

1 (b) CONSULTATION.—In preparing a proposed haz-
2 ardous fuel reduction project or a forest health project,
3 the Governor of a State shall consult with county govern-
4 ment from affected counties, and with affected Indian
5 tribes.

6 (c) SUBMISSION AND IMPLEMENTATION.—The Gov-
7 ernor of a State shall submit proposed emergency haz-
8 ardous fuel reduction projects and forest health projects
9 to the Secretary concerned for implementation as provided
10 in section 203.

11 **TITLE III—OREGON AND CALI-**
12 **FORNIA RAILROAD GRANT**
13 **LANDS TRUST, CONSERVA-**
14 **TION, AND JOBS**

15 **SEC. 301. SHORT TITLE.**

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

18 **SEC. 302. DEFINITIONS.**

19 In this title:

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

23 (2) BOARD OF TRUSTEES.—The term “Board
24 of Trustees” means the Board of Trustees for the

1 Oregon and California Railroad Grant Lands Trust
2 appointed under section 313.

3 (3) COOS BAY WAGON ROAD GRANT LANDS.—
4 The term “Coos Bay Wagon Road Grant lands”
5 means the lands reconveyed to the United States
6 pursuant to the first section of the Act of February
7 26, 1919 (40 Stat. 1179).

8 (4) FISCAL YEAR.—The term “fiscal year”
9 means the Federal fiscal year, October 1 through
10 the next September 30.

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

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

21 (7) O&C TRUST.—The terms “Oregon and Cali-
22 fornia Railroad Grant Lands Trust” and “O&C
23 Trust” mean the trust created by section 311, which
24 has fiduciary responsibilities to act for the benefit of

1 the O&C Trust counties in the management of O&C
2 Trust lands.

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

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

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

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

24 (i) administered by the Secretary of
25 the Interior, acting through the Bureau of

1 Land Management, pursuant to the first
2 section of the Act of August 28, 1937 (43
3 U.S.C. 1181a); or

4 (ii) administered by the Secretary of
5 Agriculture as part of the National Forest
6 System pursuant to the first section of the
7 Act of June 24, 1954 (43 U.S.C. 1181g).

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

12 (C) All lands in the State acquired by the
13 United States at any time and made subject to
14 the provisions of title II of the Act of August
15 28, 1937 (43 U.S.C. 1181f).

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

19 (12) SECRETARY CONCERNED.—The term
20 “Secretary concerned” means—

21 (A) the Secretary of the Interior, with re-
22 spect to Oregon and California Railroad Grant
23 lands that are transferred to the management
24 authority of the O&C Trust and, immediately

1 before such transfer, were managed by the Bu-
2 reau of Land Management; and

3 (B) the Secretary of Agriculture, with re-
4 spect to Oregon and California Railroad Grant
5 lands that—

6 (i) are transferred to the management
7 authority of the O&C Trust and, imme-
8 diately before such transfer, were part of
9 the National Forest System; or

10 (ii) are transferred to the Forest
11 Service under section 321.

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

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

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

19 (B) interim funding of the O&C Trust is
20 secured.

21 (15) TRIBAL LANDS.—The term “Tribal lands”
22 means any of the lands transferred to the Cow
23 Creek Band of the Umpqua Tribe of Indians or the
24 Confederated Tribes of Coos, Lower Umpqua, and
25 Siuslaw Indians under subtitle D.

1 **Subtitle A—Trust, Conservation,**
2 **and Jobs**

3 **CHAPTER 1—CREATION AND TERMS OF**
4 **O&C TRUST**

5 **SEC. 311. CREATION OF O&C TRUST AND DESIGNATION OF**
6 **O&C TRUST LANDS.**

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

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

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

22 (1) LANDS INCLUDED.—Except as provided in
23 paragraph (2), the O&C Trust lands shall include all
24 of the lands containing the stands of timber de-
25 scribed in subsection (d) that are located, as of Jan-

1 uary 1, 2013, on Oregon and California Railroad
2 Grant lands and O&C Region Public Domain lands.

