

[DISCUSSION DRAFT]

118TH CONGRESS
2D SESSION

H. R. 10082

To provide for the establishment of a grazing management program on Federal land in Malheur County, Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BENTZ introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the establishment of a grazing management program on Federal land in Malheur County, Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Owyhee Wil-
5 derness and Community Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) BUREAU.—The term “Bureau” means the
2 Bureau of Land Management.

3 (2) COUNTY.—The term “County” means
4 Malheur County, Oregon.

5 (3) FEDERAL LAND.—The term “Federal land”
6 means land in the County managed by the Bureau.

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (5) STATE.—The term “State” means the State
10 of Oregon.

11 (7) STATE LANDS.—The term “State lands”
12 means any lands owned by the State of Oregon.

13 (8) MALHEUR C.E.O. GROUP.—The term
14 “Malheur C.E.O. Group” means the group estab-
15 lished by section 4(b).

16 (9) PRIVATE LANDS.—The term “Private
17 lands” means any land that is privately owned, and
18 not owned by any local, State, or Federal Govern-
19 ment or agency.

20 (10) OPERATIONAL FLEXIBILITY.—The term
21 “operational flexibility”, with respect to grazing on
22 the Federal land, means—

23 (A) a seasonal adjustment of livestock po-
24 sitioning for the purposes of that grazing pur-
25 suant to a flexible grazing use authorized under

1 the program with respect to which written no-
2 tice is provided; or

3 (B) an adjustment of water source place-
4 ment with respect to which written notice is
5 provided.

6 (11) PROGRAM.—The term “program” means
7 the Malheur County Grazing Management Program
8 authorized under section 3(a).

9 **SEC. 3. MALHEUR COUNTY GRAZING MANAGEMENT PRO-**
10 **GRAM.**

11 (a) IN GENERAL.—The Secretary shall carry out a
12 grazing management program on the Federal land, to be
13 known as the “Malheur County Grazing Management Pro-
14 gram”, in accordance with applicable law (including regu-
15 lations) and the memorandum entitled “Bureau of Land
16 Management Instruction Memorandum 2018–109” (as in
17 effect on September 30, 2021), for the purpose of pro-
18 viding to authorized grazing permittees and lessees, and
19 for providing interim operational flexibilities as set forth
20 herein.

21 (b) PERMIT OPERATIONAL FLEXIBILITY.—

22 (1) FLEXIBLE GRAZING USE ALTERNATIVE FOR
23 A GRAZING PERMIT OR LEASE.—Solely at the re-
24 quest of an authorized grazing permittee or lessee,
25 for purposes of renewing a grazing permittee or les-

1 see's grazing permit or lease under the program,
2 pursuant to the National Environmental Policy Act
3 of 1969 (42 U.S.C. 4321 et seq.), the Secretary
4 shall develop and analyze at least 1 alternative to
5 provide operational flexibility in livestock grazing use
6 to account for changing conditions.

7 (2) INTERIM OPERATIONAL FLEXIBILITIES.—If
8 an applicable monitoring plan has been adopted
9 under paragraph (3), to meet or make significant
10 progress in meeting applicable Rangeland Health
11 Standards and applicable livestock management ob-
12 jectives in the applicable land use plan, on the re-
13 quest of an authorized grazing permittee or lessee,
14 the Secretary, using new and existing data, shall
15 allow a variance to the terms and conditions of the
16 existing applicable grazing permit or lease for the
17 applicable year due to changes in weather, forage
18 production, effects of fire or drought, or other tem-
19 porary conditions—

20 (A) to adjust the season of use, the begin-
21 ning date of the period of use, the ending date
22 of the period of use, or both the beginning date
23 and ending date, as applicable, under the graz-
24 ing permit or lease, subject to the requirements
25 that—

1 (i) unless otherwise specified in the
2 appropriate allotment management plan or
3 any other activity plan that is the func-
4 tional equivalent to the appropriate allot-
5 ment management plan under section
6 4120.2(a)(3) of title 43, Code of Federal
7 Regulations (or a successor regulation),
8 the applicable adjusted date of the season
9 of use occurs—

10 (I) not earlier than 14 days be
11 fore the beginning date specified in
12 the applicable permit or lease; and

13 (II) not later than 14 days after
14 the ending date specified in the appli-
15 cable permit or lease; and

16 (ii) the authorized grazing permittee
17 or lessee provides written notice of the ad-
18 justment to the Bureau not later than 2
19 business days before the date of adjust-
20 ment;

21 (B) to adjust the dates for pasture rotation
22 by not more than 14 days, subject to the re-
23 quirement that the authorized grazing per-
24 mittee or lessee shall provide to the Bureau
25 written notice of the adjustment not later than

1 2 business days before the date of adjustment;
2 and

3 (C) to adjust the placement of existing
4 water structures for livestock or wildlife, subject
5 to applicable water right laws, that any adjust-
6 ment should not be placed within 100 yards
7 from any associated roads and the requirement
8 that the authorized grazing permittee or lessee
9 shall provide to the Bureau written notice of
10 the adjustment not later than 2 business days
11 before the date of adjustment.

12 (3) MONITORING PLANS FOR PERMIT FLEXI-
13 BILITY.—

14 (A) IN GENERAL.—The Secretary shall
15 adopt cooperative rangeland monitoring plans
16 to apply to actions taken under paragraph (2)
17 and to monitor and evaluate current permitted
18 livestock use upon the pasture(s) or allot-
19 ment(s) to be monitored as related to whether
20 such livestock use is the significant factor or
21 not in meeting or making significant progress
22 in meeting applicable Rangeland Health Stand-
23 ards and applicable livestock management ob-
24 jectives in the applicable land use plan.

