

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1890

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Malheur Community

5 Empowerment for the Owyhee Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

10 (2) COUNTY.—The term “County” means

11 Malheur County, Oregon.

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

3 (4) LONG-TERM ECOLOGICAL HEALTH.—The
4 term “long-term ecological health”, with respect to
5 an ecosystem, means the ability of the ecological
6 processes of the ecosystem to function in a manner
7 that maintains the composition, structure, activity,
8 and resilience of the ecosystem over time, including
9 an ecologically appropriate diversity of plant and
10 animal communities, habitats, connectivity, and con-
11 ditions that are sustainable through successional
12 processes.

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

16 (6) OPERATIONAL FLEXIBILITY.—The term
17 “operational flexibility”, with respect to grazing on
18 the Federal land, means—

19 (A) a seasonal adjustment of livestock po-
20 sitioning for the purposes of that grazing pur-
21 suant to a flexible grazing use authorized under
22 the program with respect to which written no-
23 tice is provided; or

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

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

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

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

11 **SEC. 3. MALHEUR COUNTY GRAZING MANAGEMENT PRO-**
12 **GRAM.**

13 (a) IN GENERAL.—The Secretary may carry out a
14 grazing management program on the Federal land, to be
15 known as the “Malheur County Grazing Management Pro-
16 gram”, in accordance with applicable law (including regu-
17 lations) and the memorandum entitled “Bureau of Land
18 Management Instruction Memorandum 2018–109” (as in
19 effect on September 30, 2021), to provide to authorized
20 grazing permittees and lessees increased operational flexi-
21 bility to improve the long-term ecological health of the
22 Federal land.

23 (b) PERMIT OPERATIONAL FLEXIBILITY.—

24 (1) FLEXIBLE GRAZING USE ALTERNATIVE FOR
25 A GRAZING PERMIT OR LEASE.—At the request of an

1 authorized grazing permittee or lessee, for purposes
2 of renewing a grazing permit or lease under the pro-
3 gram, pursuant to the National Environmental Pol-
4 icy Act of 1969 (42 U.S.C. 4321 et seq.), the Sec-
5 retary shall develop and analyze at least 1 alter-
6 native to provide operational flexibility in livestock
7 grazing use to account for changing conditions.

8 (2) CONSULTATION.—The Secretary shall de-
9 velop alternatives under paragraph (1) in consulta-
10 tion with—

11 (A) the applicable grazing permittee or les-

12 see;

13 (B) affected Federal and State agencies;

14 (C) the Malheur C.E.O. Group;

15 (D) the Burns Paiute Tribe or the Fort
16 McDermitt Paiute and Shoshone Tribes, as ap-
17 plicable;

18 (E) other landowners in the affected allot-
19 ment; and

20 (F) interested members of the public.

21 (3) IMPLEMENTATION OF INTERIM OPER-
22 ATIONAL FLEXIBILITIES.—If an applicable moni-
23 toring plan has been adopted under paragraph (4),
24 in order to improve long-term ecological health, on
25 the request of an authorized grazing permittee or

1 lessee, the Secretary shall, using new and existing
2 data, allow a variance to the terms and conditions
3 of the existing applicable grazing permit or lease for
4 the applicable year due to significant changes in
5 weather, forage production, effects of fire or
6 drought, or other temporary conditions—

7 (A) to adjust the season of use, the begin-
8 ning date of the period of use, the ending date
9 of the period of use, or both the beginning date
10 and ending date, as applicable, under the graz-
11 ing permit or lease, subject to the requirements
12 that—

13 (i) unless otherwise specified in the
14 appropriate allotment management plan or
15 any other activity plan that is the func-
16 tional equivalent to the appropriate allot-
17 ment management plan under section
18 4120.2(a)(3) of title 43, Code of Federal
19 Regulations (or a successor regulation),
20 the applicable adjusted date of the season
21 of use occurs—

22 (I) not earlier than 14 days be-
23 fore the beginning date specified in
24 the applicable permit or lease; and

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

4 (ii) the authorized grazing permittee
5 or lessee provides written notice of the ad-
6 justment to the Bureau not later than 2
7 business days before the date of adjust-
8 ment;

9 (B) to adjust the dates for pasture rotation
10 based on average vegetation stage and soil con-
11 dition by not more than 14 days, subject to the
12 requirement that the authorized grazing per-
13 mittee or lessee shall provide to the Bureau
14 written notice of the adjustment not later than
15 2 business days before the date of adjustment;

16 (C) to adjust the placement of water struc-
17 tures for livestock or wildlife by not more than
18 100 yards from an associated existing road,
19 pipeline, or structure, subject to applicable laws
20 and the requirement that the authorized graz-
21 ing permittee or lessee shall provide to the Bu-
22 reau written notice of the adjustment not later
23 than 2 business days before the date of adjust-
24 ment; and

1 (D) in a case in which the monitoring plan
2 adopted under paragraph (4) indicates alter-
3 ations in the operational flexibilities are nec-
4 essary to achieve ecological health or avoid im-
5 mediate ecological degradation of the allotment
6 or allotment area, to adjust the operational
7 flexibilities immediately, subject to the require-
8 ment that the authorized grazing permittee or
9 lessee shall provide written notice of the adjust-
10 ment to the Bureau and the individuals and en-
11 tities described in subparagraphs (B) through
12 (F) of paragraph (2).