3 (2) LANDS EXCLUDED.—O&C Trust lands shall
4 not include any of the following Oregon and Cali-
5 fornia Railroad Grant lands and O&C Region Public
6 Domain lands (even if the lands are otherwise de-
7 scribed in subsection (d)):

8 (A) Federal lands within the National
9 Landscape Conservation System as of January
10 1, 2013.

11 (B) Federal lands designated as Areas of
12 Critical Environmental Concern as of January
13 1, 2013.

14 (C) Federal lands that were in the Na-
15 tional Wilderness Preservation System as of
16 January 1, 2013.

17 (D) Federal lands included in the National
18 Wild and Scenic Rivers System of January 1,
19 2013.

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

23 (F) Oregon treasures addressed in subtitle
24 C, any portion of which, as of January 1, 2013,
25 consists of Oregon and California Railroad

1 Grant lands or O&C Region Public Domain
2 lands.

3 (G) Tribal lands addressed in subtitle D.

4 (d) COVERED STANDS OF TIMBER.—

5 (1) DESCRIPTION.—The O&C Trust lands con-
6 sist of stands of timber that have previously been
7 managed for timber production or that have been
8 materially altered by natural disturbances since
9 1886. Most of these stands of timber are 80 years
10 old or less, and all of such stands can be classified
11 as having a predominant stand age of 125 years or
12 less.

13 (2) DELINEATION OF BOUNDARIES BY BUREAU
14 OF LAND MANAGEMENT.—The Oregon and Cali-
15 fornia Railroad Grant lands and O&C Region Public
16 Domain lands that, immediately before transfer to
17 the O&C Trust, were managed by the Bureau of
18 Land Management are timber stands that have pre-
19 dominant birth date attributes of 1886 or later, with
20 boundaries that are defined by polygon spatial data
21 layer in and electronic data compilation filed by the
22 Bureau of Land Management pursuant to paragraph
23 (4). Except as provided in paragraph (5), the bound-
24 aries of all timber stands constituting the O&C
25 Trust lands are finally and conclusively determined

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

16 (3) DELINEATION OF BOUNDARIES BY FOREST
17 SERVICE.—The O&C Trust lands that, immediately
18 before transfer to the O&C Trust, were managed by
19 the Forest Service are timber stands that can be
20 classified as having predominant stand ages of 125
21 years old or less. Within 30 days after the date of
22 the enactment of this Act, the Secretary of Agri-
23 culture shall commence identification of the bound-
24 aries of such stands, and the boundaries of all such
25 stands shall be identified and made available to the

1 Board of Trustees not later than 180 days following
2 the creation of the O&C Trust pursuant to sub-
3 section (a). In identifying the stand boundaries, the
4 Secretary may use geographic information system
5 data, satellite imagery, cadastral survey coordinates,
6 or any other means available within the time al-
7 lowed. The boundaries shall be provided to the
8 Board of Trustees within the time allowed in the
9 form of a spatial data layer from which coordinates
10 can be derived that are locatable on the ground by
11 use of global positioning system signals. Except as
12 provided in paragraph (5), the boundaries of all tim-
13 ber stands constituting the O&C Trust lands are fi-
14 nally and conclusively determined for all purposes by
15 coordinates in or derived by reference to the data
16 provided by the Secretary within the time provided
17 by this paragraph, notwithstanding anomalies that
18 might later be discovered on the ground. In cases
19 where the location of the stand boundary is disputed
20 or inconsistent with paragraph (1), the location of
21 boundary coordinates on the ground shall be, except
22 as otherwise provided in paragraph (5), finally and
23 conclusively determined for all purposes by the
24 boundary coordinates provided by the Secretary as
25 they are located on the ground by the direct or indi-

1 rect use of global positioning system equipment with
2 accuracy specifications of one meter or less. All ac-
3 tions taken by the Secretary under this paragraph
4 shall be deemed to not involve Federal agency action
5 or Federal discretionary involvement or control.

