned
2 shall not approve land exchanges under this section that,
3 taken together with all previous exchanges involving the
4 O&C Trust lands, have the effect of reducing the total
5 acreage of the O&C Trust lands by more than five percent
6 from the total acreage to be designated as O&C Trust land
7 under section 311(c)(1).

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

19 (e) EXCHANGES WITH FOREST SERVICE.—

20 (1) EXCHANGES AUTHORIZED.—The Board of
21 Trustees is authorized to engage in land exchanges
22 with the Forest Service if approved by the Secretary
23 pursuant to section 323(c).

24 (2) MANAGEMENT OF EXCHANGED LANDS.—
25 Following completion of a land exchange under para-

1 graph (1), the management requirements applicable
2 to the newly acquired lands by the O&C Trust or the
3 Forest Service shall be the same requirements under
4 this subtitle applicable to the other lands that are
5 managed by the O&C Board or the Forest Service.

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

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

11 **CHAPTER 2—TRANSFER OF CERTAIN**
12 **LANDS TO FOREST SERVICE**

13 **SEC. 321. TRANSFER OF CERTAIN OREGON AND CALI-**
14 **FORNIA RAILROAD GRANT LANDS TO FOREST**
15 **SERVICE.**

16 (a) TRANSFER REQUIRED.—The Secretary of the In-
17 terior shall transfer administrative jurisdiction over all Or-
18 egon and California Railroad Grant lands and O&C Re-
19 gion Public Domain lands not designated as O&C Trust
20 lands by subparagraphs (A) through (F) of section
21 311(c)(1), including those lands excluded by section
22 311(c)(2), to the Secretary of Agriculture for inclusion in
23 the National Forest System and administration by the
24 Forest Service as provided in section 322.

1 (b) EXCEPTION.—This section does not apply to
2 Tribal lands transferred under subtitle D.

3 **SEC. 322. MANAGEMENT OF TRANSFERRED LANDS BY FOR-**
4 **EST SERVICE.**

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

14 (b) APPLICATION OF NORTHWEST FOREST PLAN.—

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

23 (2) EXCEPTION FOR CERTAIN DESIGNATED
24 LANDS.—The lands excluded from the O&C Trust by
25 subparagraphs (A) through (F) of section 311(c)(2)

1 and transferred to the Forest Service under section
2 321 shall be managed as provided by Federal laws
3 applicable to the lands.

4 (c) PROTECTION OF OLD GROWTH.—Old growth, as
5 defined by the Old Growth Review Panel pursuant to rule-
6 making conducted in accordance with section 553 of title
7 5, United States Code, shall not be harvested by the For-
8 est Service on lands transferred under section 321.

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

21 **SEC. 323. MANAGEMENT EFFICIENCIES AND EXPEDITED**
22 **LAND EXCHANGES.**

23 (a) LAND EXCHANGE AUTHORITY.—The Secretary
24 of Agriculture may conduct land exchanges involving lands
25 transferred under section 321, other than the lands ex-

1 cluded from the O&C Trust by subparagraphs (A) through
2 (F) of section 311(c)(2), in order create larger contiguous
3 blocks of land under management of the Secretary to fa-
4 cilitate resource management, to improve conservation
5 value of such lands, or to improve the efficiency of man-
6 agement of such lands.

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

12 (1) The non-Federal lands are completely with-
13 in the State.

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

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

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

24 (B) from other sources.

1 (c) CRITERIA FOR EXCHANGES WITH O&C TRUST.—

2 The Secretary of Agriculture may conduct land exchanges
3 with the Board of Trustees administratively under this
4 subsection, and such an exchange shall be deemed to not
5 involve any Federal action or Federal discretionary in-
6 volvement or control if the land exchange with the O&C
7 Trust meets the following criteria:

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

13 (2) The exchange is requested or approved by
14 the Board of Trustees for the O&C Trust and will
15 not impair the ability of the Board of Trustees to
16 meet its fiduciary responsibilities.

17 (3) The lands to be exchanged by the Forest
18 Service do not contain stands of timber meeting the
19 definition of old growth established by the Old
20 Growth Review Panel pursuant to section 324.

21 (4) The lands to be exchanged are equal in
22 acreage.

23 (d) ACREAGE LIMITATION.—The Secretary of Agri-
24 culture shall not approve land exchanges under this sec-
25 tion that, taken together with all previous exchanges in-

1 involving the lands described in subsection (a), have the ef-
2 fect of reducing the total acreage of such lands by more
3 than five percent from the total acreage originally trans-
4 ferred to the Secretary.

5 (e) 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 **SEC. 324. REVIEW PANEL AND OLD GROWTH PROTECTION.**

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

24 (b) PURPOSE OF REVIEW.—Members of the Old
25 Growth Review Panel shall review existing, published,

1 peer-reviewed articles in relevant academic journals and
2 establish a definition or definitions of old growth as it ap-
3 plies to the ecologically, geographically and climato-
4 logically unique Oregon and California Railroad Grant
5 lands and O&C Region Public Domain lands managed by
6 the O&C Trust or the Forest Service only. The definition
7 or definitions shall bear no legal force, shall not be used
8 as a precedent for, and shall not apply to any lands other
9 than the Oregon and California Railroad Grant lands and
10 O&C Region Public Domain lands managed by the O&C
11 Trust or the Forest Service in western Oregon. The defini-
12 tion or definitions shall not apply to Tribal lands.