1 (B) REQUIREMENTS.—A monitoring plan
2 developed under subparagraph (A) shall be
3 based upon existing ecological conditions with
4 reliance upon the ecological site descriptions, in-
5 cluding the State and transitions models, as de-
6 fined by the Chief of the Natural Resources
7 Conservation Service, of the area to be mon-
8 itored, and shall—

9 (i) evaluate the percent utilization of
10 available forage, the existing ecological
11 condition, and the trend of ecological con-
12 dition of the area to be monitored;

13 (ii) include—

14 (I) a description of the utilization
15 standards for which the monitoring is
16 tracking, including baseline ecological
17 conditions and desired outcome eco-
18 logical conditions;

19 (II) a description of utilization
20 evaluation protocol;

21 (III) an evaluation schedule iden-
22 tifying periods during which utiliza-
23 tion data will be collected;

24 (IV) provisions for adjusting any
25 components of the monitoring plan,

1 including acceptance of data from
2 identified third parties; and

3 (V) a description of the method
4 to communicate the criteria for ad-
5 justing livestock grazing use based on
6 the on-the-ground ecological condi-
7 tions after the period of use; and

8 (iii) provide for annual reports on the
9 effects of flexibility in grazing permit or
10 lease uses under the program to allow the
11 Secretary to make management adjust-
12 ments to account for the information pro-
13 vided in the annual report.

14 (4) TERMS AND CONDITIONS.—

15 (A) PREFERRED ALTERNATIVE.—If the
16 Secretary determines that an alternative consid-
17 ered under the program that provides oper-
18 ational flexibility is the preferred alternative,
19 the Secretary shall—

20 (i) incorporate the alternative, includ-
21 ing applicable monitoring plans adopted
22 under paragraph (3), into the terms and
23 conditions of the applicable grazing permit
24 or lease; and

1 (ii) specify how the monitoring infor-
2 mation with respect to the preferred alter-
3 native should be used to inform manage-
4 ment adjustments under the program.

5 (B) ADDITIONAL REQUIREMENTS.—The
6 Secretary may include any other requirements
7 in a permit or lease with respect to which an
8 alternative has been incorporated under sub-
9 paragraph (A) that the Secretary determines to
10 be necessary.

11 (c) NO EFFECT ON GRAZING PRIVILEGES.—Nothing
12 in this Act—

13 (1) affects grazing privileges provided under the
14 Act of June 28, 1934 (commonly known as the
15 “Taylor Grazing Act”; 43 U.S.C. 315 et seq.);

16 (2) requires the Secretary to consider modifying
17 or terminating the classification of any existing graz-
18 ing district on the Federal land in any subsequent
19 plan or decision of the Secretary; or

20 (3) precludes the Secretary from modifying or
21 terminating an existing permit or lease in accord-
22 ance with applicable law (including regulations).

23 **SEC. 4. MALHEUR C.E.O. GROUP.**

24 (a) DEFINITIONS.—In this section:

1 (1) CONSENSUS.—The term “consensus” means
2 a unanimous agreement by the voting members of
3 the Malheur C.E.O. Group present and constituting
4 a quorum at a regularly scheduled business meeting
5 of the Malheur C.E.O. Group.

6 (2) FEDERAL AGENCY.—

7 (A) IN GENERAL.—The term “Federal
8 agency” means an agency or department of the
9 Government of the United States.

10 (B) INCLUSIONS.—The term “Federal
11 agency” includes—

- 12 (i) the Bureau of Reclamation;
13 (ii) the Bureau of Indian Affairs;
14 (iii) the Bureau;
15 (iv) the United States Fish and Wild-
16 life Service; and
17 (v) the Natural Resources Conserva-
18 tion Service.

19 (3) QUORUM.—The term “quorum” means 1
20 more than ½ of the voting members of the Malheur
21 C.E.O. Group.

22 (b) ESTABLISHMENT.—There is established the
23 Malheur C.E.O. Group to assist in carrying out this sec-
24 tion.

25 (c) MEMBERSHIP.—

1 (1) IN GENERAL.—The Malheur CEO Group
2 shall consist of 8 voting members, to be appointed
3 by the Secretary, based on recommendations from
4 the Vale District Bureau manager and the County
5 commissioners, of whom—

6 (A) 3 shall be representatives of grazing
7 permittees and lessees in the County;

8 (B) 3 shall be representatives of other
9 businesses or conservation organizations in the
10 County, of whom at least 2 shall reside in the
11 County; and

12 (C) 1 shall be a representative of the
13 Burns Paiute Tribe and 1 shall be a represent-
14 ative of the Fort McDermott Tribe.

15 (2) APPOINTMENT.—

16 (A) INITIAL APPOINTMENTS.—Not later
17 than 180 days after the date of enactment of
18 this Act, all will be selected by the county court
19 through submitted application by any interest
20 parties.

21 (B) TERMS.—Each member of the
22 Malheur CEO Group shall serve for a term of
23 3 years.

1 (C) REAPPOINTMENT.—A member of the
2 Malheur CEO Group may be reappointed for 1
3 or more additional 3-year terms.

4 (D) VACANCIES.—A vacancy on the
5 Malheur CEO Group shall be filled—

6 (i) as soon as practicable after the va-
7 cancy occurs; and

8 (ii) in the same manner as the origi-
9 nal appointment.

10 (d) PROJECTS.—

11 (1) IN GENERAL.—The Malheur C.E.O. Group
12 shall propose eligible projects described in paragraph
13 (2) on Federal land and water and non-Federal land
14 and water in the County to be carried out by the
15 Malheur C.E.O. Group or a third party, using funds
16 provided by the Malheur C.E.O. Group, if a con-
17 sensus of the Malheur C.E.O. Group approves the
18 proposed eligible project.