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

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

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

22 (5) ADJUSTMENT AUTHORITY AND LIMITA-
23 TIONS.—

24 (A) NO IMPACT ON DETERMINING TITLE
25 OR PROPERTY OWNERSHIP BOUNDARIES.—

1 Stand boundaries identified under paragraph
2 (2) or (3) shall not be relied upon for purposes
3 of determining title or property ownership
4 boundaries. If the boundary of a stand identi-
5 fied under paragraph (2) or (3) extends beyond
6 the property ownership boundaries of Oregon
7 and California Railroad Grant lands or O&C
8 Region Public Domain lands, as such property
9 boundaries exist on the date of enactment of
10 this Act, then that stand boundary is deemed
11 adjusted by this subparagraph to coincide with
12 the property ownership boundary.

13 (B) EFFECT OF DATA ERRORS OR INCON-
14 SISTENCIES.—Data errors or inconsistencies
15 may result in parcels of land along property
16 ownership boundaries that are unintentionally
17 omitted from the O&C Trust lands that are
18 identified under paragraph (2) or (3). In order
19 to correct such errors, any parcel of land that
20 satisfies all of the following criteria is hereby
21 deemed to be O&C Trust land:

22 (i) The parcel is within the ownership
23 boundaries of Oregon and California Rail-
24 road Grant lands or O&C Region Public

1 Domain lands on the date of the enact-
2 ment of this Act.

3 (ii) The parcel satisfies the description
4 in paragraph (1) on the date of enactment
5 of this Act.

6 (iii) The parcel is not excluded from
7 the O&C Trust lands pursuant to sub-
8 section (e)(2).

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

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

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

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

24 (2) actions on the O&C Trust lands shall be
25 deemed to involve no Federal agency action or Fed-

1 eral discretionary involvement or control and the
2 laws of the State shall apply to the surface estate of
3 the O&C Trust lands in the manner applicable to
4 privately owned timberlands in the State; and

5 (3) the O&C Trust shall be treated as the bene-
6 ficial owner of the surface estate of the O&C Trust
7 lands for purposes of all legal proceedings involving
8 the O&C Trust lands.

9 (b) MINERALS.—

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

16 (2) ROCK AND GRAVEL.—

17 (A) USE AUTHORIZED; PURPOSE.—For
18 maintenance or construction on the road system
19 under the control of the O&C Trust or for non-
20 Federal lands intermingled with O&C Trust
21 lands, the Board of Trustees may—

22 (i) utilize rock or gravel found within
23 quarries in existence immediately before
24 the date of the enactment of this Act on
25 any Oregon and California Railroad Grant

1 lands and O&C Region Public Domain
2 lands, excluding those lands designated
3 under subtitle C or transferred under sub-
4 title D; and

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

8 (B) EXCEPTION.—The Board of Trustees
9 shall not construct new quarries on any of the
10 lands transferred to the Forest Service under
11 section 321 or lands designated under subtitle
12 D.

13 (c) ROADS.—

14 (1) IN GENERAL.—Except as provided in sub-
15 section (b), the Board of Trustees shall assume au-
16 thority and responsibility over, and have authority to
17 use, all roads and the road system specified in the
18 following subparagraphs:

19 (A) All roads and road systems on the Or-
20 egon and California Railroad and Grant lands
21 and O&C Region Public Domain lands owned or
22 administered by the Bureau of Land Manage-
23 ment immediately before the date of the enact-
24 ment of this Act, except that the Secretary of
25 Agriculture shall assume the Secretary of Inte-

1 rior's obligations for pro-rata maintenance ex-
2 pense and road use fees under reciprocal right-
3 of-way agreements for those lands transferred
4 to the Forest Service under section 321. All of
5 the lands transferred to the Forest Service
6 under section 321 shall be considered as part of
7 the tributary area used to calculate pro-rata
8 maintenance expense and road use fees.

