

118TH CONGRESS
1ST SESSION

S. 1890

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

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2023

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 “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.

1 (2) COMMISSIONER.—The term “Commis-
2 sioner” means the Commissioner of Reclamation.

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

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

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

17 (6) LOOP ROAD.—

18 (A) IN GENERAL.—The term “loop road”
19 means a route managed and maintained by the
20 Bureau or the County, as applicable, for the
21 purpose of providing directed tourism and edu-
22 cational opportunities in the County.

23 (B) INCLUSION.—The term “loop road”
24 includes each of the roads described in para-
25 graphs (2) through (5) of section 6(b).

1 (7) MALHEUR C.E.O. GROUP.—The term
2 “Malheur C.E.O. Group” means the group described
3 in section 4(b).

4 (8) OPERATIONAL FLEXIBILITY.—The term
5 “operational flexibility”, with respect to grazing on
6 the Federal land, means—

7 (A) a seasonal adjustment of livestock po-
8 sitioning for the purposes of that grazing pur-
9 suant to a flexible grazing use authorized under
10 the program with respect to which written no-
11 tice is provided; or

12 (B) an adjustment of water source place-
13 ment with respect to which written notice is
14 provided.

15 (9) PROGRAM.—The term “program” means
16 the Malheur County Grazing Management Program
17 authorized under section 3(a).

18 (10) SECRETARY.—The term “Secretary”
19 means the Secretary of the Interior.

20 (11) STATE.—The term “State” means the
21 State of Oregon.

22 **SEC. 3. MALHEUR COUNTY GRAZING MANAGEMENT PRO-**
23 **GRAM.**

24 (a) IN GENERAL.—The Secretary may carry out a
25 grazing management program on the Federal land, to be

1 known as the “Malheur County Grazing Management Pro-
2 gram”, in accordance with the memorandum entitled “Bu-
3 reau of Land Management Instruction Memorandum
4 2018–109”, to provide to authorized grazing permittees
5 and lessees increased operational flexibility to improve the
6 long-term ecological health of the Federal land.

7 (b) PERMIT OPERATIONAL FLEXIBILITY.—

8 (1) FLEXIBLE GRAZING USE ALTERNATIVE FOR
9 A GRAZING PERMIT OR LEASE.—At the request of an
10 authorized grazing permittee or lessee, for purposes
11 of renewing a grazing permit or lease under the pro-
12 gram, pursuant to the National Environmental Pol-
13 icy Act of 1969 (42 U.S.C. 4321 et seq.), the Sec-
14 retary shall develop and analyze at least 1 alter-
15 native to provide operational flexibility in livestock
16 grazing use to account for changing conditions.

17 (2) CONSULTATION.—The Secretary shall de-
18 velop alternatives under paragraph (1) in consulta-
19 tion with—

- 20 (A) the applicable grazing permittee or les-
21 see;
- 22 (B) affected Federal and State agencies;
- 23 (C) the Malheur C.E.O. Group;

1 (D) the Burns Paiute Tribe or the Ft.
2 McDermitt Paiute Shoshone Tribe, as applica-
3 ble;

4 (E) other landowners in the affected allot-
5 ment; and

6 (F) interested members of the public.

7 (3) IMPLEMENTATION OF INTERIM OPER-
8 ATIONAL FLEXIBILITIES.—If an applicable moni-
9 toring plan has been adopted under paragraph (4),
10 in order to improve long-term ecological health, on
11 the request of an authorized grazing permittee or
12 lessee, the Secretary shall, using new and existing
13 data, triggered by changes in weather, forage pro-
14 duction, effects of fire or drought, or other tem-
15 porary conditions, allow a variance to the terms and
16 conditions of the existing applicable grazing permit
17 or lease for the applicable year—

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

24 (i) unless otherwise specified in the
25 appropriate allotment management plan or

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

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

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

14 (ii) the authorized grazing permittee
15 or lessee provides written notice of the ad-
16 justment to the Bureau not later than 2
17 business days before or after the date of
18 adjustment;

19 (B) to adjust the dates for pasture rotation
20 based on average vegetation stage and soil con-
21 dition by not more than 14 days, subject to the
22 requirement that the authorized grazing per-
23 mittee or lessee shall provide to the Bureau
24 written notice of the adjustment not later than

1 2 business days before or after the date of ad-
2 justment;

3 (C) to adjust the placement of water struc-
4 tures for livestock or wildlife by not more than
5 100 yards from an associated existing road,
6 pipeline, or structure, subject to the require-
7 ment that the authorized grazing permittee or
8 lessee shall provide to the Bureau written notice
9 of the adjustment not later than 2 business
10 days before or after the date of the adjustment;
11 and

12 (D) in a case in which the monitoring plan
13 adopted under paragraph (4) indicates alter-
14 ations in the operational flexibilities are nec-
15 essary to achieve ecological health or avoid fur-
16 ther ecological degradation of the allotment or
17 allotment area, to adjust the operational flexi-
18 bilities immediately, subject to the requirement
19 that the authorized grazing permittee or lessee
20 shall provide notification of the adjustment to
21 the individuals and entities described in sub-
22 paragraphs (B) through (F) of paragraph (2).