19 (2) DESCRIPTION OF ELIGIBLE PROJECTS.—An
20 eligible project referred to in paragraph (1) is a
21 project—

22 (A) that complies with existing law (includ-
23 ing regulations); and

24 (B) relating to—

- 1 (i) ecological restoration, including de-
- 2 velopment, planning, and implementation;
- 3 (ii) range improvements for the pur-
- 4 pose of providing more efficient and effec-
- 5 tive ecologically beneficial management of
- 6 domestic livestock, fish, wildlife, or habitat;
- 7 (iii) invasive species management or
- 8 eradication, including invasive weeds, vege-
- 9 tation, fish, or wildlife;
- 10 (iv) restoration of springs and related
- 11 water infrastructure to enhance the avail-
- 12 ability of sustainable flows of freshwater
- 13 for livestock, fish, or wildlife;
- 14 (v) conservation of cultural sites;
- 15 (vi) economic development or recre-
- 16 ation management; or
- 17 (vii) research, monitoring, or analysis.

18 (3) REQUIREMENT.—

19 (A) IN GENERAL.—In the case of an eligi-
20 ble project proposed under paragraph (1) that
21 is to be carried out on Federal land or requires
22 the use of Federal funds, the project may not
23 be carried out without the approval of the head
24 of the applicable Federal agency.

1 (B) FAILURE TO APPROVE.—If an eligible
2 project described in subparagraph (A) is not
3 approved by the head of the applicable Federal
4 agency, not later than 14 business days after
5 the date on which the proposal is submitted to
6 the head of the applicable Federal agency, the
7 head of the Federal agency shall provide to the
8 Malheur C.E.O. Group in writing a description
9 of the reasons for not approving the proposed
10 eligible project.

11 (4) FAILURE TO APPROVE BY CONSENSUS.—If
12 an eligible project proposed under paragraph (1) is
13 not agreed to by consensus after 3 votes are con-
14 ducted by the Malheur C.E.O. Group, the proposed
15 eligible project may be agreed to by a quorum of the
16 members of the Malheur C.E.O. Group, subject to
17 the limitations that—

18 (A) the eligible project may not be carried
19 out on Federal land; and

20 (B) no Federal funds may be used for an
21 eligible project that is agreed to in accordance
22 with this paragraph.

23 (5) ACCEPTANCE OF DONATIONS.—The
24 Malheur C.E.O. Group may—

1 (Δ) accept and place into a trust fund any
2 donations, grants, or other funds received by
3 the Malheur C.E.O. Group; and

4 (B) use amounts placed into a trust fund
5 under paragraph (1) to carry out eligible
6 projects approved in accordance with this sec-
7 tion, including eligible projects carried out on
8 Federal land or water or using Federal funds,
9 if the project is approved by the head of the ap-
10 plicable Federal agency.

11 (6) COST-SHARING REQUIREMENT.—

12 (Δ) IN GENERAL.—The Federal share of
13 the total cost of an eligible project carried out
14 using amounts made available under subsection
15 (i) shall be not more than 75 percent.

16 (B) FORM OF NON-FEDERAL CONTRIBU-
17 TION.—The non-Federal contribution required
18 under subparagraph (Δ) may be provided in the
19 form of in-kind contributions.

20 (7) FUNDING RECOMMENDATIONS.—All funding
21 recommendations developed by the Malheur C.E.O.
22 Group shall be based on a consensus of the Malheur
23 C.E.O. Group members.

24 (e) TECHNICAL ASSISTANCE.—Any Federal agency
25 with authority and responsibility in the County shall, to

1 the extent practicable, provide technical assistance to the
2 Malheur C.E.O. Group on request of the Malheur C.E.O.
3 Group.

4 (f) PUBLIC NOTICE AND PARTICIPATION.—The
5 Malheur C.E.O. Group shall conduct all meetings subject
6 to applicable open meeting and public participation laws.

7 (g) PRIORITIES.—For purposes of approving eligible
8 projects proposed under subsection (d)(1), the Malheur
9 C.E.O. Group shall give priority to voluntary habitat,
10 range, and ecosystem restoration projects focused on im-
11 proving the long-term ecological health of the Federal land
12 and natural bodies of water.

13 (h) ADDITIONAL PROJECTS.—To the extent per-
14 mitted by applicable law and subject to the availability of
15 appropriations, Federal agencies may contribute to the im-
16 plementation of projects recommended by the Malheur
17 C.E.O. Group and approved by the Secretary.

18 (i) EFFECT.—

19 (1) EXISTING ACTIVITIES.—The activities of
20 the Malheur C.E.O. Group shall supplement, and
21 not replace, existing activities to manage the natural
22 resources of the County.

23 (2) LEGAL RIGHTS, DUTIES, OR AUTHORI-
24 TIES.—Nothing in this section affects any legal
25 right, duty, or authority of any person or Federal

1 agency, including any member of the Malheur
2 C.E.O. Group.

3 **SEC. 5. WILDERNESS DESIGNATIONS AND OTHER LAND**
4 **DESIGNATIONS AND RELATED MANAGEMENT**
5 **TO DESIGNATIONS.**

6 (a) DEFINITIONS.—In this section:

7 (1) MAP.—The term “Map” means each of:

8 (A) Wilderness Area Maps exhibits 1
9 through 17.

10 (B) Existing Road Maps-Roads Exhibits 1
11 through 6.

12 (2) WILDERNESS AREA.—The term “wilderness
13 area” means a wilderness area designated by sub-
14 section (b)(1).

15 (b) DESIGNATION OF WILDERNESS AREAS.—

16 (1) IN GENERAL.—In accordance with the Wil-
17 derness Act (16 U.S.C. 1131 et seq.), the following
18 Federal land in the County comprising approxi-
19 mately 926,588 acres, as generally depicted on the
20 Map, is designated as wilderness and as components
21 of the National Wilderness Preservation System:

22 (A) FIFTEENMILE CREEK WILDERNESS.—

23 Certain Federal land, comprising approximately
24 61,647 acres, as generally depicted on the Map,

1 which shall be known as the “Fifteenmile Creek
2 Wilderness”.