13 (4) MONITORING PLANS.—

14 (A) MONITORING PLANS FOR PERMIT
15 FLEXIBILITY.—

16 (i) IN GENERAL.—The Secretary shall
17 adopt cooperative rangeland monitoring
18 plans and rangeland health objectives to
19 apply to actions taken under paragraph (1)
20 and to monitor and evaluate the improve-
21 ments or degradations to the long-term ec-
22 ological health of the Federal land under
23 the program, in consultation with grazing
24 permittees or lessees and other individuals
25 and entities described in paragraph (2),

1 using existing or new scientifically support-
2 able data.

3 (ii) REQUIREMENTS.—A monitoring
4 plan adopted under clause (i) shall—

5 (I) identify situations in which
6 providing operational flexibility in
7 grazing permit or lease uses under the
8 program is appropriate to improve
9 long-term ecological health of the Fed-
10 eral land;

11 (II) identify ways in which
12 progress under the program would be
13 measured toward long-term ecological
14 health of the Federal land;

15 (III) include for projects mon-
16 itored under the program—

17 (aa) a description of the
18 condition standards for which the
19 monitoring is tracking, including
20 baseline conditions and desired
21 outcome conditions;

22 (bb) a description of moni-
23 toring methods and protocols;

24 (cc) a schedule for collecting
25 data;

1 (dd) an identification of the
2 responsible party for data collec-
3 tion and storage;
4 (ee) an evaluation schedule;
5 (ff) a description of the an-
6 ticipated use of the data;
7 (gg) provisions for adjusting
8 any components of the moni-
9 toring plan; and
10 (hh) a description of the
11 method to communicate the cri-
12 teria for adjusting livestock graz-
13 ing use; and
14 (IV) provide for annual reports
15 on the effects of flexibility in grazing
16 permit or lease uses under the pro-
17 gram to allow the Secretary to make
18 management adjustments to account
19 for the information provided in the
20 annual report.

21 (B) MONITORING PLANS FOR INTERIM
22 OPERATIONAL FLEXIBILITY.—

23 (i) IN GENERAL.—The Secretary shall
24 adopt cooperative rangeland utilization
25 monitoring plans and rangeland health ob-

1 jectives to apply to actions taken under
2 paragraph (3) and to monitor and evaluate
3 the improvements or degradations to the
4 long-term ecological health of the Federal
5 land identified for flexible use under the
6 program.

7 (ii) REQUIREMENTS.—A monitoring
8 plan developed under clause (i) shall—

9 (I) evaluate the percent utiliza-
10 tion of available forage;

11 (II) identify the appropriate per-
12 centage of utilization for the feed
13 type, ecosystem, time of year, and
14 type of animal using the allotment;

15 (III) include—

16 (aa) a description of the uti-
17 lization standards for which the
18 monitoring is tracking, including
19 baseline conditions and desired
20 outcome conditions;

21 (bb) a description of utiliza-
22 tion evaluation protocol;

23 (cc) an evaluation schedule
24 identifying periods during which
25 utilization data will be collected;

1 (dd) provisions for adjusting
2 any components of the moni-
3 toring plan, including acceptance
4 of data from identified third par-
5 ties; and

6 (ee) a description of the
7 method to communicate the cri-
8 teria for adjusting livestock graz-
9 ing use based on the on-the-
10 ground conditions after the pe-
11 riod of use; and

12 (IV) provide for annual reports
13 on the effects of flexibility in grazing
14 permit or lease uses under the pro-
15 gram to allow the Secretary to make
16 management adjustments to account
17 for the information provided in the
18 annual report.

19 (5) TERMS AND CONDITIONS.—

20 (A) PREFERRED ALTERNATIVE.—If the
21 Secretary determines that an alternative consid-
22 ered under the program that provides oper-
23 ational flexibility is the preferred alternative,
24 the Secretary shall—

1 (i) incorporate the alternative, includ-
2 ing applicable monitoring plans adopted
3 under paragraph (4), into the terms and
4 conditions of the applicable grazing permit
5 or lease; and

6 (ii) specify how the monitoring infor-
7 mation with respect to the preferred alter-
8 native should be used to inform manage-
9 ment adjustments under the program.

10 (B) ADJUSTMENTS.—Before implementing
11 any measure for purposes of operational flexi-
12 bility with respect to a grazing use authorized
13 under the terms and conditions of a permit or
14 lease with respect to which an alternative has
15 been incorporated under subparagraph (A), the
16 grazing permittee or lessee shall notify the Sec-
17 retary in writing of the proposed adjustment.

18 (C) ADDITIONAL REQUIREMENTS.—The
19 Secretary may include any other requirements
20 in a permit or lease with respect to which an
21 alternative has been incorporated under sub-
22 paragraph (A) that the Secretary determines to
23 be necessary.