9 (B) All roads and road systems owned or
10 administered by the Forest Service immediately
11 before the date of the enactment of this Act
12 and subsequently included within the bound-
13 aries of the O&C Trust lands.

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

16 (2) LANDS TRANSFERRED TO FOREST SERV-
17 ICE.—The Secretary of Agriculture shall assume the
18 obligations of the Secretary of Interior for pro-rata
19 maintenance expense and road use fees under recip-
20 rocal rights-of-way agreements for those Oregon and
21 California Railroad Grant lands or O&C Region
22 Public Domain lands transferred to the Forest Serv-
23 ice under section 321.

24 (3) COMPLIANCE WITH CLEAN WATER ACT.—
25 All roads used, constructed, or reconstructed under

1 the jurisdiction of the O&C Trust must comply with
2 requirements of the Federal Water Pollution Control
3 Act (33 U.S.C. 1251 et seq.) applicable to private
4 lands through the use of Best Management Prac-
5 tices under the Oregon Forest Practices Act.

6 (d) PUBLIC ACCESS.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 public access to O&C Trust lands shall be preserved
9 consistent with the policies of the Secretary con-
10 cerned applicable to the O&C Trust lands as of the
11 date on which management authority over the sur-
12 face estate of the lands is transferred to the O&C
13 Trust.

14 (2) RESTRICTIONS.—The Board of Trustees
15 may limit or control public access for reasons of
16 public safety or to protect the resources on the O&C
17 Trust lands.

18 (e) LIMITATIONS.—The assets of the O&C Trust
19 shall not be subject to the creditors of an O&C Trust coun-
20 ty, or otherwise be distributed in an unprotected manner
21 or be subject to anticipation, encumbrance, or expenditure
22 other than for a purpose for which the O&C Trust was
23 created.

24 (f) REMEDY.—An O&C Trust county shall have all
25 of the rights and remedies that would normally accrue to

1 a beneficiary of a trust. An O&C Trust county shall pro-
2 vide the Board of Trustees, the Secretary concerned, and
3 the Attorney General with not less than 60 days notice
4 of an intent to sue to enforce the O&C Trust county's
5 rights under the O&C Trust.

6 (g) JUDICIAL REVIEW.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), judicial review of any provision of this
9 title shall be sought in the United States Court of
10 Appeals for the District of Columbia Circuit. Parties
11 seeking judicial review of the validity of any provi-
12 sion of this title must file suit within 60 days after
13 the date of the enactment of this Act and no pre-
14 liminary injunctive relief or stays pending appeal will
15 be permitted. If multiple cases are filed under this
16 paragraph, the Court shall consolidate the cases.
17 The Court must rule on any action brought under
18 this paragraph within 180 days.

19 (2) DECISIONS OF BOARD OF TRUSTEES.—De-
20 cisions made by the Board of Trustees shall be sub-
21 ject to judicial review only in an action brought by
22 an O&C County, except that nothing in this title
23 precludes bringing a legal claim against the Board
24 of Trustees that could be brought against a private
25 landowner for the same action.

1 **SEC. 313. BOARD OF TRUSTEES.**

2 (a) APPOINTMENT AUTHORIZATION.—Subject to the
3 conditions on appointment imposed by this section, the
4 Governor is authorized to appoint the Board of Trustees
5 to administer the O&C Trust and O&C Trust lands. Ap-
6 pointments by the Governor shall be made within 60 days
7 after the date of the enactment of this Act.

8 (b) MEMBERS AND ELIGIBILITY.—

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

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

14 (3) GEOGRAPHICAL REPRESENTATION.—To the
15 extent practicable, the Governor shall ensure broad
16 geographic representation among the O&C Trust
17 counties in appointing members to the Board of
18 Trustees.