3 (B) OREGON CANYON MOUNTAINS WILDER-
4 NESS.—Certain Federal land, comprising ap-
5 proximately 53,559 acres, as generally depicted
6 on the Map, which shall be known as the “Or-
7 egon Canyon Mountains Wilderness”.

8 (C) TWELVEMILE CREEK WILDERNESS.—
9 Certain Federal land, comprising approximately
10 38,099 acres, as generally depicted on the Map,
11 which shall be known as the “Twelvemile Creek
12 Wilderness”.

13 (D) UPPER WEST LITTLE OWYHEE WIL-
14 DERNESS.—Certain Federal land, comprising
15 approximately 93,199 acres, as generally de-
16 picted on the Map, which shall be known as the
17 “Upper West Little Owyhee Wilderness”.

18 (E) LOOKOUT BUTTE WILDERNESS.—Cer-
19 tain Federal land, comprising approximately
20 66,242 acres, as generally depicted on the Map,
21 which shall be known as the “Lookout Butte
22 Wilderness”.

23 (F) MARY GAUTREAUX OWYHEE RIVER
24 CANYON WILDERNESS.—Certain Federal land,
25 comprising approximately 211,679 acres, as

1 generally depicted on the Map, which shall be
2 known as the “Mary Gautreaux Owyhee River
3 Canyon Wilderness”.

4 (G) JORDAN CRATERS WILDERNESS.—Cer-
5 tain Federal land, comprising approximately
6 29,255 acres, as generally depicted on the Map,
7 which shall be known as the “Jordan Craters
8 Wilderness”.

9 (H) OWYHEE BREAKS WILDERNESS.—Cer-
10 tain Federal land, comprising approximately
11 31,637 acres, as generally depicted on the Map,
12 which shall be known as the “Owyhee Breaks
13 Wilderness”.

14 (I) DRY CREEK WILDERNESS.—Certain
15 Federal land, comprising approximately 33,209
16 acres, as generally depicted on the Map, which
17 shall be known as the “Dry Creek Wilderness”.

18 (J) DRY CREEK BUTTES WILDERNESS.—
19 Certain Federal land, comprising approximately
20 88,289 acres, as generally depicted on the Map,
21 which shall be known as the “Dry Creek Buttes
22 Wilderness”.

23 (K) UPPER LESLIE GULCH WILDER-
24 NESS.—Certain Federal land, comprising ap-
25 proximately 2,997 acres, as generally depicted

1 on the Map, which shall be known as the
2 “Upper Leslie Gulch Wilderness”.

3 (L) SLOCUM CREEK WILDERNESS.—Cer-
4 tain Federal land, comprising approximately
5 7,534 acres, as generally depicted on the Map,
6 which shall be known as the “Slocum Creek
7 Wilderness”.

8 (M) HONEYCOMBS WILDERNESS.—Certain
9 Federal land, comprising approximately 41,122
10 acres, as generally depicted on the Map, which
11 shall be known as the “Honeycombs Wilder-
12 ness”.

13 (N) COTTONWOOD CREEK WILDERNESS.—
14 Certain Federal land, comprising approximately
15 72,597 acres, as generally depicted on the Map,
16 which shall be known as the “Cottonwood Creek
17 Wilderness”.

18 (O) LOWER OWYHEE CANYON WILDER-
19 NESS.—Certain Federal land, comprising ap-
20 proximately 77,121 acres, as generally depicted
21 on the Map, which shall be known as the
22 “Lower Owyhee Canyon Wilderness”.

23 (P) WILD HORSE BASIN WILDERNESS.—
24 Certain Federal land, comprising approximately
25 18,402 acres, as generally depicted on the Map,

1 which shall be known as the “Wild Horse Basin
2 Wilderness”.

3 (2) MAPS AND LEGAL DESCRIPTIONS.—

4 (A) IN GENERAL.—As soon as practicable
5 after the date of enactment of this Act, the Sec-
6 retary shall prepare a map and legal description
7 of each wilderness area.

8 (B) EFFECT.—Each map and legal de-
9 scription prepared under subparagraph (A)
10 shall have the same force and effect as if in-
11 cluded in this Act, except that the Secretary
12 may correct clerical and typographical errors in
13 the map or legal description.

14 (C) PUBLIC AVAILABILITY.—The maps
15 and legal descriptions prepared under subpara-
16 graph (A) shall be on file and available for pub-
17 lic inspection in the appropriate offices of the
18 Bureau.

19 (3) MANAGEMENT.—

20 (A) IN GENERAL.—Subject to valid exist-
21 ing rights; the wilderness areas shall be admin-
22 istered by the Secretary in accordance with the
23 Wilderness Act (16 U.S.C. 1131 et seq.), except
24 that—

1 (i) any reference in that Act to the ef-
2 fective date of that Act shall be considered
3 to be a reference to the date of enactment
4 of this Act; and

5 (ii) any reference in that Act to the
6 Secretary of Agriculture shall be consid-
7 ered to be a reference to the Secretary.

8 (B) GRAZING.—The Secretary shall allow
9 the continuation of the grazing of livestock, in
10 the wilderness areas, if established before the
11 date of enactment of this Act, in accordance
12 with—

13 (i) section 4(d)(4) of the Wilderness
14 Act (16 U.S.C. 1133(d)(4)); and

15 (ii) the “guidelines and policies” set
16 forth in Appendix A of the report of the
17 Committee on Interior and Insular Affairs
18 of the House of Representatives accom-
19 panying H.R. 2570 of the 101st Congress
20 (H. Rept. 101–405 dated February 21,
21 1990).