24 (c) REVIEW; TERMINATION.—

25 (1) REVIEW.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), not earlier than the date that is 8
3 years after the date of enactment of this Act,
4 the Secretary shall conduct a review of the pro-
5 gram to determine whether the objectives of the
6 program are being met.

7 (B) NO EFFECT ON PROGRAM PERMITS
8 AND LEASES.—The review of the program
9 under subparagraph (A) shall not affect the ex-
10 istence, renewal, or termination of a grazing
11 permit or lease entered into under the program.

12 (2) TERMINATION.—If, based on the review
13 conducted under paragraph (1), the Secretary deter-
14 mines that the objectives of the program are not
15 being met, the Secretary shall, on the date that is
16 10 years after the date of enactment of this Act—

17 (A) modify the program in a manner to en-
18 sure that the objectives of the program would
19 be met; or

20 (B) terminate the program.

21 (d) NO EFFECT ON GRAZING PRIVILEGES.—Nothing
22 in this Act—

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

1 (2) requires the Secretary to consider modifying
2 or terminating the classification of any existing graz-
3 ing district on the Federal land in any subsequent
4 plan or decision of the Secretary; or

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

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

9 (a) DEFINITIONS.—In this section:

10 (1) CONSENSUS.—The term “consensus” means
11 a unanimous agreement by the voting members of
12 the Malheur C.E.O. Group present and constituting
13 a quorum at a regularly scheduled business meeting
14 of the Malheur C.E.O. Group.

15 (2) FEDERAL AGENCY.—

16 (A) IN GENERAL.—The term “Federal
17 agency” means an agency or department of the
18 Government of the United States.

19 (B) INCLUSIONS.—The term “Federal
20 agency” includes—

21 (i) the Bureau of Reclamation;

22 (ii) the Bureau of Indian Affairs;

23 (iii) the Bureau;

24 (iv) the United States Fish and Wild-

25 life Service; and

1 (v) the Natural Resources Conserva-
2 tion Service.

3 (3) QUORUM.—The term “quorum” means 1
4 more than $\frac{1}{2}$ of the voting members of the Malheur
5 C.E.O. Group.

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

9 (c) MEMBERSHIP.—

10 (1) IN GENERAL.—The Malheur C.E.O. Group
11 shall consist of 18 members, to be appointed in ac-
12 cordance with paragraph (2), including—

13 (A) 5 voting members who represent pri-
14 vate interests, of whom—

15 (i) 3 members represent livestock
16 grazing interests, of whom—

17 (I) 1 member resides in the
18 northern $\frac{1}{3}$ of the County;

19 (II) 1 member resides in the cen-
20 ter $\frac{1}{3}$ of the County; and

21 (III) 1 member resides in the
22 southern $\frac{1}{3}$ of the County;

23 (ii) 1 member is in the recreation or
24 tourism industry; and

1 (iii) 1 member is from an applicable
2 irrigation district;

3 (B) 2 voting members who represent the
4 environmental community, 1 of whom is based
5 in the County;

6 (C) 1 voting member who represents the
7 hunting or fishing community;

8 (D) 2 voting members who are representa-
9 tives of Indian Tribes, of whom—

10 (i) 1 member shall be a representative
11 of the Burns Paiute Tribe; and

12 (ii) 1 member shall be a representa-
13 tive of the Fort McDermitt Paiute and
14 Shoshone Tribes;

15 (E) 2 nonvoting members who are rep-
16 resentatives of Federal agencies with authority
17 and responsibility in the County and who shall
18 provide technical assistance, 1 of whom shall
19 represent the Bureau;

20 (F) 2 nonvoting members who are rep-
21 resentatives of State agencies with authority
22 and responsibility in the County and who shall
23 provide technical assistance, of whom—

24 (i) 1 member shall be from the State
25 Department of Fish and Wildlife; and

1 (ii) 1 member shall be from the State
2 Parks Department; and

3 (G) 4 nonvoting members who are rep-
4 resentatives of units of local government within
5 the County and who shall provide technical as-
6 sistance, 1 of whom shall be from the County
7 weeds eradication department.

8 (2) APPOINTMENT; TERM; VACANCY.—

9 (A) APPOINTMENT.—

10 (i) GOVERNMENTAL AGENCIES.—A
11 member of the Malheur C.E.O. Group rep-
12 resenting a Federal agency or State or
13 local agency shall be appointed by the head
14 of the applicable agency.

15 (ii) PRIVATE INTERESTS.—A member
16 of the Malheur C.E.O. Group representing
17 private interests shall be appointed by the
18 applicable represented groups.

19 (B) TERM.—A member of the Malheur
20 C.E.O. Group shall serve for a term of 3 years.

21 (C) VACANCY.—A vacancy on the Malheur
22 C.E.O. Group shall be filled in the manner de-
23 scribed in subparagraph (A).