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

19 **SEC. 325. UNIQUENESS OF OLD GROWTH PROTECTION ON**
20 **OREGON AND CALIFORNIA RAILROAD GRANT**
21 **LANDS.**

22 All sections of this subtitle referring to the term “old
23 growth” are uniquely suited to resolve management issues
24 for the lands covered by this subtitle only, and shall not
25 be construed as precedent for any other situation involving

1 management of other Federal, State, Tribal, or private
2 lands.

3 **CHAPTER 3—TRANSITION**

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

5 (a) TRANSITION PERIOD.—

6 (1) COMMENCEMENT; DURATION.—Effective on
7 October 1 of the first fiscal year beginning after the
8 appointment of the Board of Trustees under section
9 313, a transition period of three fiscal years shall
10 commence.

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

16 (b) YEAR ONE.—

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

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

1 and a harvest schedule for the lands over which
2 management authority is transferred to the O&C
3 Trust in the second fiscal year.

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

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

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

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

1 (c) YEAR TWO.—

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

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

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

13 (4) INFORMATION SHARING.—The Secretary of
14 Agriculture shall obtain and manage, as soon as
15 practicable, all documents and data relating to the
16 Oregon and California Railroad Grant lands, O&C
17 Region Public Domain lands, and Coos Bay Wagon
18 Road lands previously managed by the Bureau of
19 Land Management. Upon written request from the
20 Board of Trustees, the Secretary of Agriculture shall
21 provide copies of any documents or data, however
22 stored or maintained, that includes the requested in-
23 formation concerning O&C Trust lands. The copies
24 shall be provided as soon as practicable and to the

1 greatest extent possible, but in no event later than
2 30 days following the date of the request.

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

9 (d) YEAR THREE AND SUBSEQUENT YEARS.—

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

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

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

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

24 (b) SUPPORT.—Notwithstanding any other provision
25 of law, O&C Trust counties are authorized to loan to the

1 O&C Trust, and the Board of Trustees is authorized to
2 borrow from willing O&C Trust counties, amounts held on
3 account by such counties that are required to be expended
4 in accordance with the Act of May 23,1908 (35. Stat. 260;
5 16 U.S.C. 500) and section 13 of the Act of March 1,
6 1911 (36 Stat.963; 16 U.S.C. 500), except that, upon re-
7 payment by the O&C Trust, the obligation of such counties
8 to expend the funds in accordance with such Acts shall
9 continue to apply.

10 **SEC. 333. EXISTING BUREAU OF LAND MANAGEMENT AND**
11 **FOREST SERVICE CONTRACTS.**

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

24 (b) TREATMENT OF PAYMENTS UNDER CON-
25 TRACTS.—Payments made pursuant to the contracts de-

1 scribed in subsection (a), if any, shall be made as provided
2 in those contracts and not made to the O&C Trust.

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

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

16 (b) ACCESS TO LANDS.—

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

1 rights applied before the date of the enactment of
2 this Act.

3 (2) NEW ACCESS RIGHTS.—If a current or fu-
4 ture landowner of land intermingled with Oregon
5 and California Railroad Grant lands or O&C Region
6 Public Domain lands does not have an existing ac-
7 cess agreement related to the lands covered by this
8 subtitle, the Secretary concerned shall enter into an
9 access agreement, including appurtenant lands, to
10 secure the landowner the reasonable use and enjoy-
11 ment of the landowner's land, including the harvest
12 and hauling of timber.

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

23 (d) JUDICIAL REVIEW.—Notwithstanding section
24 312(g)(2), a private landowner may obtain judicial review
25 of a decision of the Board of Trustees to deny—

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

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

6 **SEC. 335. REPEAL OF SUPERSEDED LAW RELATING TO OR-**
7 **EGON AND CALIFORNIA RAILROAD GRANT**
8 **LANDS.**

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

13 (b) EFFECT OF CERTAIN COURT RULINGS.—If, as
14 a result of judicial review authorized by section 312, any
15 provision of this subtitle is held to be invalid and imple-
16 mentation of the provision or any activity conducted under
17 the provision is then enjoined, the Act of August 28, 1937
18 (43 U.S.C. 1181a et seq.), as in effect immediately before
19 its repeal by subsection (a), shall be restored to full legal
20 force and effect as if the repeal had not taken effect.

1 **Subtitle B—Coos Bay Wagon Roads**

2 **SEC. 341. TRANSFER OF MANAGEMENT AUTHORITY OVER**
3 **CERTAIN COOS BAY WAGON ROAD GRANT**
4 **LANDS TO COOS COUNTY, OREGON.**

5 (a) TRANSFER REQUIRED.—Except in the case of the
6 lands described in subsection (b), the Secretary of the In-
7 terior shall transfer management authority over the Coos
8 Bay Wagon Road Grant lands reconveyed to the United
9 States pursuant to the first section of the Act of February
10 26, 1919 (40 Stat. 1179), and the surface resources there-
11 on, to the Coos County government. The transfer shall be
12 completed not later than one year after the date of the
13 enactment of this Act.