22 The “number of livestock permitted” as used in
23 “guideline and policy” number 1 shall mean the
24 “Permitted use” animal unit months prescribed
25 in the existing Grazing Permits upon enactment

1 of this Act, in addition to any Nonrenewal
2 Grazing Permits issued by the Bureau within a
3 10-year period before enactment of this Act.
4 Said Appendix A shall control over of clause (i).

5 (C) ROADS ADJACENT TO AND WITHIN
6 WILDERNESS AREAS.—The Secretary shall
7 allow the continuation of motorized use of road
8 access upon the cherry stem roads shown in Ex-
9 hibits 1 to 6 on the Road Map noted in section
10 5(a)(1)(A) and shall allow the continuation of
11 motorized use of road access in any wilderness
12 designated in subsection (b)(1) to that access
13 allowed in accordance with section 4(c) of the
14 Wilderness Act (16 U.S.C. 1133(c)).

15 (i) Nothing in this Act requires any
16 restriction, inclusive of closure or seasonal
17 closure, of any road outside but adjacent
18 to the boundary of any wilderness designed
19 in subsection (b)(1).

20 (ii) The Secretary shall provide rea-
21 sonable access to any private lands, State
22 lands, or tribal lands within the boundaries
23 of any wilderness designated in subsection
24 (b)(1), or to any Private lands, State
25 lands, or Tribal lands near or adjacent to

1 any wilderness area that require reasonable
2 road access across any wilderness area if
3 road access is not otherwise provided
4 under subsection (a)(1)(A). For purposes
5 of this clause, the term “reasonable ac-
6 cess” includes any road existing on the
7 date of enactment of this Act. Any road
8 within or across any wilderness designated
9 in subsection (b)(1) shall be not less than
10 30-feet on each side of the centerline of the
11 road.

12 (iii) This Act shall not preclude use
13 on any wilderness in subsection (b)(1) of
14 mechanical equipment including chainsaws,
15 backhoe excavators, caterpillar tractors, or
16 the like for the purpose of wildfire suppres-
17 sion, invasive species control, activities nec-
18 essary for management of livestock present
19 on the land under grazing permits (includ-
20 ing but not limited to distribution of salt,
21 maintenance on the roads, replacement or
22 repair of water facilities and fencing, doc-
23 toring cattle, dispersing of livestock, or
24 gathering, or removal of livestock).

1 (iv) Motorized use of those roads iden-
2 tified in subsection (a)(1)(A) shall include
3 use by the following:

4 (I) members of the Burns-Paiute
5 Tribe (for cultural purposes only);

6 (II) the Bureau for fire suppres-
7 sion, invasive weed control, and range
8 management activities;

9 (III) grazing permittees and their
10 agents and invitees for road mainte-
11 nance, distribution of salt, replace-
12 ment and repair of water facilities, re-
13 placement and repair of fencing, pred-
14 ator control, and invasive weed control
15 (as allowed by the Bureau), fire sup-
16 pression, and livestock management;

17 (IV) private land owners and
18 their agents, contractors, employees,
19 and invitees as related to access to
20 their private land, as provided for in
21 clause (ii); and

22 (V) the county and the State and
23 their agents, contractors and employ-
24 ees as related to access to State lands
25 and to access to any county public

1 roads, as provided for in as provided
2 for in clause (ii).

3 (D) FISH AND WILDLIFE MANAGEMENT
4 ACTIVITIES.—

5 (i) IN GENERAL.—In furtherance of
6 the purposes and principles of the Wilder-
7 ness Act (16 U.S.C. 1131 et seq.), the Sec-
8 retary may conduct any management ac-
9 tivities that are necessary to maintain or
10 restore fish and wildlife populations and
11 habitats in the wilderness areas, if the
12 management activities are—

13 (I) consistent with applicable wil-
14 derness management plans; and

15 (II) conducted in accordance with
16 the “General Policy” inclusive of the
17 “Guidelines” therein established in
18 Appendix B of the report of the Com-
19 mittee on Interior and Insular Affairs
20 of the House of Representatives ac-
21 companying H.R. 2570 of the 101st
22 Congress (House Report 101-405
23 dated February 21, 1990).

24 (ii) INCLUSIONS.—Management activi-
25 ties under clause (i) may include the occa-

1 sional and temporary use of motorized ve-
2 hicles, if the use, as determined by the
3 Secretary, would promote healthy, viable,
4 and more naturally distributed wildlife
5 populations that would enhance wilderness
6 values while causing the minimum impact
7 necessary to accomplish those tasks.

8 (E) EXISTING ACTIVITIES.—Consistent
9 with section 4(d)(1) of the Wilderness Act (16
10 U.S.C. 1133(d)(1)) and in accordance with ap-
11 propriate policies, such as the policies estab-
12 lished in Appendix B of the report of the Com-
13 mittee on Interior and Insular Affairs of the
14 House of Representatives accompanying H.R.
15 2570 of the 101st Congress (House Report
16 101-405 dated February 21, 1990), the State
17 may use aircraft (including helicopters) in the
18 wilderness areas to survey capture, transplant,
19 monitor, and provide water for wildlife popu-
20 lations, including bighorn sheep and feral stock,
21 feral horses, and feral burros.

22 (c) MANAGEMENT OF FEDERAL LAND NOT DES-
23 IGNATED AS WILDERNESS.—

24 (1) FINDING.—Congress finds that, for pur-
25 poses of section 201(a) and section 603(c) of the

1 Federal Land Policy and Management Act of 1976
2 (43 U.S.C. 1711(a); 1782(c)), the Federal land des-
3 ignated in this Act as wilderness and all other Fed-
4 eral land in the County has been adequately inven-
5 toried and studied to allow for wilderness purposes.