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

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

23 (i) one member who represents the com-
24 mercial timber, wood products, or milling indus-
25 tries and who represents an Oregon-based com-
26 pany with more than 500 employees, taking

1 into account its affiliates, that has submitted a
2 bid for a timber sale on the Oregon and Cali-
3 fornia Railroad Grant lands, O&C Region Pub-
4 lic Domain lands, Coos Bay Wagon Road Grant
5 lands, or O&C Trust lands in the preceding five
6 years; and

7 (ii) one member who represents the com-
8 mercial wood products or milling industries and
9 who represents an Oregon-based company with
10 500 or fewer employees, taking into account its
11 affiliates, that has submitted a bid for a timber
12 sale on the Oregon and California Railroad
13 Grant lands, O&C Region Public Domain lands,
14 Coos Bay Wagon Road Grant lands, or O&C
15 Trust lands in the preceding five years.

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

21 (2) One representative of the general public
22 who has professional experience in one or more of
23 the following fields:

24 (A) Business management.

25 (B) Law.

- 1 (C) Accounting.
- 2 (D) Banking.
- 3 (E) Labor management.
- 4 (F) Transportation.
- 5 (G) Engineering.
- 6 (H) Public policy.

7 (3) One representative of the science commu-
8 nity who, at a minimum, holds a Doctor of Philos-
9 ophy degree in wildlife biology, forestry, ecology, or
10 related field and has published peer-reviewed aca-
11 demic articles in the representative's field of exper-
12 tise.

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

15 (A) two members who are serving county
16 commissioners of an O&C Trust county and
17 who are nominated by the governing bodies of
18 a majority of the O&C Trust counties and ap-
19 proved by the Governor, except that the two
20 representatives may not be from the same coun-
21 ty; and

22 (B) one member who holds State-wide
23 elected office (or is a designee of such a person)
24 or who represents a federally recognized Indian

1 tribe or tribes within one or more O&C Trust
2 counties.

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

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

8 (2) INITIAL APPOINTMENTS.—In making the
9 first appointments to the Board of Trustees, the
10 Governor shall stagger initial appointment lengths so
11 that two members have three-year terms, two mem-
12 bers have four-year terms, and three members have
13 a full five-year term.

14 (3) VACANCIES.—Any vacancy on the Board of
15 Trustees shall be filled within 45 days by the Gov-
16 ernor for the unexpired term of the departing mem-
17 ber.

18 (4) BOARD OF TRUSTEES MANAGEMENT
19 COSTS.—Members of the Board of Trustees may re-
20 ceive annual compensation from the O&C Trust at
21 a rate not to exceed 50 percent of the average an-
22 nual salary for commissioners of the O&C Trust
23 counties for that year.

24 (e) CHAIRPERSON AND OPERATIONS.—

1 (1) CHAIRPERSON.—A majority of the Board of
2 Trustees shall select the chairperson for the Board
3 of Trustees each year.

4 (2) MEETINGS.—The Board of Trustees shall
5 establish proceedings to carry out its duties. The
6 Board shall meet at least quarterly. Except for
7 meetings substantially involving personnel and con-
8 tractual decisions, all meetings of the Board shall
9 comply with the public meetings law of the State.

10 (f) QUORUM AND DECISION-MAKING.—

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

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

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

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

24 (a) IN GENERAL.—Except as otherwise provided in
25 this title, the O&C Trust lands will be managed by the

1 Board of Trustees in compliance with all Federal and
2 State laws in the same manner as such laws apply to pri-
3 vate forest lands.

4 (b) TIMBER SALE PLANS.—The Board of Trustees
5 shall approve and periodically update management and
6 sale plans for the O&C Trust lands consistent with the
7 purpose specified in section 311(b). The Board of Trust-
8 ees may defer sale plans during periods of depressed tim-
9 ber markets if the Board of Trustees, in its discretion,
10 determines that such delay until markets improve is finan-
11 cially prudent and in keeping with its fiduciary obligation
12 to the O&C Trust counties.