24 (d) PROJECTS.—

1 (1) IN GENERAL.—The Malheur C.E.O. Group
2 shall propose eligible projects described in paragraph
3 (2) on Federal land and water and non-Federal land
4 and water in the County to be carried out by the
5 Malheur C.E.O. Group or a third party, using funds
6 provided by the Malheur C.E.O. Group, if a con-
7 sensus of the Malheur C.E.O. Group approves the
8 proposed eligible project.

9 (2) DESCRIPTION OF ELIGIBLE PROJECTS.—An
10 eligible project referred to in paragraph (1) is a
11 project—

12 (A) that complies with existing law (includ-
13 ing regulations); and

14 (B) relating to—

15 (i) ecological restoration, including de-
16 velopment, planning, and implementation;

17 (ii) range improvements for the pur-
18 pose of providing more efficient and effec-
19 tive ecologically beneficial management of
20 domestic livestock, fish, wildlife, or habitat;

21 (iii) invasive species management or
22 eradication, including invasive weeds, vege-
23 tation, fish, or wildlife;

24 (iv) restoration of springs and related
25 water infrastructure to enhance the avail-

1 ability of sustainable flows of freshwater
2 for livestock, fish, or wildlife;

3 (v) conservation of cultural sites;

4 (vi) economic development or recre-
5 ation management; or

6 (vii) research, monitoring, or analysis.

7 (3) REQUIREMENT.—

8 (A) IN GENERAL.—In the case of an eligi-
9 ble project proposed under paragraph (1) that
10 is to be carried out on Federal land or requires
11 the use of Federal funds, the project may not
12 be carried out without the approval of the head
13 of the applicable Federal agency.

14 (B) FAILURE TO APPROVE.—If an eligible
15 project described in subparagraph (A) is not
16 approved by the head of the applicable Federal
17 agency, not later than 14 business after the
18 date on which the proposal is submitted to the
19 head of the applicable Federal agency, the head
20 of the Federal agency shall provide to the
21 Malheur C.E.O. Group in writing a description
22 of the reasons for not approving the proposed
23 eligible project.

24 (4) FAILURE TO APPROVE BY CONSENSUS.—If
25 an eligible project proposed under paragraph (1) is

1 not agreed to by consensus after 3 votes are con-
2 ducted by the Malheur C.E.O. Group, the proposed
3 eligible project may be agreed to by a quorum of the
4 members of the Malheur C.E.O. Group, subject to
5 the limitations that—

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

8 (B) no Federal funds may be used for an
9 eligible project that is agreed to in accordance
10 with this paragraph.

11 (5) ACCEPTANCE OF DONATIONS.—The
12 Malheur C.E.O. Group may—

13 (A) accept and place into a trust fund any
14 donations, grants, or other funds received by
15 the Malheur C.E.O. Group; and

16 (B) use amounts placed into a trust fund
17 under paragraph (1) to carry out eligible
18 projects approved in accordance with this sec-
19 tion, including eligible projects carried out on
20 Federal land or water or using Federal funds,
21 if the project is approved by the head of the ap-
22 plicable Federal agency.

23 (6) COST-SHARING REQUIREMENT.—

24 (A) IN GENERAL.—The Federal share of
25 the total cost of an eligible project carried out

1 using amounts made available under subsection
2 (i) shall be not more than 75 percent.

3 (B) FORM OF NON-FEDERAL CONTRIBU-
4 TION.—The non-Federal contribution required
5 under subparagraph (A) may be provided in the
6 form of in-kind contributions.

7 (7) FUNDING RECOMMENDATIONS.—All funding
8 recommendations developed by the Malheur C.E.O.
9 Group shall be based on a consensus of the Malheur
10 C.E.O. Group members.

11 (e) TECHNICAL ASSISTANCE.—Any Federal agency
12 with authority and responsibility in the County shall, to
13 the extent practicable, provide technical assistance to the
14 Malheur C.E.O. Group on request of the Malheur C.E.O.
15 Group.

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

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

1 (h) ADDITIONAL PROJECTS.—To the extent per-
2 mitted by applicable law and subject to the availability of
3 appropriations, Federal agencies may contribute to the im-
4 plementation of projects recommended by the Malheur
5 C.E.O. Group and approved by the Secretary.

6 (i) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated to the Secretary to carry out this sec-
9 tion \$1,000,000 for each of fiscal years 2024
10 through 2034.

11 (2) MAINTENANCE AND DISTRIBUTION.—
12 Amounts made available under paragraph (1) shall
13 be maintained and distributed by the Secretary.

14 (3) ADMINISTRATIVE EXPENSES.—Not more
15 than more than 5 percent of amounts made available
16 under paragraph (1) for a fiscal year may be used
17 for the administration of this Act.

18 (4) GRANTS.—Of the amounts made available
19 under paragraph (1), not more than 10 percent may
20 be made available for a fiscal year to provide grants
21 to the Malheur C.E.O. Group.

22 (j) EFFECT.—

23 (1) EXISTING ACTIVITIES.—The activities of
24 the Malheur C.E.O. Group shall supplement, and

1 not replace, existing activities to manage the natural
2 resources of the County.