6 (2) REDESIGNATION.—All Federal land man-
7 aged by the Bureau in the County not included in
8 the land designated herein as wilderness and all
9 other Federal land described in paragraph (1)—

10 (A) is released and is no longer subject to
11 section 603(c) of the Federal Land Policy and
12 Management Act of 1976 (43 U.S.C. 1782(c))
13 for wilderness study area purposes;

14 (B) is no longer subject to section 201(a)
15 of the Federal Land Policy and Management
16 Act of 1976 (43 U.S.C. 1711(a)) for wilderness
17 purposes; and

18 (C) shall be managed for values unrelated
19 to wilderness purposes and shall be managed
20 for the principal or major uses (as defined in
21 section 103(l) of the Federal Land Policy and
22 Management Act of 1976 (43 U.S.C. 1702(l))),
23 in accordance with any applicable land use plan
24 adopted under section 202 of that Act (43
25 U.S.C. 1712).

1 (d) THE AMENDED NOTICE.—Three years after the
2 date of enactment of this Act, and to conform to give ef-
3 fect to this Act, the Secretary shall initiate a process to
4 amend the notice entitled “Notice of Availability of the
5 Record of Decision and Approved Resource Management
6 Plan Amendment for the Southeastern Oregon Resource
7 Management Plan, Vale District, Oregon” published by
8 the Bureau of Land Management in the Federal Register
9 on February 2, 2024 (89 Fed. Reg. 14090) and amended
10 on February 26, 2024. This amendment shall include the
11 associated Wilderness Plan for the designated wilderness
12 established in this Act and shall include a Travel Manage-
13 ment Plan. The Secretary shall complete the land use plan
14 amended process within 24 months after initiation of the
15 process to amend in accordance with section 202 of the
16 Federal Land Policy and Management Act of 1976 (43
17 U.S.C. 1712).

18 (e) LIMITATION ON CERTAIN RESTRICTIONS BY THE
19 BUREAU RELATING TO FEDERAL LANDS UNDER THE
20 SOUTHEASTERN OREGON RESOURCE MANAGEMENT
21 PLAN NOT DESIGNATED AS WILDERNESS IN THIS ACT.—

22 (1) ROAD MAPS.—Not later than 60 days after
23 the date of the enactment of this Act, the Secretary
24 shall publish a map depicting all existing roads on
25 lands marked as “Unit Protected for Wilderness

1 Characteristics” and “Unit Managed for Other Re-
2 sources” in the notice entitled “Notice of Availability
3 of the Record of Decision and Approved Resource
4 Management Plan Amendment for the Southeastern
5 Oregon Resource Management Plan, Vale District,
6 Oregon” published by the Bureau of Land Manage-
7 ment in the Federal Register on February 2, 2024
8 (89 Fed. Reg. 14090) and amended on February 26,
9 2024.

10 (2) ACCESS.—The Secretary shall not restrict
11 the use of motorized vehicles on the roads described
12 in paragraph (1) or on lands designated as “Unit
13 Protected for Wilderness Characteristics” or “Unit
14 Managed for Other Resources” in the notice de-
15 scribed in paragraph (1) for—

- 16 (A) members of the Burns-Paiute Tribe;
17 (B) livestock grazing permittees;
18 (C) the Bureau as necessary for range
19 management including mechanical suppression
20 of fire or invasive weeds;
21 (D) private land owners and their agents,
22 contractors, employees, and invitees as related
23 to access to their private land; and
24 (E) the county and the State and their
25 agents, contractors, and employees as related to

1 access to State lands and to access to any coun-
2 ty public roads.

3 (3) GRAZING.—The Secretary shall not reduce
4 or restrict grazing of permittees or lessees on the
5 Federal land designated as “Unit Protected for Wil-
6 derness Characteristics” or “Unit Managed for
7 Other Resources” in the notice described in para-
8 graph (1).

9 (4) CONTINUATION OF LIMITATIONS.—The lim-
10 itations in this subsection shall be carried forward in
11 the amended land use plan as prescribed to be devel-
12 oped in accordance with subsection (c).

13 **SEC. 6. LAND CONVEYANCES TO BURNS PAIUTE TRIBE AND**
14 **CASTLE ROCK CO-STEWARDSHIP AREA.**

15 (a) JONESBORO RANCH, ROAD GULCH, AND BLACK
16 CANYON LAND CONVEYANCES.—

17 (1) CONVEYANCE AND TAKING INTO TRUST.—

18 (A) TITLE.—As soon as practicable after
19 the date of enactment of this Act, the Secretary
20 shall accept title to the land described in para-
21 graph (2), if conveyed or otherwise transferred
22 to the United States by, or on behalf of, the
23 Burns Paiute Tribe.

24 (B) TRUST.—Land to which title is accept-
25 ed by the Secretary under subparagraph (A)

1 shall be held in trust by the United States for
2 the benefit of the Burns Paiute Tribe.

3 (2) DESCRIPTION OF LAND.—The land referred
4 to in paragraph (1)(A) is the following:

5 (A) JONESBORO RANCH.—The parcel com-
6 monly known as “Jonesboro Ranch”, located
7 approximately 6 miles east of Juntura, Oregon,
8 consisting of 21,548 acres of Federal land,
9 6,686 acres of certain private land owned by
10 the Burns Paiute Tribe and associated with the
11 Jonesboro Ranch containing the pastures re-
12 ferred to as “Saddle Horse” and “Trail Horse”,
13 “Indian Creek”, “Sperry Creek”, “Antelope
14 Swales”, “Horse Camp”, “Dinner Creek”,
15 “Upper Hunter Creek”, and “Tim’s Peak”, and
16 more particularly described as follows:

17 (i) T. 20 S., R. 38 E., secs. 25 and
18 36, Willamette Meridian.

19 (ii) T. 20 S., R. 39 E., secs. 25–36,
20 Willamette Meridian.