13 (c) STAND ROTATION.—

14 (1) 100-120 YEAR ROTATION.—The Board of
15 Trustees shall manage not less than 50 percent of
16 the harvestable acres of the O&C Trust lands on a
17 100-120 year rotation. The acreage subject to 100-
18 120 year management shall be geographically dis-
19 persed across the O&C Trust lands in a manner that
20 the Board of Trustees, in its discretion, determines
21 will contribute to aquatic and terrestrial ecosystem
22 values.

23 (2) BALANCE.—The balance of the harvestable
24 acreage of the O&C Trust lands shall be managed
25 on any rotation age the Board of Trustees, in its

1 discretion and in compliance with applicable State
2 law, determines will best satisfy its fiduciary obliga-
3 tion to provide revenue to the O&C Trust counties.

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

8 (d) SALE TERMS.—

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

13 (2) SET ASIDE.—The Board of Trustees shall
14 establish a program consistent with the program of
15 the Bureau of Land Management under a March 10,
16 1959 Memorandum of Understanding, as amended,
17 regarding calculation of shares and sale of timber
18 set aside for purchase by business entities with 500
19 or fewer employees and consistent with the regula-
20 tions in part 121 of title 13, Code of Federal Regu-
21 lations applicable to timber sale set asides, except
22 that existing shares in effect on the date of enact-
23 ment of this Act shall apply until the next scheduled
24 recomputation of shares. In implementing its pro-
25 gram that is consistent with such Memorandum of

1 Understanding, the Board of Trustees shall utilize
2 the Timber Sale Procedure Handbook and other ap-
3 plicable procedures of the Bureau of Land Manage-
4 ment, including the Operating Procedures for Con-
5 ducting the Five-Year Recomputation of Small Busi-
6 ness Share Percentages in effect on January 1,
7 2013.

8 (3) COMPETITIVE BIDDING.—The Board of
9 Trustees must sell timber on a competitive bid basis.
10 No less than 50 percent of the total volume of tim-
11 ber sold by the Board of Trustees each year shall be
12 sold by oral bidding consistent with practices of the
13 Bureau of Land Management as of January 1,
14 2013.

15 (e) PROHIBITION ON EXPORT.—

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

20 (2) VIOLATIONS.—Any person who knowingly
21 exports unprocessed timber harvested from O&C
22 Trust lands, who knowingly provides such unproc-
23 essed timber for export by another person, or know-
24 ingly sells timber harvested from O&C Trust lands
25 to a person who is disqualified from purchasing tim-

1 ber from such lands pursuant to this section shall be
2 disqualified from purchasing timber or other forest
3 products from O&C Trust lands or from Federal
4 lands administered under this subtitle. Any person
5 who uses unprocessed timber harvested from O&C
6 Trust lands in substitution for exported unprocessed
7 timber originating from private lands shall be dis-
8 qualified from purchasing timber or other forest
9 products from O&C Trust lands or from Federal
10 lands administered under this subtitle.

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

16 (f) INTEGRATED PEST, DISEASE, AND WEED MAN-
17 AGEMENT PLAN.—The Board of Trustees shall develop an
18 integrated pest and vegetation management plan to assist
19 forest managers in prioritizing and minimizing the use of
20 pesticides and herbicides approved by the Environmental
21 Protection Agency and used in compliance with the Or-
22 egon Forest Practices Act. The plan shall optimize the
23 ability of the O&C Trust to re-establish forest stands after
24 harvest in compliance with the Oregon Forest Practices
25 Act and to create diverse early seral stage forests. The

1 plan shall allow for the eradication, containment and sup-
2 pression of disease, pests, weeds and noxious plants, and
3 invasive species as found on the State Noxious Weed List
4 and prioritize ground application of herbicides and pes-
5 ticides to the greatest extent practicable. The plan shall
6 be completed before the start of the second year of the
7 transition period. The planning process shall be open to
8 the public and the Board of Trustees shall hold not less
9 than two public hearings on the proposed plan before final
10 adoption.