23 (4) MONITORING PLANS.—

24 (A) MONITORING PLANS FOR PERMIT
25 FLEXIBILITY.—

1 (i) IN GENERAL.—The Secretary shall
2 adopt cooperative rangeland monitoring
3 plans and rangeland health objectives to
4 apply to actions taken under paragraph (1)
5 and to monitor and evaluate the improve-
6 ments or degradations to the long-term ec-
7 ological health of the Federal land under
8 the program, in consultation with grazing
9 permittees or lessees and other individuals
10 and entities described in paragraph (2),
11 using existing or new scientifically support-
12 able data.

13 (ii) REQUIREMENTS.—A monitoring
14 plan adopted under clause (i) shall—

15 (I) identify situations in which
16 providing operational flexibility in
17 grazing permit or lease uses under the
18 program is appropriate to improve
19 long-term ecological health of the Fed-
20 eral land;

21 (II) identify ways in which
22 progress under the program would be
23 measured toward long-term ecological
24 health of the Federal land;

1 (III) include for projects mon-
2 itored under the program—

3 (aa) a description of the
4 condition standards for which the
5 monitoring is tracking, including
6 baseline conditions and desired
7 outcome conditions;

8 (bb) a description of moni-
9 toring methods and protocols;

10 (cc) a schedule for collecting
11 data;

12 (dd) an identification of the
13 responsible party for data collec-
14 tion and storage;

15 (ee) an evaluation schedule;

16 (ff) a description of the an-
17 ticipated use of the data;

18 (gg) provisions for adjusting
19 any components of the moni-
20 toring plan; and

21 (hh) a description of the
22 method to communicate the cri-
23 teria for adjusting livestock graz-
24 ing use; and

1 (IV) provide for annual reports
2 on the effects of flexibility in grazing
3 permit or lease uses under the pro-
4 gram to allow the Secretary to make
5 management adjustments to account
6 for the information provided in the
7 annual report.

8 (B) MONITORING PLANS FOR INTERIM
9 OPERATIONAL FLEXIBILITY.—

10 (i) IN GENERAL.—The Secretary shall
11 adopt cooperative rangeland utilization
12 monitoring plans and rangeland health ob-
13 jectives to apply to actions taken under
14 paragraph (3) and to monitor and evaluate
15 the improvements or degradations to the
16 long-term ecological health of the Federal
17 land identified for flexible use under the
18 program.

19 (ii) REQUIREMENTS.—A monitoring
20 plan developed under clause (i) shall—

21 (I) evaluate the percent utiliza-
22 tion of available forage;

23 (II) identify the appropriate per-
24 centage of utilization for the feed

1 type, ecosystem, time of year, and
2 type of animal using the allotment;

3 (III) include—

4 (aa) a description of the uti-
5 lization standards for which the
6 monitoring is tracking, including
7 baseline conditions and desired
8 outcome conditions;

9 (bb) a description of utiliza-
10 tion evaluation protocol;

11 (cc) an evaluation schedule
12 identifying periods during which
13 utilization data will be collected;

14 (dd) provisions for adjusting
15 any components of the moni-
16 toring plan, including acceptance
17 of data from identified third par-
18 ties; and

19 (ee) a description of the
20 method to communicate the cri-
21 teria for adjusting livestock graz-
22 ing use based on the on-the-
23 ground conditions after the pe-
24 riod of use; and

1 (IV) provide for annual reports
2 on the effects of flexibility in grazing
3 permit or lease uses under the pro-
4 gram to allow the Secretary to make
5 management adjustments to account
6 for the information provided in the
7 annual report.

8 (5) TERMS AND CONDITIONS.—

9 (A) PREFERRED ALTERNATIVE.—If the
10 Secretary determines that an alternative consid-
11 ered under the program that provides oper-
12 ational flexibility is the preferred alternative,
13 the Secretary shall—

14 (i) incorporate the alternative, includ-
15 ing applicable monitoring plans adopted
16 under paragraph (4), into the terms and
17 conditions of the applicable grazing permit
18 or lease; and

19 (ii) specify how the monitoring infor-
20 mation with respect to the preferred alter-
21 native should be used to inform manage-
22 ment adjustments under the program.

23 (B) ADJUSTMENTS.—Before implementing
24 any measure for purposes of operational flexi-
25 bility with respect to a grazing use authorized

1 under the terms and conditions of a permit or
2 lease with respect to which an alternative has
3 been incorporated under subparagraph (A), the
4 grazing permittee or lessee shall notify the Sec-
5 retary in writing of the proposed adjustment.

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

12 (c) REVIEW; TERMINATION.—

13 (1) REVIEW.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), not earlier than the date that is 8
16 years after the date of enactment of this Act,
17 the Secretary shall conduct a review of the pro-
18 gram to determine whether the objectives of the
19 program are being met.

20 (B) NO EFFECT ON PROGRAM PERMITS
21 AND LEASES.—The review of the program
22 under subparagraph (A) shall not affect the ex-
23 istence, renewal, or termination of a grazing
24 permit or lease entered into under the program.