21 (iii) T. 20 S., R. 40 E., secs. 30, 31,
22 and 32, Willamette Meridian.

23 (iv) T. 21 S., R. 39 E., secs. 1–18,
24 20–29, and 32–36, Willamette Meridian.

1 (v) T. 21 S., R. 40 E., secs. 5–8, 17–
2 19, 30, and 31, Willamette Meridian.

3 (vi) T. 22 S., R. 39 E., secs. 1–5, 8,
4 and 9, Willamette Meridian.

5 (B) ROAD GULCH; BLACK CANYON.—The
6 approximately 4,137 acres of State land con-
7 taining the pastures referred to as “Road
8 Gulch” and “Black Canyon” and more particu-
9 larly described as follows:

10 (i) T. 20 S., R. 39 E., secs. 10, 11,
11 15, 14, 13, 21–28, and 36, Willamette Me-
12 ridian.

13 (ii) T. 20 S., R. 40 E., secs. 19, 30,
14 31, and 32, Willamette Meridian.

15 (3) APPLICABLE LAW.—Land taken into trust
16 under paragraph (1)(B) shall be administered in ac-
17 cordance with the laws (including regulations) gen-
18 erally applicable to property held in trust by the
19 United States for the benefit of an Indian Tribe.

20 (4) MAP OF TRUST LAND.—As soon as prac-
21 ticable after the date of enactment of this Act, the
22 Secretary shall prepare a map depicting the land
23 taken into trust under paragraph (1)(B).

24 (5) LAND EXCHANGE.—Not later than 3 years
25 after the date of enactment of this Act, the Sec-

1 retary shall seek to enter into an agreement with the
2 State under which the Secretary would exchange
3 Federal land for the portions of the area described
4 in paragraph (2)(B) that are owned by the State.

5 (b) CASTLE ROCK LAND TO HELD IN TRUST AND
6 CO-STEWARDSHIP AREA.—

7 (1) LAND TO BE HELD IN TRUST.—All right,
8 title, and interest of the United States in and to the
9 approximately 2,500 acres of land in the Castle
10 Rock Wilderness Study Area, as depicted on the
11 map entitled “Proposed Wilderness Malheur Coun-
12 ty” and dated June 7, 2023, shall be held in trust
13 by the United States for the benefit of the Burns
14 Paiute Tribe.

15 (A) GRAZING ON LAND TO BE HELD IN
16 TRUST.—

17 (i) The Bureau shall continue to allow
18 and manage grazing within the Land to be
19 held in Trust under applicable law.

20 (ii) Should the Burns Paiute Tribe
21 decide, in its sole discretion, to cancel
22 grazing within the Land to be held in
23 Trust, i.e., “Trust Land”, then—

24 (I) the Tribe shall give the Bu-
25 reau notice of cancellation of Per-

1 mitted Use Animal Unit Months with-
2 in the Trust Land;

3 (II) upon receipt of the notice
4 from the Tribe, the Bureau shall con-
5 form to the requirements in section
6 4110.4-2 of title 43, Code of Federal
7 Regulations (10/1/2005 Edition), to
8 cancel any Permitted Use Animal
9 Unit Months within the Trust Land,
10 except that, in addition to payment
11 for the reasonable compensation for
12 the value of any public land range im-
13 provements within the Trust Land as
14 provided for in 43 C.F.R. 4110.4-2(b)
15 (10/1/2005 Edition), the Grazing Per-
16 mittee(s) shall also be paid by the
17 Tribe, at its sole expense, the sum of
18 \$100 per each Permitted Use Animal
19 Unit Month that is cancelled; and

20 (III) upon the effectiveness of the
21 cancellation of grazing within the
22 Trust Land, the Tribe shall fence out,
23 at its sole expense, and shall maintain
24 the fence, at its sole expense, the
25 Trust Land from the adjacent land to

1 ensure no drift of livestock occurs
2 from adjacent land. Should the Tribe
3 not timely fence out the Trust Land,
4 or maintain the fence, then any Graz-
5 ing Permittee(s) shall not be subject
6 to any unauthorized use for any drift
7 of livestock into the Trust Land from
8 adjacent land.

9 (2) CASTLE ROCK CO-STEWARDSHIP AREA.—

10 (A) MEMORANDUM OF UNDERSTANDING.—

11 (i) IN GENERAL.—As soon as prac-
12 ticable after the date of enactment of this
13 Act, the Secretary shall seek to enter into
14 a memorandum of understanding with the
15 Burns Paiute Tribe to provide for the co-
16 stewardship of the area depicted as “Castle
17 Rock Co-Stewardship Area” on the map
18 entitled “Proposed Wilderness Malheur
19 County” and dated June 7, 2023, to be
20 known as the “Castle Rock Co-Steward-
21 ship Area”.

22 (ii) REQUIREMENT.—The memo-
23 randum of understanding entered into
24 under clause (i) shall ensure that the Cas-

1 the Rock Co-Stewardship Area is managed
2 in a manner that—

3 (I) ensures that Tribal interests
4 therein are considered;

5 (II) provides for protection of
6 cultural and archaeological resources;
7 located thereon;

8 (III) provides for the protection
9 of natural resources with cultural sig-
10 nificance located thereon;

11 (IV) protects the interests of
12 those who hold livestock grazing per-
13 mits on this land and maintain such
14 grazing entitlements in accordance
15 with applicable law, inclusive of the
16 Taylor Grazing Act (43 U.S.C. 315 et
17 seq.); and

18 (V) does not extend beyond the
19 boundaries of the co-stewardship area.

20 (B) MANAGEMENT AGREEMENTS.—In ac-
21 cordance with applicable law (including regula-
22 tions) and subject to existing or extended live-
23 stock grazing permits, the Secretary may enter
24 into 1 or more management agreements with
25 the Burns Paiute Tribe to authorize the Burns

1 Paiute Tribe to carry out management activities
2 in the Castle Rock Co-Stewardship Area in ac-
3 cordance with the memorandum of under-
4 standing entered into under subparagraph
5 (A)(i).