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

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

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

21 (3) Federal lands that were in the National
22 Wilderness Preservation System as of January 1,
23 2013.

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

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

4 (6) All stands of timber generally older than
5 125 years old, as of January 1, 2011, which shall
6 be conclusively determined by reference to the pol-
7 ygon spatial data layer in the electronic data com-
8 pilation filed by the Bureau of Land Management
9 based on the predominant birth-date attribute, and
10 the boundaries of such stands shall be conclusively
11 determined for all purposes by the global positioning
12 system coordinates for such stands.

13 (7) Tribal lands addressed in subtitle D.

14 (c) MANAGEMENT.—

15 (1) IN GENERAL.—Coos County shall manage
16 the Coos Bay Wagon Road Grant lands over which
17 management authority is transferred under sub-
18 section (a) consistent with section 314, and for pur-
19 poses of applying such section, “Board of Trustees”
20 shall be deemed to mean “Coos County” and “O&C
21 Trust lands” shall be deemed to mean the trans-
22 ferred lands.

23 (2) RESPONSIBILITY FOR MANAGEMENT
24 COSTS.—Coos County shall be responsible for all
25 management and administrative costs of the Coos

1 Bay Wagon Road Grant lands over which manage-
2 ment authority is transferred under subsection (a).

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

9 (d) TREATMENT OF REVENUES.—

10 (1) IN GENERAL.—All revenues generated from
11 the Coos Bay Wagon Road Grant lands over which
12 management authority is transferred under sub-
13 section (a) shall be deposited in the general fund of
14 the Coos County treasury to be used as are other
15 unrestricted county funds.

16 (2) TREASURY.—As soon as practicable after
17 the end of the third fiscal year of the transition pe-
18 riod and in each of the subsequent seven fiscal
19 years, Coos County shall submit a payment of
20 \$400,000 to the United States Treasury.

21 (3) DOUGLAS COUNTY.—Beginning with the
22 first fiscal year for which management of the Coos
23 Bay Wagon Road Grant lands over which manage-
24 ment authority is transferred under subsection (a)
25 generates net positive revenues, and for all subse-

1 quent fiscal years, Coos County shall transmit a
2 payment to the general fund of the Douglas County
3 treasury from the net revenues generated from the
4 lands. The payment shall be made as soon as prac-
5 ticable following the end of each fiscal year and the
6 amount of the payment shall bear the same propor-
7 tion to total net revenues for the fiscal year as the
8 proportion of the Coos Bay Wagon Road Grant
9 lands in Douglas County in relation to all Coos Bay
10 Wagon Road Grant lands in Coos and Douglas
11 Counties as of January 1, 2013.

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

14 The Secretary of the Interior shall transfer adminis-
15 trative jurisdiction over the Coos Bay Wagon Road Grant
16 lands excluded by paragraphs (1) through (6) of section
17 341(b) to the Secretary of Agriculture for inclusion in the
18 National Forest System and administration by the Forest
19 Service as provided in section 322.

20 **SEC. 343. LAND EXCHANGE AUTHORITY.**

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

1 **Subtitle C—Oregon Treasures**

2 **CHAPTER 1—WILDERNESS AREAS**

3 **SEC. 351. DESIGNATION OF DEVIL’S STAIRCASE WILDER-**
4 **NESS.**

5 (a) DESIGNATION.—In furtherance of the purposes of
6 the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal
7 land in the State of Oregon administered by the Forest
8 Service and the Bureau of Land Management, comprising
9 approximately 30,520 acres, as generally depicted on the
10 map titled “Devil’s Staircase Wilderness Proposal”, dated
11 October 26, 2009, are designated as a wilderness area for
12 inclusion in the National Wilderness Preservation System
13 and to be known as the “Devil’s Staircase Wilderness”.

14 (b) MAP AND LEGAL DESCRIPTION.—As soon as
15 practicable after the date of the enactment of this Act,
16 the Secretary shall file with the Committee on Natural Re-
17 sources of the House of Representatives and the Com-
18 mittee on Energy and Natural Resources of the Senate
19 a map and legal description of wilderness area designated
20 by subsection (a). The map and legal description shall
21 have the same force and effect as if included in this Act,
22 except that the Secretary may correct clerical and typo-
23 graphical errors in the map and description. In the case
24 of any discrepancy between the acreage specified in sub-
25 section (a) and the map, the map shall control. The map

1 and legal description shall be on file and available for pub-
2 lic inspection in the Office of the Chief of the Forest Serv-
3 ice.

4 (c) ADMINISTRATION.—

5 (1) IN GENERAL.—Subject to valid existing
6 rights, the Devil’s Staircase Wilderness Area shall be
7 administered by the Secretaries of Agriculture and
8 the Interior, in accordance with the Wilderness Act
9 and the Oregon Wilderness Act of 1984, except that,
10 with respect to the wilderness area, any reference in
11 the Wilderness Act to the effective date of that Act
12 shall be deemed to be a reference to the date of the
13 enactment of this Act.