1 (2) TERMINATION.—If, based on the review
2 conducted under paragraph (1), the Secretary deter-
3 mines that the objectives of the program are not
4 being met, the Secretary shall, on the date that is
5 10 years after the date of enactment of this Act—

6 (A) modify the program in a manner to en-
7 sure that the objectives of the program would
8 be met; or

9 (B) terminate the program.

10 (d) NO EFFECT ON GRAZING RIGHTS OR PRIVI-
11 LEGES.—Nothing in this Act—

12 (1) affects the rights or privileges provided
13 under the Act of 10 June 28, 1934 (commonly
14 known as the “Taylor Grazing Act”; 43 U.S.C. 315
15 et seq.); or

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.

20 **SEC. 4. MALHEUR COMMUNITY EMPOWERMENT FOR**
21 **OWYHEE GROUP.**

22 (a) DEFINITIONS.—In this section:

23 (1) CONSENSUS.—The term “consensus” means
24 a unanimous agreement by the members of the
25 Malheur C.E.O. Group present and constituting a

1 quorum at a regularly scheduled business meeting of
2 the Malheur C.E.O. Group.

3 (2) FEDERAL AGENCY.—

4 (A) IN GENERAL.—The term “Federal
5 agency” means an agency or department of the
6 Government of the United States.

7 (B) INCLUSIONS.—The term “Federal
8 agency” includes—

9 (i) the Bureau of Reclamation;

10 (ii) the Bureau of Indian Affairs;

11 (iii) the Bureau;

12 (iv) the United States Fish and Wild-
13 life Service; and

14 (v) the Natural Resources Conserva-
15 tion Service.

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

19 (b) ESTABLISHMENT.—The Malheur C.E.O. Group,
20 as established before the date of enactment of this Act,
21 shall assist in carrying out this Act.

22 (c) MEMBERSHIP.—

23 (1) IN GENERAL.—The Malheur C.E.O. Group
24 consists of—

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

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

5 (I) 1 member resides in the
6 northern $\frac{1}{3}$ of Malheur County;

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

9 (III) 1 member resides in the
10 southern $\frac{1}{3}$ of Malheur County;

11 (ii) 1 member is in the recreation or
12 tourism industry; and

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

15 (B) 2 voting members who represent the
16 environmental community, 1 of whom is based
17 in the County;

18 (C) 1 voting member who represents the
19 hunting or fishing community;

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

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

1 (ii) 1 member shall be a representa-
 2 tive of the Fort McDermitt Paiute Sho-
 3 shone Tribe;

4 (E) 2 nonvoting members who are rep-
 5 resentatives of Federal agencies with authority
 6 and responsibility in the County and who shall
 7 provide technical assistance, 1 of whom shall
 8 represent the Bureau;

9 (F) 2 nonvoting members who are rep-
 10 resentatives of State agencies with authority
 11 and responsibility in the County and who shall
 12 provide technical assistance, of whom—

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

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

17 (G) 4 nonvoting members who are rep-
 18 resentatives of units of local government within
 19 the County and who shall provide technical as-
 20 sistance, 1 of whom shall be from the County
 21 weeds eradication department.

22 (2) APPOINTMENT; TERM; VACANCY.—

23 (A) APPOINTMENT.—

24 (i) GOVERNMENTAL AGENCIES.—A
 25 member of the Malheur C.E.O. Group rep-

1 resenting a Federal agency or State or
2 local agency shall be appointed by the head
3 of the applicable agency.

4 (ii) PRIVATE INTERESTS.—A member
5 of the Malheur C.E.O. Group representing
6 private interests appointed after the date
7 of enactment of this Act shall be appointed
8 in accordance with the articles of incorpo-
9 ration and bylaws of the Malheur C.E.O.
10 Group.

11 (B) TERM.—

12 (i) REPRESENTATIVES OF FEDERAL
13 AGENCIES.—A member of the Malheur
14 C.E.O. Group who represents a Federal
15 agency shall serve for a term of 3 years.

16 (ii) OTHER MEMBERS.—A member of
17 the Malheur C.E.O. Group not described in
18 clause (i) shall serve for a term of 3 years.

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

22 (d) PROJECTS.—

23 (1) IN GENERAL.—The Malheur C.E.O. Group
24 shall propose eligible projects described in paragraph

25 (2) on Federal land and water and non-Federal land

1 and water in the County to be carried out by the
2 Malheur C.E.O. Group or a third party, using funds
3 provided by the Malheur C.E.O. Group, if a con-
4 sensus of the Malheur C.E.O. Group approves the
5 proposed eligible project.

6 (2) DESCRIPTION OF ELIGIBLE PROJECTS.—An
7 eligible project referred to in paragraph (1) is a
8 project relating to—

9 (A) ecological restoration, including devel-
10 opment, planning, and implementation;

11 (B) range improvements for the purpose of
12 providing more efficient and effective eco-
13 logically beneficial management of domestic
14 livestock, fish, wildlife, or habitat;

15 (C) invasive species management or eradi-
16 cation, including invasive weeds, vegetation,
17 fish, or wildlife;

18 (D) restoration of springs and related
19 water infrastructure to enhance the availability
20 of sustainable flows of freshwater for livestock,
21 fish, or wildlife;

22 (E) conservation of cultural sites; or

23 (F) economic development or recreation
24 management.