6 (C) GRAZING.—The management and
7 grazing of livestock in the Castle Rock Co-Stew-
8 ardsip Area, as established before the date of
9 enactment of this Act, shall be permitted to
10 continue and shall not be limited or abridged by
11 activities set forth in subparagraphs (A) and
12 (B).

13 (D) WATER RIGHTS.—Nothing in this
14 paragraph—

15 (i) expands, creates, or affects any re-
16 served, or otherwise existing water rights;
17 or

18 (ii) provides the Burns Paiute Tribe
19 with any new water right or claim.

20 (E) CO-MANAGEMENT ACTIVITIES.—Noth-
21 ing in this paragraph shall be construed to
22 allow co-management activities to extend be-
23 yond the areas designated as the Castle Rock
24 Co-Stewardship Area.

1 (F) LAND EXCHANGE ACTIVITIES.—Any
2 private land within the Castle Rock Co-Stew-
3 ardsip Area, inclusive of the private land in
4 T18S R37E section 4, NENW and NESE,
5 shall be subject to a land exchange with any
6 private landowner who desires and elects to co-
7 operate in a land exchange with the Bureau.
8 Any public land offered in exchange with the
9 private land shall be adjacent to any other pri-
10 vate land owned by the cooperating private
11 landowner within the county, and shall be
12 agreeable to the cooperating private landowner.
13 The Secretary shall coordinate with any cooper-
14 ating private landowner to implement and to
15 complete any such exchange within 24-months
16 of initiation of such process by a private land-
17 owner. The Secretary shall prepare any docu-
18 ments necessary to implement any such ex-
19 change and the Secretary shall pay for all costs
20 to implement any such exchange.

21 (3) WITHDRAWAL.—Subject to valid existing
22 rights, the lands taken into trust under paragraph
23 (1) and the land comprising the Castle Rock Co-
24 Stewardship Area are withdrawn from—

1 (A) all forms of appropriation, and dis-
2 posal under the public land laws;

3 (B) location, entry, and patent under the
4 mining laws; and

5 (C) operation of the mineral leasing and
6 geothermal leasing laws and mineral materials
7 laws.

8 (c) VIEWSHED RIGHTS.—Nothing in this Act pro-
9 vides any rights of property to the Burns-Paiute Tribe
10 outside of the boundaries of the land described in sub-
11 section (b)(1) of section 6.

12 (d) EFFECT ON TRIBAL RIGHTS AND CERTAIN EX-
13 ISTING USES.—Nothing in this section, designation or
14 non-designation of land transferred into trust to be held
15 by the United States for the benefit of the Burns Paiute
16 Tribe under this section—

17 (1) alters, modifies, enlarges, diminishes, or ab-
18 rogates rights secured by a treaty, statute, Executive
19 order, or other Federal law of any Indian Tribe, in-
20 cluding off-reservation reserved rights; or

21 (2) affects—

22 (A) existing access, rights-of-way, or ease-
23 ments; or

24 (B) preexisting grazing uses and existing
25 water rights or mining claims, except as specifi-

1 cally negotiated and agreed between the Burns
2 Paiute Tribe, the mineral claim holder, the
3 grazing permittee and the Secretary.

4 **SEC. 7. FUTURE PROTECTION OF FIRE SUPPRESSION,**
5 **INVASIVE SPECIES CONTROL, AND LIVE-**
6 **STOCK PRODUCTION VALUES ON FEDERAL**
7 **LAND IN COUNTY.**

8 (a) FINDING.—Congress finds that the protection
9 against wildfire, the protection against invasive species,
10 and the protection of livestock production values are an
11 essential, important, proper, and compatible activities and
12 use of—

13 (1) the Federal land designated as wilderness
14 by this Act; and

15 (2) the Federal land that is not designated as
16 wilderness by this Act.

17 (b) The Secretary may take all and any actions, in-
18 cluding the use of motorized vehicles, helicopters, or air-
19 planes, needed to control wildfire and to control and cradi-
20 cate invasive species on the land designated herein as wil-
21 derness and on the remaining Federal land not designated
22 as wilderness.

23 (c) Livestock shall be managed on Federal land des-
24 igned as wilderness by this Act in accordance with the
25 provisions of this Act.

1 (d) Livestock grazing shall not be abridged, prohib-
2 ited, restricted, or terminated on Federal land that is not
3 designated as wilderness by this Act, however the Sec-
4 retary shall continue management in accordance with the
5 Act of June 28, 1934 (commonly known as the “Taylor
6 Grazing Act”) (48 Stat. 1269, chapter 865; 43 U.S.C. 315
7 et seq.), section 402 of the Federal Land Policy and Man-
8 agement Act of 1976 (43 U.S.C. 1752), the provisions of
9 this Act, and other laws applicable to grazing.

10 (e) LIVESTOCK GRAZING.—Any livestock grazing on
11 Federal land that is not designated as wilderness by this
12 Act shall continue to be managed in accordance with the
13 Act of June 28, 1934 (commonly known as the “Taylor
14 Grazing Act”) (48 Stat. 1269, chapter 865; 43 U.S.C. 315
15 et seq.), section 402 of the Federal Land Policy and Man-
16 agement Act of 1976 (43 U.S.C. 1752), and other laws
17 applicable to grazing use on the Federal land not des-
18 igned as wilderness by this Act, including activities the
19 Secretary reasonably determines necessary to carry out
20 proper and practical grazing management programs on
21 the Federal land that is not designated as wilderness by
22 this Act (such as public land range improvement activities
23 and wildfire control, suppression, and rehabilitation activi-
24 ties).