3 (2) LEGAL RIGHTS, DUTIES, OR AUTHORI-
4 TIES.—Nothing in this section affects any legal
5 right, duty, or authority of any person or Federal
6 agency, including any member of the Malheur
7 C.E.O. Group.

8 **SEC. 5. LAND DESIGNATIONS.**

9 (a) DEFINITION OF WILDERNESS AREA.—In this
10 section, the term “wilderness area” means a wilderness
11 area designated by subsection (b)(1).

12 (b) DESIGNATION OF WILDERNESS AREAS.—

13 (1) IN GENERAL.—In accordance with the Wil-
14 derness Act (16 U.S.C. 1131 et seq.), the following
15 Federal land in the County comprising approxi-
16 mately 1,102,393 acres, as generally depicted on the
17 referenced maps, is designated as wilderness and as
18 components of the National Wilderness Preservation
19 System:

20 (A) FIFTEENMILE CREEK WILDERNESS.—

21 Certain Federal land, comprising approximately
22 61,647 acres, as generally depicted on the map
23 entitled “Proposed Wilderness Trout Creek–Or-
24 egon Canyon Group” and dated December 12,

1 2023, which shall be known as the “Fifteenmile
2 Creek 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 entitled “Proposed Wilderness
7 Trout Creek–Oregon Canyon Group” and dated
8 December 12, 2023, which shall be known as
9 the “Oregon Canyon Mountains Wilderness”.

10 (C) TWELVEMILE CREEK WILDERNESS.—
11 Certain Federal land, comprising approximately
12 38,099 acres, as generally depicted on the map
13 entitled “Proposed Wilderness Trout Creek–Or-
14 egon Canyon Group” and dated December 12,
15 2023, which shall be known as the “Twelvemile
16 Creek Wilderness”.

17 (D) UPPER WEST LITTLE OWYHEE WIL-
18 DERNESS.—Certain Federal land, comprising
19 approximately 93,199 acres, as generally de-
20 picted on the map entitled “Proposed Wilder-
21 ness Upper Owyhee” and dated December 12,
22 2023, which shall be known as the “Upper
23 West Little Owyhee Wilderness”.

24 (E) LOOKOUT BUTTE WILDERNESS.—Cer-
25 tain Federal land, comprising approximately

1 66,242 acres, as generally depicted on the map
2 entitled “Proposed Wilderness Upper Owyhee”
3 and dated December 12, 2023, which shall be
4 known as the “Lookout Butte Wilderness”.

5 (F) MARY GAUTREAUX OWYHEE RIVER
6 CANYON WILDERNESS.—Certain Federal land,
7 comprising approximately 211,679 acres, as
8 generally depicted on the map entitled “Pro-
9 posed Wilderness Upper Owyhee” and dated
10 December 12, 2023, which shall be known as
11 the “Mary Gautreaux Owyhee River Canyon
12 Wilderness”.

13 (G) BLACK BUTTE WILDERNESS.—Certain
14 Federal land, comprising approximately 12,058
15 acres, as generally depicted on the map entitled
16 “Proposed Wilderness Upper Owyhee” and
17 dated December 12, 2023, which shall be
18 known as the “Black Butte Wilderness”.

19 (H) TWIN BUTTE WILDERNESS.—Certain
20 Federal land, comprising approximately 18,150
21 acres, as generally depicted on the map entitled
22 “Proposed Wilderness Upper Owyhee” and
23 dated December 12, 2023, which shall be
24 known as the “Twin Butte Wilderness”.

1 (I) OREGON BUTTE WILDERNESS.—Cer-
2 tain Federal land, comprising approximately
3 31,934 acres, as generally depicted on the map
4 entitled “Proposed Wilderness Upper Owyhee”
5 and dated December 12, 2023, which shall be
6 known as the “Oregon Butte Wilderness”.

7 (J) MAHOGANY BUTTE WILDERNESS.—
8 Certain Federal land, comprising approximately
9 8,953 acres, as generally depicted on the map
10 entitled “Proposed Wilderness Upper Owyhee”
11 and dated December 12, 2023, which shall be
12 known as the “Mahogany Butte Wilderness”.

13 (K) DEER FLAT WILDERNESS.—Certain
14 Federal land, comprising approximately 12,250
15 acres, as generally depicted on the map entitled
16 “Proposed Wilderness Upper Owyhee” and
17 dated December 12, 2023, which shall be
18 known as the “Deer Flat Wilderness”.

19 (L) SACRAMENTO HILL WILDERNESS.—
20 Certain Federal, comprising approximately
21 9,574 acres, as generally depicted on the map
22 entitled “Proposed Wilderness Upper Owyhee”
23 and dated December 12, 2023, which shall be
24 known as the “Sacramento Hill Wilderness”.

1 (M) DEADMAN BUTTE WILDERNESS.—Cer-
2 tain Federal land, comprising approximately
3 7,152 acres, as generally depicted on the map
4 entitled “Proposed Wilderness Upper Owyhee”
5 and dated December 12, 2023, which shall be
6 known as the “Deadman Butte Wilderness”.