25 (3) REQUIREMENT.—

1 (A) IN GENERAL.—In the case of an eligi-
2 ble project proposed under paragraph (1) that
3 is to be carried out on Federal land or requires
4 the use of Federal funds, the project may not
5 be carried out without the approval of the head
6 of the applicable Federal agency.

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

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

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

1 (B) no Federal funds may be used for an
2 eligible project that is agreed to in accordance
3 with this paragraph.

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

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

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

16 (6) COST-SHARING REQUIREMENT.—

17 (A) IN GENERAL.—The Federal share of
18 the total cost of an eligible project carried out
19 using amounts made available under subsection
20 (i) shall be not more than 75 percent.

21 (B) FORM OF NON-FEDERAL CONTRIBU-
22 TION.—The non-Federal contribution required
23 under subparagraph (A) may be provided in the
24 form of in-kind contributions.

1 (7) FUNDING RECOMMENDATIONS.—All funding
2 recommendations developed by the Malheur C.E.O.
3 Group shall be based on a consensus of the Malheur
4 C.E.O. Group members.

5 (e) TECHNICAL ASSISTANCE.—Any Federal agency
6 with authority and responsibility in the County shall pro-
7 vide technical assistance to the Malheur C.E.O. Group on
8 request of the Malheur C.E.O. Group.

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

12 (g) PRIORITIES.—For purposes of approving eligible
13 projects proposed under paragraph (1), the Malheur
14 C.E.O. Group shall give priority to voluntary habitat,
15 range, and ecosystem restoration projects focused on im-
16 proving the long-term ecological health of the Federal land
17 and natural bodies of water.

18 (h) ADDITIONAL PROJECTS.—To the extent per-
19 mitted by existing authorities and subject to the avail-
20 ability of appropriations, Federal agencies may contribute
21 to the implementation of projects recommended by the
22 Malheur C.E.O. Group and approved by the Secretary.

23 (i) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—There is authorized to be
25 appropriated to the Secretary to carry out this sec-

1 tion \$1,000,000 for each of fiscal years 2024
2 through 2034.

3 (2) MAINTENANCE AND DISTRIBUTION.—
4 Amounts made available under paragraph (1) shall
5 be maintained and distributed by the Secretary.

6 (3) ADMINISTRATIVE EXPENSES.—Not more
7 than more than 5 percent of amounts made available
8 under paragraph (1) for a fiscal year may be used
9 for the administration of this Act.

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

14 (j) EFFECT.—

15 (1) EXISTING ACTIVITIES.—The activities of
16 the Malheur C.E.O. Group shall supplement, rather
17 than replace, existing activities to manage the nat-
18 ural resources of the County.

19 (2) LEGAL RIGHTS, DUTIES, OR AUTHORI-
20 TIES.—Nothing in this section affects any legal
21 right, duty, or authority of any person or Federal
22 agency, including any member of the Malheur
23 C.E.O. Group.

24 **SEC. 5. LAND DESIGNATIONS.**

25 (a) DEFINITIONS.—In this section:

1 (1) MAP.—The term “Map” means the map en-
2 titled “Proposed Wilderness Malheur County” and
3 dated June 7, 2023.

4 (2) WILDERNESS AREA.—The term “wilderness
5 area” means a wilderness area designated by sub-
6 section (b)(1).

7 (b) DESIGNATION OF WILDERNESS AREAS.—

8 (1) IN GENERAL.—In accordance with the Wil-
9 derness Act (16 U.S.C. 1131 et seq.), the following
10 Federal land in the County comprising approxi-
11 mately 1,097,731 acres, as generally depicted on the
12 Map, is designated as wilderness and as components
13 of the National Wilderness Preservation System:

14 (A) FIFTEENMILE CREEK WILDERNESS.—

15 Certain Federal land, comprising approximately
16 58,599 acres, as generally depicted on the Map,
17 which shall be known as the “Fifteenmile Creek
18 Wilderness”.

19 (B) OREGON CANYON MOUNTAINS WILDER-
20 NESS.—Certain Federal land, comprising ap-
21 proximately 57,891 acres, as generally depicted
22 on the Map, which shall be known as the “Or-
23 egon Canyon Mountains Wilderness”.

24 (C) TWELVEMILE CREEK WILDERNESS.—

25 Certain Federal land, comprising approximately

1 37,779 acres, as generally depicted on the Map,
2 which shall be known as the “Twelvemile Creek
3 Wilderness”.

4 (D) UPPER WEST LITTLE OWYHEE WIL-
5 DERNESS.—Certain Federal land, comprising
6 approximately 93,159 acres, as generally de-
7 picted on the Map, which shall be known as the
8 “Upper West Little Owyhee Wilderness”.

9 (E) LOOKOUT BUTTE WILDERNESS.—Cer-
10 tain Federal land, comprising approximately
11 66,194 acres, as generally depicted on the Map,
12 which shall be known as the “Lookout Butte
13 Wilderness”.

