

road grant land revested in the United States by the Act of June 9, 1916 (39 Stat. 218, chapter 137), and the Coos Bay Wagon Road grant land reconveyed to the United States by the first section of the Act of February 26, 1919 (40 Stat. 1179, chapter 47), that is managed under the Act of August 28, 1937 (43 U.S.C. 2601 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall not be required to engage in consultation under any law (including section 7 of Public Law 93–205 (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)), with respect to—

(1) the listing of a species as threatened or endangered, or a designation of critical habitat, pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), if a land use plan has been adopted by the Secretary of the Interior as of the date of listing or designation; and

(2) any provision of a land use plan adopted as described in paragraph (1).

**(b) Effect of section**

Nothing in this section affects any applicable requirement of the Secretary of the Interior to consult with the head of any other Federal department or agency—

(1) regarding a project carried out, or proposed to be carried out, pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), including any requirement to consult regarding the consideration of the cumulative impacts of completed, ongoing, and planned projects; or

(2) with respect to the development of a new land use plan or the revision of or other significant change to an existing land use plan.

(Pub. L. 115–141, div. O, title II, §209, Mar. 23, 2018, 132 Stat. 1067.)

**Editorial Notes**

REFERENCES IN TEXT

Acts of June 9, 1916, and February 26, 1919, referred to in subsec. (a), are acts June 9, 1916, ch. 137, 39 Stat. 218, and Feb. 26, 1919, ch. 47, 40 Stat. 1179, respectively, which are not classified to the Code.

The Act of August 28, 1937, referred to in subsec. (a), is act Aug. 28, 1937, ch. 876, 50 Stat. 874, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Tables.

Public Law 93–205, referred to in subsecs. (a)(1) and (b)(1), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, known as the Endangered Species Act of 1973, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

CODIFICATION

Section was enacted as part of the Wildfire Suppression Funding and Forest Management Activities Act, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Act of August 28, 1937, which comprises this subchapter.

**§ 2607. Protection of Oregon and California Railroad grant lands**

**(a) Definitions**

For purposes of this section:

**(1) O & C land**

The term “O & C land” means the land (commonly known as “Oregon and California Railroad grant land”) that—

(A) revested in the United States under the Act of June 9, 1916 (39 Stat. 218, chapter 137); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

**(2) CBWR land**

The term “CBWR land” means the land (commonly known as “Coos Bay Wagon Road grant land”) that—

(A) was reconveyed to the United States under the Act of February 26, 1919 (40 Stat. 1179, chapter 47); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

**(3) Geographic area**

The term “geographic area” means the area in the State of Oregon within the boundaries of the Medford District, Roseburg District, Eugene District, Salem District, Coos Bay District, and Klamath Resource Area of the Lakeview District of the Bureau of Land Management, as the districts and the resource area were constituted on January 1, 1998.

**(4) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(b) Policy of no net loss of O & C land and CBWR land**

In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on October 30, 2008, and on the expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area is not less than the number of acres of such land on October 30, 1998.

**(c) Relationship to Umpqua land exchange authority**

Notwithstanding any other provision of this section, this section shall not apply to an exchange of land authorized pursuant to section 1028 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4231), or any implementing legislation or administrative rule, if the land exchange is consistent with the memorandum of understanding between the Umpqua Land Exchange Project and the Association of Oregon and California Land Grant Counties dated February 19, 1998.

(Pub. L. 105–321, §3, Oct. 30, 1998, 112 Stat. 3022; Pub. L. 106–176, title III, §304, Mar. 10, 2000, 114 Stat. 33.)

**Editorial Notes**

REFERENCES IN TEXT

Act of June 9, 1916, referred to in subsec. (a)(1)(A), is act June 9, 1916, ch. 137, 39 Stat. 218, which is not classified to the Code.

Act of August 28, 1937 (43 U.S.C. 1181a et seq.), referred to in subsec. (a)(1)(B), (2)(B), probably means act Aug. 28, 1937, ch. 876, 50 Stat. 874, which was formerly classified principally to sections 1181a to 1181f of this title prior to editorial reclassification, and is now clas-

sified principally to this subchapter. Section 3 of the Act, former section 1181c of this title, was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. Sections 1181f-1 to 1181f-4 of this title, included within the parenthetical reference to sections 1181a to 1181j, were enacted by act May 24, 1939, ch. 144, 53 Stat. 753, and were editorially reclassified as subchapter II (§2621 et seq.) of this chapter. Sections 1181g to 1181j of this title, also included within the parenthetical reference to sections 1181a to 1181j, were enacted by act June 24, 1954, ch. 357, 68 Stat. 270, and were editorially reclassified as subchapter III (§2631 et seq.) of this chapter. For complete classification of these Acts to the Code, see Tables.