11 (g) ACCESS TO LANDS TRANSFERRED TO FOREST
12 SERVICE.—Persons acting on behalf of the O&C Trust
13 shall have a right of timely access over lands transferred
14 to the Forest Service under section 321 and Tribal lands
15 transferred under subtitle D as is reasonably necessary for
16 the Board of Trustees to carry out its management activi-
17 ties with regard to the O&C Trust lands and the O&C
18 Trust to satisfy its fiduciary duties to O&C counties.

19 (h) HARVEST AREA TREE AND RETENTION RE-
20 QUIREMENTS.—

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

24 (2) USE OF OLD GROWTH DEFINITION.—To the
25 greatest extent practicable, and at the discretion of

1 the Board of Trustees, old growth, as defined by the
2 Old Growth Review Panel created by section 324,
3 shall be used to meet the retention requirements ap-
4 plicable under paragraph (1).

5 (i) RIPARIAN AREA MANAGEMENT.—

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

9 (A) STREAMS.—For all fish bearing
10 streams and all perennial non-fish-bearing
11 streams, there shall be no removal of timber
12 within a distance equal to the height of one site
13 potential tree on both sides of the stream chan-
14 nel. For intermittent, non-fish-bearing streams,
15 there shall be no removal of timber within a
16 distance equal to one-half the height of a site
17 potential tree on both sides of the stream chan-
18 nel. For purposes of this subparagraph, the
19 stream channel boundaries are the lines of ordi-
20 nary high water.

21 (B) LARGER LAKES, PONDS AND RES-
22 ERVOIRS.—For all lakes, ponds, and reservoirs
23 with surface area larger than one quarter of
24 one acre, there shall be no removal of timber
25 within a distance equal to the height of one site

1 potential tree from the line of ordinary high
2 water of the water body.

3 (C) SMALL PONDS AND NATURAL WET-
4 LANDS, SPRINGS AND SEEPS.—For all ponds
5 with surface area one quarter acre or less, and
6 for all natural wetlands, springs and seeps,
7 there shall be no removal of timber within the
8 area dominated by riparian vegetation.

9 (2) MEASUREMENTS.—For purposes of para-
10 graph (1), all distances shall be measured along
11 slopes, and all site potential tree heights shall be av-
12 erage height at maturity of the dominant species of
13 conifer determined at a scale no finer than the appli-
14 cable fifth field watershed.

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

17 (A) to prohibit the falling or placement of
18 timber into streams to create large woody de-
19bris for the benefit of aquatic ecosystems; or

20 (B) to prohibit the falling of trees within
21 riparian areas as may be reasonably necessary
22 for safety or operational reasons in areas adja-
23 cent to the riparian areas, or for road construc-
24 tion or maintenance pursuant to section
25 312(c)(3).

1 (j) FIRE PROTECTION AND EMERGENCY RE-
2 SPONSE.—

3 (1) RECIPROCAL FIRE PROTECTION AGREE-
4 MENTS.—

5 (A) CONTINUATION OF AGREEMENTS.—
6 Subject to subparagraphs (B), (C), and (D),
7 any reciprocal fire protection agreement be-
8 tween the State or any other entity and the
9 Secretary concerned with regard to Oregon and
10 California Railroad Grant lands and O&C Re-
11 gion Public Domain lands in effect on the date
12 of the enactment of this Act shall remain in
13 place for a period of ten years after such date
14 unless earlier terminated by the State or other
15 entity.

16 (B) ASSUMPTION OF BLM RIGHTS AND DU-
17 TIES.—The Board of Trustees shall exercise the
18 rights and duties of the Bureau of Land Man-
19 agement under the agreements described in
20 subparagraph (A), except as such rights and
21 duties might apply to Tribal lands under sub-
22 title D.

23 (C) EFFECT OF EXPIRATION OF PERIOD.—
24 Following the expiration of the ten-year period
25 under subparagraph (A), the Board of Trustees