14 (F) MARY GAUTREAUX OWYHEE RIVER
15 CANYON WILDERNESS.—Certain Federal land,
16 comprising approximately 223,586 acres, as
17 generally depicted on the Map, which shall be
18 known as the “Mary Gautreaux Owyhee River
19 Canyon Wilderness”.

20 (G) TWIN BUTTE WILDERNESS.—Certain
21 Federal land, comprising approximately 18,135
22 acres, as generally depicted on the Map, which
23 shall be known as the “Twin Butte Wilder-
24 ness”.

1 (H) CAIRN “C” WILDERNESS.—Certain
2 Federal land, comprising approximately 8,946
3 acres, as generally depicted on the Map, which
4 shall be known as the “Cairn ‘C’ Wilderness”.

5 (I) OREGON BUTTE WILDERNESS.—Cer-
6 tain Federal land, comprising approximately
7 32,010 acres, as generally depicted on the Map,
8 which shall be known as the “Oregon Butte
9 Wilderness”.

10 (J) DEER FLAT WILDERNESS.—Certain
11 Federal land, comprising approximately 12,266
12 acres, as generally depicted on the Map, which
13 shall be known as the “Deer Flat Wilderness”.

14 (K) SACRAMENTO HILL WILDERNESS.—
15 Certain Federal, comprising approximately
16 9,568 acres, as generally depicted on the Map,
17 which shall be known as the “Sacramento Hill
18 Wilderness”.

19 (L) COYOTE WELLS WILDERNESS.—Cer-
20 tain Federal land, comprising approximately
21 7,147 acres, as generally depicted on the Map,
22 which shall be known as the “Coyote Wells Wil-
23 derness”.

24 (M) BIG GRASSEY WILDERNESS.—Certain
25 Federal land, comprising approximately 45,192

1 acres, as generally depicted on the Map, which
2 shall be known as the “Big Grassey Wilder-
3 ness”.

4 (N) LITTLE GROUNDHOG RESERVOIR WIL-
5 DERNES.—Certain Federal land, comprising
6 approximately 5,272 acres, as generally de-
7 picted on the Map, which shall be known as the
8 “Little Groundhog Reservoir Wilderness”.

9 (O) MARY GAUTREAUX LOWER OWYHEE
10 CANYON WILDERNESS.—Certain Federal land,
11 comprising approximately 79,947 acres, as gen-
12 erally depicted on the Map, which shall be
13 known as the “Mary Gautreaux Lower Owyhee
14 Canyon Wilderness”.

15 (P) JORDAN CRATER WILDERNESS.—Cer-
16 tain Federal land, comprising approximately
17 31,141 acres, as generally depicted on the Map,
18 which shall be known as the “Jordan Crater
19 Wilderness”.

20 (Q) OWYHEE BREAKS WILDERNESS.—Cer-
21 tain Federal land, comprising approximately
22 29,471 acres, as generally depicted on the Map,
23 which shall be known as the “Owyhee Breaks
24 Wilderness”.

1 (R) DRY CREEK WILDERNESS.—Certain
2 Federal land, comprising approximately 33,209
3 acres, as generally depicted on the Map, which
4 shall be known as the “Dry Creek Wilderness”.

5 (S) DRY CREEK BUTTES WILDERNESS.—
6 Certain Federal land, comprising approximately
7 53,782 acres, as generally depicted on the Map,
8 which shall be known as the “Dry Creek Buttes
9 Wilderness”.

10 (T) UPPER LESLIE GULCH WILDERNESS.—
11 Certain Federal land, comprising approximately
12 2,911 acres, as generally depicted on the Map,
13 which shall be known as the “Upper Leslie
14 Gulch Wilderness”.

15 (U) SLOCUM CREEK WILDERNESS.—Cer-
16 tain Federal land, comprising approximately
17 7,528 acres, as generally depicted on the Map,
18 which shall be known as the “Slocum Creek
19 Wilderness”.

20 (V) HONEYCOMBS WILDERNESS.—Certain
21 Federal land, comprising approximately 40,099
22 acres, as generally depicted on the Map, which
23 shall be known as the “Honeycombs Wilder-
24 ness”.

1 (W) WILD HORSE BASIN WILDERNESS.—
2 Certain Federal land, comprising approximately
3 18,381 acres, as generally depicted on the Map,
4 which shall be known as the “Wild Horse Basin
5 Wilderness”.

6 (X) QUARTZ MOUNTAIN WILDERNESS.—
7 Certain Federal land, comprising approximately
8 32,781 acres, as generally depicted on the Map,
9 which shall be known as the “Quartz Mountain
10 Wilderness”.

11 (Y) THE TONGUE WILDERNESS.—Certain
12 Federal land, comprising approximately 6,800
13 acres, as generally depicted on the Map, which
14 shall be known as “The Tongue Wilderness”.

15 (Z) BURNT MOUNTAIN WILDERNESS.—
16 Certain Federal land, comprising approximately
17 8,109 acres, as generally depicted on the Map,
18 which shall be known as the “Burnt Mountain
19 Wilderness”.