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

17 (A) decommission any National Forest
18 System road within the wilderness boundaries;
19 and

20 (B) convert Forest Service Road 4100
21 within the wilderness boundary to a trail for
22 primitive recreational use.

23 (d) INCORPORATION OF ACQUIRED LAND AND IN-
24 TERESTS.—Any land within the boundary of the wilder-

1 ness area designated by this section that is acquired by
2 the United States shall—

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

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

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

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

15 (1) entry, appropriation, or disposal under the
16 public land laws;

17 (2) location, entry, and patent under the mining
18 laws; and

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

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

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

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

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

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

12 (b) MAPS AND LEGAL DESCRIPTIONS.—

13 (1) IN GENERAL.—As soon as practicable after
14 the date of enactment of this Act, the Secretary of
15 the Interior shall file a map and a legal description
16 of the wilderness area designated by this section,
17 with—

18 (A) the Committee on Energy and Natural
19 Resources of the Senate; and

20 (B) the Committee on Natural Resources
21 of the House of Representatives.

22 (2) FORCE OF LAW.—The maps and legal de-
23 scriptions filed under paragraph (1) shall have the
24 same force and effect as if included in this subtitle,

1 except that the Secretary may correct typographical
2 errors in the maps and legal descriptions.

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

7 (c) ADMINISTRATION.—Subject to valid existing
8 rights, the area designated as wilderness by this section
9 shall be administered by the Secretary of Agriculture in
10 accordance with the Wilderness Act (16 U.S.C. 1131 et
11 seq.).

12 (d) WITHDRAWAL.—Subject to valid rights in exist-
13 ence on the date of enactment of this Act, the Federal
14 land designated as wilderness by this section is withdrawn
15 from all forms of—

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

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

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

1 **CHAPTER 2—WILD AND SCENIC RIVER**
2 **DESIGNATED AND RELATED PROTEC-**
3 **TIONS**

4 **SEC. 361. WILD AND SCENIC RIVER DESIGNATIONS,**
5 **MOLALLA RIVER.**

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

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

13 “(A) The approximately 15.1-mile segment
14 from the southern boundary line of T. 7 S., R.
15 4 E., sec. 19, downstream to the edge of the
16 Bureau of Land Management boundary in T. 6
17 S., R. 3 E., sec. 7.

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

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

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

3 (2) in the matter preceding subparagraph (A),
4 by striking “McAllister Ditch, including the Soap
5 Fork Squaw Creek, the North Fork, the South
6 Fork, the East and West Forks of Park Creek, and
7 Park Creek Fork” and inserting “Plainview Ditch,
8 including the Soap Creek, the North and South
9 Forks of Whychus Creek, the East and West Forks
10 of Park Creek, and Park Creek”; and

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

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

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

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

19 “(A) DESIGNATIONS.—”;

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

23 (3) in clause (i), as redesignated—

24 (A) by striking “25.5-mile” and inserting
25 “27.5-mile”; and

1 (B) by striking “Boulder Creek at the
2 Kalmiopsis Wilderness boundary” and inserting
3 “Mislatnah Creek”;

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

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

6 (B) by striking “Boulder Creek” and in-
7 serting “Mislatnah Creek”; and

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

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

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

12 and

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

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

16 “(B) WITHDRAWAL.—Subject to valid rights,
17 the Federal land within the boundaries of the river
18 segments designated by subparagraph (A), is with-
19 drawn from all forms of—

20 “(i) entry, appropriation, or disposal under
21 the public land laws;

22 “(ii) location, entry, and patent under the
23 mining laws; and

1 “(iii) disposition under all laws pertaining
2 to mineral and geothermal leasing or mineral
3 materials.”.

4 **SEC. 363. WILD AND SCENIC RIVER DESIGNATIONS,**
5 **WASSON CREEK AND FRANKLIN CREEK.**

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

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

13 “(____) WASSON CREEK, OREGON.—

14 “(A) The 4.2-mile segment from the east-
15 ern edge of section 17 downstream to the
16 boundary of sections 11 and 12 to be adminis-
17 tered by the Secretary of Interior as a wild
18 river.

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

1 **SEC. 364. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE**
2 **RIVER AREA.**

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

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

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

18 “(C) WHISKY CREEK.—

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

23 “(ii) The approximately 1.9 miles of Whis-
24 ky Creek from 0.1 miles downstream from road
25 33-8-23 to the confluence with the Rogue River
26 as a wild river.

1 “(D) EAST FORK WHISKY CREEK.—

2 “(i) The approximately 2.8 miles of East
3 Fork Whisky Creek from the Wild Rogue Wil-
4 derness boundary in T33S, R8W, sec. 11, W.M.
5 to 0.1 miles downstream of road 33-8-26 cross-
6 ing as a wild river.

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

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

15 “(F) BIG WINDY CREEK.—

16 “(i) The approximately 1.5 miles of Big
17 Windy Creek from its headwaters to 0.1 miles
18 downstream from road 34-9-17.1 as a scenic
19 river.

20 “(ii) The approximately 5.8 miles of Big
21 Windy Creek from 0.1 miles downstream from
22 road 34-9-17.1 to the confluence with the
23 Rogue River as a wild river.