7 (N) BIG GRASSEY WILDERNESS.—Certain
8 Federal land, comprising approximately 44,238
9 acres, as generally depicted on the map entitled
10 “Proposed Wilderness Upper Owyhee” and
11 dated December 12, 2023, which shall be
12 known as the “Big Grassey Wilderness”.

13 (O) NORTH FORK OWYHEE WILDER-
14 NESS.—Certain Federal land, comprising ap-
15 proximately 5,276 acres, as generally depicted
16 on the map entitled “Proposed Wilderness
17 Upper Owyhee” and dated December 12, 2023,
18 which shall be known as the “North Fork
19 Owyhee Wilderness”.

20 (P) MARY GAUTREAUX LOWER OWYHEE
21 CANYON WILDERNESS.—Certain Federal land,
22 comprising approximately 77,121 acres, as gen-
23 erally depicted on the map entitled “Proposed
24 Wilderness Lower Owyhee” and dated Decem-
25 ber 12, 2023, which shall be known as the

1 “Mary Gautreaux Lower Owyhee Canyon Wil-
2 derness”.

3 (Q) JORDAN CRATERS WILDERNESS.—Cer-
4 tain Federal land, comprising approximately
5 29,255 acres, as generally depicted on the map
6 entitled “Proposed Wilderness Lower Owyhee”
7 and dated December 12, 2023, which shall be
8 known as the “Jordan Craters Wilderness”.

9 (R) OWYHEE BREAKS WILDERNESS.—Cer-
10 tain Federal land, comprising approximately
11 31,637 acres, as generally depicted on the map
12 entitled “Proposed Wilderness Lower Owyhee”
13 and dated December 12, 2023, which shall be
14 known as the “Owyhee Breaks Wilderness”.

15 (S) DRY CREEK WILDERNESS.—Certain
16 Federal land, comprising approximately 33,209
17 acres, as generally depicted on the map entitled
18 “Proposed Wilderness Lower Owyhee” and
19 dated December 12, 2023, which shall be
20 known as the “Dry Creek Wilderness”.

21 (T) DRY CREEK BUTTES WILDERNESS.—
22 Certain Federal land, comprising approximately
23 88,289 acres, as generally depicted on the map
24 entitled “Proposed Wilderness Lower Owyhee”

1 and dated December 12, 2023, which shall be
2 known as the “Dry Creek Buttes Wilderness”.

3 (U) UPPER LESLIE GULCH WILDER-
4 NESS.—Certain Federal land, comprising ap-
5 proximately 2,997 acres, as generally depicted
6 on the map entitled “Proposed Wilderness
7 Lower Owyhee” and dated December 12, 2023,
8 which shall be known as the “Upper Leslie
9 Gulch Wilderness”.

10 (V) SLOCUM CREEK WILDERNESS.—Cer-
11 tain Federal land, comprising approximately
12 7,534 acres, as generally depicted on the map
13 entitled “Proposed Wilderness Lower Owyhee”
14 and dated December 12, 2023, which shall be
15 known as the “Slocum Creek Wilderness”.

16 (W) HONEYCOMBS WILDERNESS.—Certain
17 Federal land, comprising approximately 41,122
18 acres, as generally depicted on the map entitled
19 “Proposed Wilderness Lower Owyhee” and
20 dated December 12, 2023, which shall be
21 known as the “Honeycombs Wilderness”.

22 (X) WILD HORSE BASIN WILDERNESS.—
23 Certain Federal land, comprising approximately
24 18,402 acres, as generally depicted on the map
25 entitled “Proposed Wilderness Lower Owyhee”

1 and dated December 12, 2023, which shall be
2 known as the “Wild Horse Basin Wilderness”.

3 (Y) QUARTZ MOUNTAIN WILDERNESS.—
4 Certain Federal land, comprising approximately
5 32,943 acres, as generally depicted on the map
6 entitled “Proposed Wilderness Lower Owyhee”
7 and dated December 12, 2023, which shall be
8 known as the “Quartz Mountain Wilderness”.

9 (Z) THE TONGUE WILDERNESS.—Certain
10 Federal land, comprising approximately 5,909
11 acres, as generally depicted on the map entitled
12 “Proposed Wilderness Lower Owyhee” and
13 dated December 12, 2023, which shall be
14 known as “The Tongue Wilderness”.

15 (AA) THREE FINGERS ROCK NORTH WIL-
16 DERNESS.—Certain Federal land, comprising
17 approximately 12,462 acres, as generally de-
18 picted on the map entitled “Proposed Wilder-
19 ness Lower Owyhee” and dated December 12,
20 2023, which shall be known as the “Three Fin-
21 gers Rock North Wilderness”.

22 (BB) BURNT MOUNTAIN WILDERNESS.—
23 Certain Federal land, comprising approximately
24 8,115 acres, as generally depicted on the map
25 entitled “Proposed Wilderness Lower Owyhee”

1 and dated December 12, 2023, which shall be
2 known as the “Burnt Mountain Wilderness”.