20 (AA) COTTONWOOD CREEK WILDER-
21 NESS.—Certain Federal land, comprising ap-
22 proximately 77,828 acres, as generally depicted
23 on the Map, which shall be known as the “Cot-
24 tonwood Creek Wilderness”.

25 (2) MAPS AND LEGAL DESCRIPTIONS.—

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

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

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

17 (3) MANAGEMENT.—

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

23 (i) any reference in that Act to the ef-
24 fective date of that Act shall be considered

1 to be a reference to the date of enactment
2 of this Act; and

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

6 (B) GRAZING.—The Secretary shall allow
7 the continuation of the grazing of livestock, in-
8 cluding the maintenance, construction, or re-
9 placement of authorized supporting facilities, 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 set forth in Appen-
16 dix A of the report of the Committee on
17 Interior and Insular Affairs of the House
18 of Representatives accompanying H.R.
19 2570 of the 101st Congress (H. Rept.
20 101–405).

21 (C) ROADS ADJACENT TO WILDERNESS
22 AREAS.—Nothing in this Act requires the clo-
23 sure of any adjacent road outside the boundary
24 of a wilderness area.

1 (D) FISH AND WILDLIFE MANAGEMENT
2 ACTIVITIES.—

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

11 (I) consistent with applicable wil-
12 derness management plans; and

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

21 (ii) INCLUSIONS.—Management activi-
22 ties under clause (i) may include the occa-
23 sional and temporary use of motorized ve-
24 hicles, if the use, as determined by the
25 Secretary, would promote healthy, viable,

1 and more naturally distributed wildlife
2 populations that would enhance wilderness
3 values while causing the minimum impact
4 necessary to accomplish those tasks.

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

18 (c) MANAGEMENT OF LAND NOT DESIGNATED AS
19 WILDERNESS.—

20 (1) RELEASE OF WILDERNESS STUDY AREA.—

21 (A) FINDING.—Congress finds that, for
22 purposes of section 603(e) of the Federal Land
23 Policy and Management Act of 1976 (43 U.S.C.
24 1782(c)), any portion of the Federal land des-
25 ignated as a wilderness study area, but not de-

1 picted on the Map as a wilderness study area,
2 that is not designated as wilderness by sub-
3 section (b)(1) has been adequately studied for
4 wilderness designation.

5 (B) RELEASE.—Except as provided in
6 paragraph (2), the land described in subpara-
7 graph (A)—

8 (i) is no longer subject to section
9 603(c) of the Federal Land Policy and
10 Management Act of 1976 (43 U.S.C.
11 1782(c)); and

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

18 (2) MANAGEMENT OF CERTAIN LAND WITH
19 WILDERNESS CHARACTERISTICS.—Any portion of
20 the Federal land that was previously determined by
21 the Secretary to be land with wilderness characteris-
22 tics that is not designated as wilderness by sub-
23 section (b)(1) and is not designated on the Map as
24 “land with wilderness characteristics” shall be man-
25 aged by the Secretary in accordance with the appli-

1 cable land use plans adopted under section 202 of
2 the Federal Land Policy and Management Act of
3 1976 (43 U.S.C. 1712).

4 **SEC. 6. ECONOMIC DEVELOPMENT.**

5 (a) DEFINITION OF MAP.—In this section, the term
6 “Map” means the map entitled “Lake Owyhee, Succor
7 Creek, Birch Creek, and Three Forks Scenic Loops” and
8 dated November 6, 2019.

9 (b) LOOP ROADS REQUIREMENTS.—

10 (1) IN GENERAL.—The Secretary of Transpor-
11 tation, in coordination with the Secretary and Coun-
12 ty, shall work with Travel Oregon to establish the
13 loop roads.

14 (2) OWYHEE DAM ROAD.—

15 (A) SAFETY UPGRADES.—

16 (i) IN GENERAL.—The Secretary of
17 Transportation shall seek to enter into an
18 arrangement with the County to fund safe-
19 ty upgrades, in accordance with County
20 road standards, to the Owyhee Dam Road
21 to ensure access to the recreational oppor-
22 tunities of the Owyhee Reservoir, including
23 improved signage and surfacing.

24 (ii) DEADLINE FOR UPGRADES.—Any
25 upgrades carried out with funds provided

1 under clause (i) shall be completed not
2 later than 1 year after the date of enact-
3 ment of this Act, weather permitting.

4 (iii) COMPLIANCE WITH STAND-
5 ARDS.—If the County receives any funds
6 under this subparagraph, the County shall
7 ensure that, not later than 1 year after the
8 date of enactment of this Act, weather per-
9 mitting, the Owyhee Dam Road is in com-
10 pliance with the applicable standards of—

11 (I) the State;

12 (II) the County; and

13 (III) each affected County road
14 district.

15 (B) AUTHORIZATION OF APPROPRIA-
16 TIONS.—In addition to amounts made available
17 under subsection (g)(1), there is authorized to
18 be appropriated to the Secretary of Transpor-
19 tation to carry out subparagraph (A)
20 \$6,000,000.