24 “(G) EAST FORK BIG WINDY CREEK.—

1 “(i) The approximately 0.2 miles of East
2 Fork Big Windy Creek from its headwaters to
3 0.1 miles downstream from road 34-8-36 as a
4 scenic river.

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

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

13 “(I) HOWARD CREEK.—

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

17 “(ii) The approximately 6.9 miles of How-
18 ard Creek from 0.1 miles downstream of road
19 34-9-34 to the confluence with the Rogue River
20 as a wild river.

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

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

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

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

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

16 “(O) EAST FORK RUM CREEK.—The approxi-
17 mately 1.5 miles of East Rum Creek from the Wild
18 Rogue Wilderness boundary in T34S, R8W, sec. 10,
19 W.M. to the confluence with Rum Creek as a wild
20 river.

21 “(P) WILDCAT CREEK.—The approximately
22 1.7-mile section of Wildcat Creek from its head-
23 waters downstream to the confluence with the Rogue
24 River as a wild river.

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

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

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

12 “(T) DULOG CREEK.—

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

16 “(ii) The approximately 1.0 miles of Dulog
17 Creek from 0.1 miles downstream of road 34-
18 8-36 to the confluence with the Rogue River as
19 a wild river.

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

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

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

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

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

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

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

20 “(BB) CORRAL CREEK.—The approximately
21 0.5 miles of Corral Creek from its headwaters to the
22 confluence with the Rogue River as a wild river.

23 “(CC) COWLEY CREEK.—The approximately
24 0.9 miles of Cowley Creek from its headwaters to
25 the confluence with the Rogue River as a wild river.

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

5 “(EE) FRANCIS CREEK.—The approximately
6 0.9 miles of Francis Creek from its headwaters to
7 the confluence with the Rogue River as a wild river.

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

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

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

19 “(II) SLIDE CREEK.—

20 “(i) The approximately 0.5-mile section of
21 Slide Creek from its headwaters to 0.1 miles
22 downstream from road 33-9-6 as a scenic river.

23 “(ii) The approximately 0.7-mile section of
24 Slide Creek from 0.1 miles downstream of road

1 33-9-6 to the confluence with the Rogue River
2 as a wild river.”.

3 (b) MANAGEMENT.—All wild, scenic, and recreation
4 classified segments designated by the amendment made by
5 subsection (a) shall be managed as part of the Rogue Wild
6 and Scenic River.

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

11 (1) entry, appropriation, or disposal under the
12 public land laws;

13 (2) location, entry, and patent under the mining
14 laws; and

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

17 **SEC. 365. ADDITIONAL PROTECTIONS FOR ROGUE RIVER**
18 **TRIBUTARIES.**

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

22 (1) entry, appropriation, or disposal under the
23 public land laws;

24 (2) location, entry, and patent under the mining
25 laws; and

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

3 (b) STREAM SEGMENTS.—Subsection (a) applies the
4 following tributaries of the Rogue River:

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

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

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

16 (4) LITTLE WINDY CREEK.—The approximately
17 1.2 miles of Little Windy Creek from its headwaters
18 to west section line of 33S 9W sec. 34.

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

22 (6) MISSOURI CREEK.—The approximately 3.1
23 miles of Missouri Creek from its headwaters to the
24 Wild Rogue Wilderness boundary in 33S 10W sec.
25 24.

1 (7) JENNY CREEK.—The approximately 3.1
2 miles of Jenny Creek from its headwaters to the
3 Wild Rogue Wilderness boundary in 33S 9W sec.
4 28.

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

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

12 (10) HEWITT CREEK.—The approximately 1.4
13 miles of Hewitt Creek from its headwaters to the
14 Wild Rogue Wilderness boundary in 33S 9W sec.
15 19.

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

19 (12) RUSSIAN CREEK.—The approximately .1
20 miles of Russian Creek from its headwaters to the
21 Wild Rogue Wilderness boundary in 33S 8W sec.
22 20.

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

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

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

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

10 (17) NORTH FORK GALICE CREEK.—The ap-
11 proximately 5.7 miles of the North Fork Galice
12 Creek from its headwaters to its confluence with
13 Galice Creek.

14 (18) GRAVE CREEK.—The approximately 10.2
15 mile section of Grave Creek from the confluence of
16 Wolf Creek downstream to the confluence with the
17 Rogue River.

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

21 **CHAPTER 3—ADDITIONAL PROTECTIONS**

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

23 (a) PROHIBITION ON USE OF CONDEMNATION.—The
24 Secretary of the Interior or the Secretary of Agriculture
25 may not acquire by condemnation any land or interest

1 within the boundaries of the river segments or wilderness
2 designated by this subtitle.

3 (b) LANDOWNER CONSENT REQUIRED.—Private or
4 non-Federal public property shall not be included within
5 the boundaries of the river segments or wilderness des-
6 ignated by this subtitle unless the owner of the property
7 has consented in writing to having that property included
8 in such boundaries.

9 **SEC. 372. OVERFLIGHTS.**

10 (a) IN GENERAL.—Nothing in this subtitle or the
11 Wilderness Act shall preclude low-level overflights and op-
12 erations of military aircraft, helicopters, missiles, or un-
13 manned aerial vehicles over the wilderness designated by
14 this subtitle, including military overflights and operations
15 that can be seen or heard within the wilderness.