Act of February 26, 1919, referred to in subsec. (a)(2)(A), is act Feb. 26, 1919, ch. 47, 40 Stat. 1179, which is not classified to the Code.

Section 1028 of the Omnibus Parks and Public Lands Management Act of 1996, referred to in subsec. (c), is section 1028 of Pub. L. 104-333, div. I, title X, §1028, Nov. 12, 1996, 110 Stat. 4231, which is not classified to the Code.

#### CODIFICATION

Section was enacted as part of the Oregon Public Lands Transfer and Protection Act of 1998, and not as part of the Act of August 28, 1937, which comprises this subchapter.

### SUBCHAPTER II—DISPOSITION OF FUNDS

#### § 2621. Coos Bay Wagon Road grant fund; annual payments; appraisal and assessment of land and timber; computation of payments

Beginning with the fiscal year next following May 24, 1939, not to exceed 75 per centum of the receipts derived in any one year from the Coos Bay Wagon Road grant lands in Oregon and deposited in the special fund in the Treasury created by the Act of February 26, 1919 (40 Stat. 1179), and designated "The Coos Bay Wagon Road grant fund" shall be paid annually, in lieu of taxes, by the Secretary of the Treasury, upon certification by the Secretary of the Interior, to the treasurers of Coos and Douglas Counties according to the ratio that the total assessed valuation of the reconveyed Coos Bay Wagon Road grant lands, belonging to the United States, in each of said counties bears to the total assessed valuation of all said lands in those counties, to be used for the purposes mentioned in said Act: *Provided*, That until such time as the general fund of the Treasury of the United States shall have been fully reimbursed by Douglas County for expenditures which were made charges against the Coos Bay Wagon Road grant fund by section 5 of the Act of February 26, 1919, said Douglas County shall be entitled to receive only 50 per centum of the amount to which it would otherwise be entitled under this subchapter: *Provided further*, That prior to making any payment under this authorization an appraisal of the land and timber thereon shall be made, within six months after May 24, 1939, by a committee to consist of a representative of the Secretary of the Interior, one representative for the two counties interested, and a third person satisfactory to the Secretary of the Interior and the county officials, but who shall not be an employee of the United States nor a resident of, nor a property owner in, either Coos or Douglas County. Upon appraisal thereof, the land and timber thereon shall be assessed as are other similar properties within the respective coun-

ties, and payments hereunder in lieu of taxes shall be computed by applying the same rates of taxation as are applied to privately owned property of similar character in such counties.

(May 24, 1939, ch. 144, §1, 53 Stat. 753.)

#### Editorial Notes

##### REFERENCES IN TEXT

Act of February 26, 1919, referred to in text, is act Feb. 26, 1919, ch. 47, 40 Stat. 1179, which is not classified to the Code.

##### CODIFICATION

Section was formerly classified to section 1181f-1 of this title prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### REPEALS

Act May 24, 1939, ch. 144, §5, 53 Stat. 754, provided that: "All Acts or parts of Acts inconsistent with this Act [enacting this subchapter] are hereby repealed."

#### § 2622. Appraisal of land and timber; manner and frequency; computation of amounts upon basis of last appraisal; deduction of appraisal expenses

Appraisals of the land and timber thereon shall be made, in the manner prescribed in section 2621 of this title, not less frequently than once in each ten-year period, and the amounts due hereunder in any year shall be computed as specified in section 2621 of this title upon the basis of the last appraisal. The expenses of making the appraisements provided for in this subchapter shall be paid by the Secretary of the Treasury upon certification by the Secretary of the Interior, from that portion of the receipts derived from such lands and timber payable to the counties and shall be deducted from any amount due said counties.

(May 24, 1939, ch. 144, §2, 53 Stat. 754.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 1181f-2 of this title prior to editorial reclassification and renumbering as this section.

#### § 2623. Additional sum from surplus for meeting payments due from insufficient annual receipts; maximum aggregate of decennial payments; covering of excess receipts into general fund of Treasury

If, during any one year, 75 per centum of the receipts are insufficient fully to meet the payments due the counties hereunder, the Secretary of the Treasury, upon certification by the Secretary of the Interior, may pay an additional sum from any surplus of 75 per centum of prior year receipts: *Provided, however*, That in no event shall the aggregate of payments during any ten-year period commencing with the period beginning July 1, 1940, exceed 75 per centum of the receipts deposited in the Treasury to the credit of the Coos Bay Wagon Road grant fund for such period: *Provided further*, That at the end of each ten-year period, any balance of the 75