21 (3) SUCCOR CREEK SCENIC LOOP.—The Sec-
22 retary of Transportation shall work with the Sec-
23 retary and County on a plan to improve the Succor
24 Creek Scenic Loop, as generally depicted on the
25 Map, to accommodate visitors and residents.

1 (4) BIRCH CREEK SCENIC LOOP.—The Sec-
 2 retary of Transportation shall work with the Sec-
 3 retary and County on a plan to improve the Birch
 4 Creek Scenic Loop, as generally depicted on the
 5 Map, to accommodate visitors and residents.

6 (5) THREE FORKS SCENIC LOOP.—The Sec-
 7 retary of Transportation shall work with the Sec-
 8 retary and County on a plan to improve the Three
 9 Forks Scenic Loop, as generally depicted on the
 10 Map—

11 (A) to accommodate visitors and residents;

12 and

13 (B) to provide a connection to the Idaho
 14 Scenic Byway.

15 (c) IMPROVEMENTS TO STATE PARKS AND OTHER
 16 AMENITIES.—Not later than 180 days after the date of
 17 enactment of this Act—

18 (1) the Commissioner, in coordination with the
 19 Owyhee Irrigation District, shall work with Travel
 20 Oregon or the Oregon Parks and Recreation Depart-
 21 ment, as appropriate, to carry out a feasibility study
 22 regarding each of—

23 (A) the establishment of not more than 2
 24 marinas on the Owyhee Reservoir;

1 (B) improvements to existing Oregon State
2 Parks bordering the Owyhee Reservoir;

3 (C) the establishment of a network of hos-
4 telries in the County using former hotels and
5 bunkhouses that are not currently in use;

6 (D) improvements to private camps on the
7 shore of the Owyhee Reservoir; and

8 (E) any other economic development pro-
9 posals for the Owyhee Reservoir or the County;
10 and

11 (2) the Secretary of Transportation shall work
12 with the County to carry out a feasibility study re-
13 garding the rails-to-trails project known as “Rails to
14 Trails: The Oregon Eastern Branch/The Oregon and
15 Northwestern Railroad”.

16 (d) GATEWAY TO THE OREGON OWYHEE.—Not later
17 than 1 year after the date of enactment of this Act, the
18 Secretary of Transportation, in coordination with Travel
19 Oregon, shall complete a feasibility study on how best to
20 market communities or sections of the County as the
21 “Gateway to the Oregon Owyhee”.

22 (e) JORDAN VALLEY AIRSTRIP IMPROVEMENTS TO
23 SUPPORT FIREFIGHTING EFFORTS.—

1 (1) IN GENERAL.—The Secretary shall work
2 with firefighting entities in the County to deter-
3 mine—

4 (A) the need for the use of the Jordan Val-
5 ley Airstrip to support firefighting efforts; and

6 (B) the conditions under which the Jordan
7 Valley Airstrip may be used to support fire-
8 fighting efforts.

9 (2) REPORT.—Not later than 1 year after the
10 date of enactment of this Act, the Secretary shall
11 submit to the Malheur C.E.O. Group a report de-
12 scribing the need and conditions described in sub-
13 paragraphs (A) and (B) of paragraph (1), including
14 methods by which to meet those conditions.

15 (f) WILDLIFE RECREATION, MIGRATIONS, MANAGE-
16 MENT, AND LAW ENFORCEMENT.—The Secretary shall—

17 (1) study and carry out recreation improve-
18 ments on the Owyhee River below Owyhee Dam;

19 (2) in coordination with the United States Geo-
20 logical Survey, State wildlife agencies, and the
21 Burns Paiute Tribe, study big game migrations in
22 the Owyhee region;

23 (3) coordinate bighorn sheep management with
24 agencies in the States of Idaho, Oregon, and Nevada
25 (including authorized agents of those agencies); and

1 (4) provide for increased law enforcement in the
2 Owyhee region.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated for fiscal year 2024—

5 (1) to the Secretary of Transportation—

6 (A) to carry out subsection (b),
7 \$2,000,000;

8 (B) to carry out subsection (c)(2),
9 \$2,000,000; and

10 (C) to carry out subsection (d), \$500,000;

11 (2) to the Commissioner to carry out subsection
12 (c)(1), \$1,000,000; and

13 (3) to the Secretary—

14 (A) to carry out subsection (e), \$500,000;
15 and

16 (B) to carry out subsection (f),
17 \$1,000,000.

18 **SEC. 7. LAND CONVEYANCES TO BURNS PAIUTE TRIBE AND**

19 **CASTLE ROCK CO-STEWARDSHIP AREA.**

20 (a) JONESBORO RANCH, ROAD GULCH, AND BLACK
21 CANYON LAND CONVEYANCES.—

22 (1) CONVEYANCE AND TAKING INTO TRUST.—

23 (A) TITLE.—As soon as practicable after
24 the date of enactment of this Act, the Secretary
25 shall accept title to the land described in para-

1 graph (2), if conveyed or otherwise transferred
2 to the United States by, or on behalf of, the
3 Burns Paiute Tribe.