16 (b) SPECIAL USE AIRSPACE AND TRAINING
17 ROUTES.—Nothing in this subtitle or the Wilderness Act
18 shall preclude the designation of new units of special use
19 airspace, the expansion of existing units of special use air-
20 space, or the use or establishment of military training
21 routes over wilderness designated by this subtitle.

22 **SEC. 373. BUFFER ZONES.**

23 Nothing in this title—

24 (1) establishes or authorizes the establishment
25 of a protective perimeter or buffer zone around the

1 boundaries of the river segments or wilderness des-
2 ignated by this subtitle; or

3 (2) precludes, limits, or restricts an activity
4 from being conducted outside such boundaries, in-
5 cluding an activity that can be seen or heard from
6 within such boundaries.

7 **SEC. 374. PREVENTION OF WILDFIRES.**

8 The designation of a river segment or wilderness by
9 this subtitle or the withdrawal of the Federal land under
10 this subtitle shall not be construed to interfere with the
11 authority of the Secretary of the Interior or the Secretary
12 of Agriculture to authorize mechanical thinning of trees
13 or underbrush to prevent or control the spread of wildfires,
14 or conditions creating the risk of wildfire that threatens
15 areas outside the boundary of the wilderness, or the use
16 of mechanized equipment for wildfire pre-suppression and
17 suppression.

18 **SEC. 375. LIMITATION ON DESIGNATION OF CERTAIN**
19 **LANDS IN OREGON.**

20 A national monument designation under the Act of
21 June 8, 1906 (commonly known as the Antiquities Act;
22 16 U.S.C. 431 et seq.) within or on any portion of the
23 Oregon and California Railroad Grant Lands or the O&C
24 Region Public Domain lands, regardless of whether man-
25 agement authority over the lands are transferred to the

1 O&C Trust pursuant to section 311(c)(1), the lands are
2 excluded from the O&C Trust pursuant to section
3 311(c)(2), or the lands are transferred to the Forest Serv-
4 ice under section 321, shall only be made pursuant to Con-
5 gressional approval in an Act of Congress.

6 **CHAPTER 4—EFFECTIVE DATE**

7 **SEC. 381. EFFECTIVE DATE.**

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

11 (b) EXCEPTION.—If, as a result of judicial review au-
12 thorized by section 312, any provision of subtitle A is held
13 to be invalid and implementation of the provision or any
14 activity conducted under the provision is enjoined, this
15 subtitle and the amendments made by this subtitle shall
16 not take effect, or if the effective date specified in sub-
17 section (a) has already occurred, this subtitle shall have
18 no force and effect and the amendments made by this sub-
19 title are repealed.

20 **Subtitle D—Tribal Trust Lands**

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

22 **SEC. 391. DEFINITIONS.**

23 In this part:

24 (1) COUNCIL CREEK LAND.—The term “Council
25 Creek land” means the approximately 17,519 acres

1 of land, as generally depicted on the map entitled
2 “Council Creek Land Conveyance” and dated June
3 27, 2013.

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

6 **SEC. 392. 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 Council Creek land, including
10 any improvements located on the land, appurtenances to
11 the land, and minerals on or in the land, including oil and
12 gas, shall be—

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

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

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

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

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

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

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

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

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

14 **SEC. 394. ADMINISTRATION.**

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

19 (b) **PROHIBITIONS.**—

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

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

6 (c) FOREST MANAGEMENT.—Any commercial for-
7 estry activity that is carried out on the Council Creek land
8 shall be managed in accordance with all applicable Federal
9 laws

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

11 **SEC. 395. DEFINITIONS.**

12 In this part:

13 (1) OREGON COASTAL LAND.—The term “Or-
14 egon Coastal land” means the approximately 14,804
15 acres of land, as generally depicted on the map enti-
16 tled “Oregon Coastal Land Conveyance” and dated
17 March 5, 2013.

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

21 **SEC. 396. CONVEYANCE.**

22 (a) IN GENERAL.—Subject to valid existing rights,
23 including rights-of-way, all right, title, and interest of the
24 United States in and to the Oregon Coastal land, includ-
25 ing any improvements located on the land, appurtenances

1 to the land, and minerals on or in the land, including oil
2 and gas, shall be—

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

5 (2) part of the reservation of the Confederated
6 Tribes.

7 (b) SURVEY.—Not later than 180 days after the date
8 of enactment of this Act, the Secretary of the Interior
9 shall complete a survey of the boundary lines to establish
10 the boundaries of the land taken into trust under sub-
11 section (a).

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

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

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

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

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

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

5 **SEC. 398. ADMINISTRATION.**

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

10 (b) PROHIBITIONS.—

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

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

21 (c) FOREST MANAGEMENT.—Any commercial for-
22 estry activity that is carried out on the Oregon Coastal
23 land shall be managed in accordance with all applicable
24 Federal laws.