3 (CC) CAMP CREEK WILDERNESS.—Certain
4 Federal land, comprising approximately 72,597
5 acres, as generally depicted on the map entitled
6 “Proposed Wilderness Camp Creek Group” and
7 dated December 12, 2023, which shall be
8 known as the “Camp Creek Wilderness”.

9 (2) MAPS AND LEGAL DESCRIPTIONS.—

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

14 (B) EFFECT.—Each map and legal de-
15 scription prepared under subparagraph (A)
16 shall have the same force and effect as if in-
17 cluded in this Act, except that the Secretary
18 may correct clerical and typographical errors in
19 the map or legal description.

20 (C) PUBLIC AVAILABILITY.—The maps
21 and legal descriptions prepared under subpara-
22 graph (A) shall be on file and available for pub-
23 lic inspection in the appropriate offices of the
24 Bureau.

25 (3) MANAGEMENT.—

1 (A) IN GENERAL.—Subject to valid exist-
2 ing rights, the wilderness areas shall be admin-
3 istered by the Secretary in accordance with the
4 Wilderness Act (16 U.S.C. 1131 et seq.), except
5 that—

6 (i) any reference in that Act to the ef-
7 fective date of that Act shall be considered
8 to be a reference to the date of enactment
9 of this Act; and

10 (ii) any reference in that Act to the
11 Secretary of Agriculture shall be consid-
12 ered to be a reference to the Secretary.

13 (B) GRAZING.—The Secretary shall allow
14 the continuation of the grazing of livestock, in
15 the wilderness areas, if established before the
16 date of enactment of this Act, in accordance
17 with—

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

20 (ii) the guidelines set forth in Appen-
21 dix A of the report of the Committee on
22 Interior and Insular Affairs of the House
23 of Representatives accompanying H.R.
24 2570 of the 101st Congress (H. Rept.
25 101–405).

1 (C) ROADS ADJACENT TO WILDERNESS
2 AREAS.—Nothing in this Act requires the clo-
3 sure of any adjacent road outside the boundary
4 of a wilderness area.

5 (D) FISH AND WILDLIFE MANAGEMENT
6 ACTIVITIES.—

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

15 (I) consistent with applicable wil-
16 derness management plans; and

17 (II) conducted in accordance with
18 appropriate policies, such as the poli-
19 cies established in Appendix B of the
20 report of the Committee on Interior
21 and Insular Affairs of the House of
22 Representatives accompanying H.R.
23 2570 of the 101st Congress (House
24 Report 101–405).

1 (ii) INCLUSIONS.—Management activi-
2 ties under clause (i) may include the occa-
3 sional and temporary use of motorized ve-
4 hicles, if the use, as determined by the
5 Secretary, would promote healthy, viable,
6 and more naturally distributed wildlife
7 populations that would enhance wilderness
8 values while causing the minimum impact
9 necessary to accomplish those tasks.

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

23 (c) MANAGEMENT OF LAND NOT DESIGNATED AS
24 WILDERNESS.—

25 (1) RELEASE OF WILDERNESS STUDY AREAS.—

1 (A) FINDING.—Congress finds that, for
2 purposes of section 603(e) of the Federal Land
3 Policy and Management Act of 1976 (43 U.S.C.
4 1782(c)), the Clarks Butte Wilderness Study
5 Area, Saddle Butte Wilderness Study Area, and
6 Bowden Hills Wilderness Study Area have been
7 adequately studied for wilderness designation.

8 (B) RELEASE.—Except as provided in
9 paragraph (2), the land described in subpara-
10 graph (A)—

11 (i) is no longer subject to section
12 603(e) of the Federal Land Policy and
13 Management Act of 1976 (43 U.S.C.
14 1782(c)); and

15 (ii) shall be managed in accordance
16 with the Federal Land Policy and Manage-
17 ment Act of 1976 (43 U.S.C. 1701 et
18 seq.), including any applicable land use
19 plan adopted under section 202 of that Act
20 (43 U.S.C. 1712).

21 (2) MANAGEMENT OF CERTAIN LAND WITH
22 WILDERNESS CHARACTERISTICS.—Any portion of
23 the Federal land that was previously determined by
24 the Secretary to be land with wilderness characteris-
25 tics that is not designated as wilderness by sub-

1 section (b)(1) and is not designated on the Map as
2 “land with wilderness characteristics” shall be man-
3 aged by the Secretary in accordance with the appli-
4 cable land use plans adopted under section 202 of
5 the Federal Land Policy and Management Act of
6 1976 (43 U.S.C. 1712).

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

9 (a) JONESBORO RANCH, ROAD GULCH, AND BLACK
10 CANYON LAND CONVEYANCES.—

11 (1) CONVEYANCE AND TAKING INTO TRUST.—

12 (A) TITLE.—As soon as practicable after
13 the date of enactment of this Act, the Secretary
14 shall accept title to the land described in para-
15 graph (2), if conveyed or otherwise transferred
16 to the United States by, or on behalf of, the
17 Burns Paiute Tribe.