4 (B) TRUST.—Land to which title is accept-
5 ed by the Secretary under subparagraph (A)
6 shall—

7 (i) be held in trust by the United
8 States for the benefit of the Burns Paiute
9 Tribe; and

10 (ii) be part of the reservation of the
11 Burns Paiute Tribe.

12 (2) DESCRIPTION OF LAND.—The land referred
13 to in paragraph (1)(A) is the following, as depicted
14 on the map entitled “Malheur Reservation Paiute
15 Indian Tribe Grant, Malheur, and Harney Counties,
16 Oregon” and dated March 15, 1958:

17 (A) JONESBORO RANCH.—The parcel com-
18 monly known as “Jonesboro Ranch”, located
19 approximately 6 miles east of Juntura, Oregon,
20 consisting of 21,548 acres of Federal land,
21 6,686 acres of certain private land owned by
22 the Burns Paiute Tribe and associated with the
23 Jonesboro Ranch containing the pastures re-
24 ferred to as “Saddle Horse” and “Trail Horse”,
25 “Indian Creek”, “Sperry Creek”, “Antelope

1 Swales”, “Horse Camp”, “Dinner Creek”,
 2 “Upper Hunter Creek”, and “Tim’s Peak”, and
 3 more particularly described as follows:

4 (i) T. 20 S., R. 38 E., secs. 25 and
 5 36, Willamette Meridian.

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

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

10 (iv) T. 21 S., R. 39 E., secs. 1–18,
 11 20–29, and 32–36, Willamette Meridian.

12 (v) T. 21 S., R. 40 E., secs. 5–8, 17–
 13 19, 30, and 31, Willamette Meridian.

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

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

21 (i) T. 20 S., R. 39 E., secs. 10, 11,
 22 15, 14, 13, 21–28, and 36, Willamette Me-
 23 ridian.

24 (ii) T. 20 S., R. 40 E., secs. 19, 30,
 25 31, and 32, Willamette Meridian.

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

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

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

16 (6) PAYMENT IN LIEU OF TAXES PROGRAM.—
17 Any land taken into trust under paragraph (1)(B)
18 shall be eligible for payments under the payment in
19 lieu of taxes program established under chapter 69
20 of title 31, United States Code.

21 (7) AUTHORIZATION OF APPROPRIATIONS.—
22 There are authorized to be appropriated to the Sec-
23 retary such sums as are necessary to carry out this
24 subsection.

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

3 (1) LAND TO BE HELD IN TRUST.—All right,
4 title, and interest of the United States in and to the
5 approximately 2,500 acres of land in the Castle
6 Rock Wilderness Study Area, as depicted on the
7 map entitled “Proposed Wilderness Malheur Coun-
8 ty” and dated June 7, 2023, shall—

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

11 (B) be part of the reservation of the Burns
12 Paiute Tribe.

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

14 (A) MEMORANDUM OF UNDERSTANDING.—

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

1 (ii) REQUIREMENT.—The memo-
2 randum of understanding entered into
3 under clause (i) shall ensure that the Cas-
4 tle Rock Co-Stewardship Area is managed
5 in a manner that—

6 (I) ensures that Tribal interests
7 are adequately considered;

8 (II) provides for maximum pro-
9 tection of cultural and archaeological
10 resources; and

11 (III) provides for the protection
12 of natural resources with cultural sig-
13 nificance.

14 (B) MANAGEMENT AGREEMENTS.—In ac-
15 cordance with applicable law (including regula-
16 tions), the Secretary may enter into 1 or more
17 management agreements with the Burns Paiute
18 Tribe to authorize the Burns Paiute Tribe to
19 carry out management activities in the Castle
20 Rock Co-Stewardship Area in accordance with
21 the memorandum of understanding entered into
22 under subparagraph (A)(i).

23 (C) GRAZING.—The grazing of livestock in
24 the Castle Rock Co-Stewardship Area, if estab-
25 lished before the date of enactment of this Act,

1 shall be permitted to continue in accordance
2 with applicable law (including regulations).

3 (D) WATER RIGHTS.—Nothing in this
4 paragraph—

5 (i) affects any valid and existing water
6 rights; or

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

9 (3) WITHDRAWAL.—Subject to valid existing
10 rights, the land taken into trust under paragraph
11 (1) and the land comprising the Castle Rock Co-
12 Stewardship Area are withdrawn from—

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

15 (B) location, entry, and patent under the
16 mining laws; and

17 (C) operation of the mineral leasing and
18 geothermal leasing laws and mineral materials
19 laws.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary to carry
22 out this section \$2,000,000 for fiscal year 2024.

23 (d) EFFECT ON TRIBAL RIGHTS AND CERTAIN EX-
24 ISTING USES.—Nothing in this section, including any des-
25 ignation or nondesignation of land transferred into trust

1 to be held by the United States for the benefit of the
2 Burns Paiute Tribe under this section—

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

7 (2) affects—

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

9 (B) preexisting grazing uses and existing
10 water rights or mining claims, except as specifi-
11 cally negotiated between any applicable Indian
12 Tribe and the Secretary.

○