1 **TITLE IV—COMMUNITY FOREST**
2 **MANAGEMENT DEMONSTRATION**

3 **SEC. 401. PURPOSE AND DEFINITIONS.**

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

8 (b) DEFINITIONS.—In this title:

9 (1) ADVISORY COMMITTEE.—The term “Advi-
10 sory Committee” means the Advisory Committee ap-
11 pointed by the Governor of a State for the commu-
12 nity forest demonstration area established for the
13 State.

14 (2) COMMUNITY FOREST DEMONSTRATION
15 AREA.—The term “community forest demonstration
16 area” means a community forest demonstration area
17 established for a State under section 402.

18 (3) NATIONAL FOREST SYSTEM.—The term
19 “National Forest System” has the meaning given
20 that term in section 11(a) of the Forest and Range-
21 land Renewable Resources Planning Act of 1974 (16
22 U.S.C. 1609(a)), except that the term does not in-
23 clude the National Grasslands and land utilization
24 projects designated as National Grasslands adminis-

1 tered pursuant to the Act of July 22, 1937 (7
2 U.S.C. 1010–1012).

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture or the designee of the
5 Secretary of Agriculture.

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

8 **SEC. 402. ESTABLISHMENT OF COMMUNITY FOREST DEM-**
9 **ONSTRATION AREAS.**

10 (a) ESTABLISHMENT REQUIRED; TIME FOR ESTAB-
11 LISHMENT.—Subject to subsection (c) and not later than
12 one year after the date of the enactment of this Act, the
13 Secretary of Agriculture shall establish a community for-
14 est demonstration area at the request of the Advisory
15 Committee appointed to manage community forest dem-
16 onstration area land in that State.

17 (b) COVERED LAND.—

18 (1) INCLUSION OF NATIONAL FOREST SYSTEM
19 LAND.—The community forest demonstration areas
20 of a State shall consist of the National Forest Sys-
21 tem land in the State identified for inclusion by the
22 Advisory Committee of that State.

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

1 (A) that is a component of the National
2 Wilderness Preservation System;

3 (B) on which the removal of vegetation is
4 specifically prohibited by Federal law;

5 (C) National Monuments; or

6 (D) over which administration jurisdiction
7 was first assumed by the Forest Service under
8 title III.

9 (c) CONDITIONS ON ESTABLISHMENT.—

10 (1) ACREAGE REQUIREMENT.—A community
11 forest demonstration area must include at least
12 200,000 acres of National Forest System land.

13 (2) MANAGEMENT LAW REQUIREMENT.—A
14 community forest demonstration area may be estab-
15 lished in a State only if the State has a forest prac-
16 tices law applicable to State or privately owned for-
17 est land in the State.

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

1 plicable State law as provided under title I of the
2 Secure Rural Schools and Community Self-Deter-
3 mination Act of 2000 (16 U.S.C. 7111 et seq.) or
4 as provided in the sixth paragraph under the head-
5 ing “FOREST SERVICE” in the Act of May 23,
6 1908 (16 U.S.C. 500) and section 13 of the Act of
7 March 1, 1911 (16 U.S.C. 500).

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

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

17 (2) title I.

18 (e) ACREAGE LIMITATION.—Not more than a total
19 of 2,000,000 acres of National Forest System land may
20 be established as community forest demonstration areas.

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

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

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

7 **SEC. 403. ADVISORY COMMITTEE.**

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

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

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

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

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

22 (4) One member who represents recreational
23 users of National Forest System land.

24 (c) TERMS.—

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

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

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

16 **SEC. 404. MANAGEMENT OF COMMUNITY FOREST DEM-**
17 **ONSTRATION AREAS.**

18 (a) ASSUMPTION OF MANAGEMENT.—

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

24 (A) the National Forest System land to be
25 included in the community forest demonstration

1 area meets the requirements of subsections (b)
2 and (c) of section 402;

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

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

9 (2) SCOPE AND TIME FOR CONFIRMATION.—

10 The determination of the Secretary under paragraph
11 (1) is limited to confirming whether the conditions
12 specified in subparagraphs (A) and (B) of such
13 paragraph have been satisfied. The Secretary shall
14 make the determination not later than 60 days after
15 the date of the appointment of the Advisory Com-
16 mittee.

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

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

1 (B) make a new determination under para-
2 graph (2) within 60 days after receiving a new
3 request from the Advisory Committee that ad-
4 dresses the reasons that previously prevented
5 confirmation.

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

16 (c) APPLICABILITY OF OTHER FEDERAL LAWS.—

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

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

3 (B) The Clean Air Act (42 U.S.C. 7401 et
4 seq.).

5 (C) The Endangered Species Act of 1973
6 (16 U.S.C. 1531 et seq.).

7 (D) Federal laws and regulations gov-
8 erning procurement by Federal agencies.

9 (E) Except as provided in paragraph (2),
10 other Federal laws.

11 (2) APPLICABILITY OF NATIVE AMERICAN

12 GRAVES PROTECTION AND REPATRIATION ACT.—

13 Notwithstanding the assumption by an Advisory

14 Committee of management of a community forest

15 demonstration area, the Native American Graves

16 Protection and Repatriation Act (25 U.S.C. 3001 et

17 seq.) shall continue to apply to the National Forest

18 System land included in the community forest dem-

19 onstration area.