18 (B) TRUST.—Land to which title is accept-
19 ed by the Secretary under subparagraph (A)
20 shall—

21 (i) be held in trust by the United
22 States for the benefit of the Burns Paiute
23 Tribe; and

24 (ii) be part of the reservation of the
25 Burns Paiute Tribe.

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

3 (A) JONESBORO RANCH.—The parcel com-
4 monly known as “Jonesboro Ranch”, located
5 approximately 6 miles east of Juntura, Oregon,
6 consisting of 21,548 acres of Federal land,
7 6,686 acres of certain private land owned by
8 the Burns Paiute Tribe and associated with the
9 Jonesboro Ranch containing the pastures re-
10 ferred to as “Saddle Horse” and “Trail Horse”,
11 “Indian Creek”, “Sperry Creek”, “Antelope
12 Swales”, “Horse Camp”, “Dinner Creek”,
13 “Upper Hunter Creek”, and “Tim’s Peak”,
14 generally depicted as “Jonesboro Parcels
15 (Transfer)” on the map entitled “Proposed Wil-
16 derness Camp Creek Group” and dated Decem-
17 ber 12, 2023, and more particularly described
18 as follows:

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

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

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

1 (iv) T. 21 S., R. 39 E., secs. 1–18,
2 20–29, and 32–36, Willamette Meridian.

3 (v) T. 21 S., R. 40 E., secs. 5–8, 17–
4 19, 30, and 31, Willamette Meridian.

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

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

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

15 (ii) T 20 S., R. 40 E., secs. 19, 30,
16 31, and 32, Willamette Meridian.

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

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

1 (5) LAND EXCHANGE.—Not later than 3 years
2 after the date of enactment of this Act, the Sec-
3 retary shall seek to enter into an agreement with the
4 State under which the Secretary would exchange
5 Federal land for the portions of the area described
6 in paragraph (2)(B) that are owned by the State.

7 (b) CASTLE ROCK LAND TO BE HELD IN TRUST
8 AND CO-STEWARDSHIP AREA.—

9 (1) LAND TO BE HELD IN TRUST.—All right,
10 title, and interest of the United States in and to the
11 approximately 2,500 acres of land in the Castle
12 Rock Wilderness Study Area, as depicted as “Lands
13 to be Taken into Trust” on the map entitled “Land
14 into Trust and Co-Stewardship Castle Rock Group”
15 and dated December 12, 2023, shall—

16 (A) be held in trust by the United States
17 for the benefit of the Burns Paiute Tribe; and

18 (B) be part of the reservation of the Burns
19 Paiute Tribe.

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

21 (A) MEMORANDUM OF UNDERSTANDING.—

22 (i) IN GENERAL.—As soon as prac-
23 ticable after the date of enactment of this
24 Act, the Secretary shall seek to enter into
25 a memorandum of understanding with the

1 Burns Paiute Tribe to provide for the co-
2 stewardship of the area depicted as “Tribal
3 Co-Stewardship Area” on the map entitled
4 “Land into Trust and Co-Stewardship
5 Castle Rock Group” and dated December
6 12, 2023, to be known as the “Castle Rock
7 Co-Stewardship Area”.

8 (ii) REQUIREMENT.—The memo-
9 randum of understanding entered into
10 under clause (i) shall ensure that the Cas-
11 tle Rock Co-Stewardship Area is managed
12 in a manner that—

13 (I) ensures that Tribal interests
14 are adequately considered;

15 (II) provides for maximum pro-
16 tection of cultural and archaeological
17 resources; and

18 (III) provides for the protection
19 of natural resources with cultural sig-
20 nificance.

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

1 carry out management activities in the Castle
2 Rock Co-Stewardship Area in accordance with
3 the memorandum of understanding entered into
4 under subparagraph (A)(i).

5 (C) GRAZING.—The grazing of livestock in
6 the Castle Rock Co-Stewardship Area, if estab-
7 lished before the date of enactment of this Act,
8 shall be permitted to continue in accordance
9 with applicable law (including regulations).

10 (D) WATER RIGHTS.—Nothing in this
11 paragraph—

12 (i) affects any valid and existing water
13 rights; or

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

16 (3) WITHDRAWAL.—Subject to valid existing
17 rights, the land taken into trust under paragraph
18 (1) and the land comprising the Castle Rock Co-
19 Stewardship Area are withdrawn from—

20 (A) all forms of entry, appropriation, and
21 disposal under the public land laws;

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

1 (C) operation of the mineral leasing and
2 geothermal leasing laws and mineral materials
3 laws.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary to carry
6 out this section \$2,000,000 for fiscal year 2025.

7 (d) EFFECT ON TRIBAL RIGHTS AND CERTAIN EX-
8 ISTING USES.—Nothing in this section, including any des-
9 ignation or nondesignation of land transferred into trust
10 to be held by the United States for the benefit of the
11 Burns Paiute Tribe under this section—

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

16 (2) affects—

17 (A) existing rights-of-way; or

18 (B) preexisting grazing uses and existing
19 water rights or mining claims, except as specifi-
20 cally negotiated between any applicable Indian
21 Tribe and the Secretary.