20 (d) CONSULTATION.—

21 (1) WITH INDIAN TRIBES.—The Advisory Com-

22 mittee for a community forest demonstration area

23 shall cooperate and consult with Indian tribes on

24 management policies and practices for the commu-

25 nity forest demonstration area that may affect the

1 Indian tribes. The Advisory Committee shall take
2 into consideration the use of lands within the com-
3 munity forest demonstration area for religious and
4 cultural uses by Native Americans.

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

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

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

17 (g) PROHIBITION ON EXPORT.—As a condition on
18 the sale of timber or other forest products from a commu-
19 nity forest demonstration area, unprocessed timber har-
20 vested from a community forest demonstration area may
21 not be exported in accordance with 223.48 of title 36,
22 Code of Federal Regulations.

1 **SEC. 405. DISTRIBUTION OF FUNDS FROM COMMUNITY**
2 **FOREST DEMONSTRATION AREA.**

3 (a) RETENTION OF FUNDS FOR MANAGEMENT.—The
4 Advisory Committee appointed for a community forest
5 demonstration area may retain such sums as the Advisory
6 Committee considers to be necessary from amounts gen-
7 erated from that community forest demonstration area to
8 fund the management, administration, restoration, oper-
9 ation and maintenance, improvement, repair, and related
10 expenses incurred with respect to the community forest
11 demonstration area.

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

22 **SEC. 406. INITIAL FUNDING AUTHORITY.**

23 (a) FUNDING SOURCE.—Counties may use such sum
24 as the counties consider to be necessary from the amounts
25 made available to the counties under section 501 to pro-

1 vide initial funding for the management of community for-
2 est demonstration areas.

3 (b) NO RESTRICTION ON USE OF NON-FEDERAL
4 FUNDS.—Nothing in this title restricts the Advisory Com-
5 mittee of a community forest demonstration area from
6 seeking non-Federal loans or other non-Federal funds for
7 management of the community forest demonstration area.

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

9 (a) PAYMENT REQUIREMENT.—As soon as prac-
10 ticable after the end of the fiscal year in which a commu-
11 nity forest demonstration area is established and as soon
12 as practicable after the end of each subsequent fiscal year,
13 the Advisory Committee for a community forest dem-
14 onstration area shall make a payment to the United States
15 Treasury.

16 (b) PAYMENT AMOUNT.—The payment for a fiscal
17 year under subsection (a) with respect to a community for-
18 est demonstration area shall be equal to 75 percent of the
19 quotient obtained by dividing—

20 (1) the number obtained by multiplying the
21 number of acres of land in the community forest
22 demonstration area by the average annual receipts
23 generated over the preceding 10-fiscal year period
24 from the unit or units of the National Forest Sys-

1 tem containing that community forest demonstration
2 area; by

3 (2) the total acres of National Forest System
4 land in that unit or units of the National Forest
5 System.

6 **SEC. 408. TERMINATION OF COMMUNITY FOREST DEM-**
7 **ONSTRATION AREA.**

8 (a) **TERMINATION AUTHORITY.**—Subject to approval
9 by the Governor of the State, the Advisory Committee for
10 a community forest demonstration area may terminate the
11 community forest demonstration area by a unanimous
12 vote.

13 (b) **EFFECT OF TERMINATION.**—Upon termination of
14 a community forest demonstration area, the Secretary
15 shall immediately resume management of the National
16 Forest System land that had been included in the commu-
17 nity forest demonstration area, and the Advisory Com-
18 mittee shall be dissolved.

19 (c) **TREATMENT OF UNDISTRIBUTED FUNDS.**—Any
20 revenues from the terminated area that remain undistrib-
21 uted under section 405 more than 30 days after the date
22 of termination shall be deposited in the general fund of
23 the Treasury for use by the Forest Service in such
24 amounts as may be provided in advance in appropriation
25 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.—No later than Feb-
10 ruary 2014, the Secretary of Agriculture shall distribute
11 to each beneficiary county (as defined in section 102(2))
12 a payment equal to the amount distributed to the bene-
13 ficiary county for fiscal year 2010 under section 102(c)(1)
14 of the Secure Rural Schools and Community Self-Deter-
15 mination Act of 2000 (16 U.S.C. 7112(c)(1)).

16 (b) COUNTIES THAT WERE ELIGIBLE FOR DIRECT
17 COUNTY PAYMENTS.—No later than February 2014, the
18 Secretary of the Interior shall distribute to each county
19 that received a payment for fiscal year 2010 under section
20 102(a)(2) of the Secure Rural Schools and Community
21 Self-Determination Act of 2000 (16 U.S.C. 7112(a)(2))
22 a payment equal to the amount distributed to the county
23 for fiscal year 2010 under section 102(c)(1) of the Secure
24 Rural Schools and Community Self-Determination Act of
25 2000 (16 U.S.C. 7112(c)(1)).

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.—Section 347(a) of
23 the Department of the Interior and Related Agencies Ap-
24 propriations Act, 1999 (as contained in section 101(e) of

1 division A of Public Law 105–277; 16 U.S.C. 2104 note)
2 is amended by striking “2013” 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.).

