

118TH CONGRESS
2D SESSION

S. 1890

AN ACT

To provide for the establishment of a land health 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Malheur Community
3 Empowerment for the Owyhee Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

8 (2) COUNTY.—The term “County” means
9 Malheur County, Oregon.

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

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

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

1 (6) OPERATIONAL FLEXIBILITY.—The term
2 “operational flexibility”, with respect to grazing on
3 the Federal land, means—

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

9 (B) an adjustment of water source place-
10 ment with respect to which written notice is
11 provided.

12 (7) PROGRAM.—The term “program” means
13 the Malheur County Grazing Management Program
14 authorized under section 3(a).

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

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

19 **SEC. 3. MALHEUR COUNTY GRAZING MANAGEMENT PRO-**
20 **GRAM.**

21 (a) IN GENERAL.—The Secretary may carry out a
22 grazing management program on the Federal land, to be
23 known as the “Malheur County Grazing Management Pro-
24 gram”, in accordance with applicable law (including regu-
25 lations) and the memorandum entitled “Bureau of Land

1 Management Instruction Memorandum 2018–109” (as in
 2 effect on September 30, 2021), to provide to authorized
 3 grazing permittees and lessees increased operational flexi-
 4 bility to improve the long-term ecological health of the
 5 Federal land.

6 (b) PERMIT OPERATIONAL FLEXIBILITY.—

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

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

19 (A) the applicable grazing permittee or les-
 20 see;

21 (B) affected Federal and State agencies;

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

23 (D) the Burns Paiute Tribe or the Fort
 24 McDermitt Paiute and Shoshone Tribes, as ap-
 25 plicable;

1 (E) other landowners in the affected allot-
 2 ment; and

3 (F) interested members of the public.

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

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

21 (i) unless otherwise specified in the
 22 appropriate allotment management plan or
 23 any other activity plan that is the func-
 24 tional equivalent to the appropriate allot-
 25 ment management plan under section

1 4120.2(a)(3) of title 43, Code of Federal
2 Regulations (or a successor regulation),
3 the applicable adjusted date of the season
4 of use occurs—

5 (I) not earlier than 14 days be-
6 fore the beginning date specified in
7 the applicable permit or lease; and

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

11 (ii) the authorized grazing permittee
12 or lessee provides written notice of the ad-
13 justment to the Bureau not later than 2
14 business days before the date of adjust-
15 ment;

16 (B) to adjust the dates for pasture rotation
17 based on average vegetation stage and soil con-
18 dition by not more than 14 days, subject to the
19 requirement that the authorized grazing per-
20 mittee or lessee shall provide to the Bureau
21 written notice of the adjustment not later than
22 2 business days before the date of adjustment;

23 (C) to adjust the placement of water struc-
24 tures for livestock or wildlife by not more than
25 100 yards from an associated existing road,

pipeline, or structure, subject to applicable laws and the requirement that the authorized grazing permittee or lessee shall provide to the Bureau written notice of the adjustment not later than 2 business days before the date of adjustment; and

(D) in a case in which the monitoring plan adopted under paragraph (4) indicates alterations in the operational flexibilities are necessary to achieve ecological health or avoid immediate ecological degradation of the allotment or allotment area, to adjust the operational flexibilities immediately, subject to the requirement that the authorized grazing permittee or lessee shall provide written notice of the adjustment to the Bureau and the individuals and entities described in subparagraphs (B) through (F) of paragraph (2).

(4) MONITORING PLANS.—

(A) MONITORING PLANS FOR PERMIT FLEXIBILITY.—

(i) IN GENERAL.—The Secretary shall adopt cooperative rangeland monitoring plans and rangeland health objectives to apply to actions taken under paragraph (1)

1 and to monitor and evaluate the improve-
2 ments or degradations to the long-term ec-
3 ological health of the Federal land under
4 the program, in consultation with grazing
5 permittees or lessees and other individuals
6 and entities described in paragraph (2),
7 using existing or new scientifically support-
8 able data.

9 (ii) REQUIREMENTS.—A monitoring
10 plan adopted under clause (i) shall—

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

17 (II) identify ways in which
18 progress under the program would be
19 measured toward long-term ecological
20 health of the Federal land;

21 (III) include for projects mon-
22 itored under the program—

23 (aa) a description of the
24 condition standards for which the
25 monitoring is tracking, including

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

1 for the information provided in the
2 annual report.

3 (B) MONITORING PLANS FOR INTERIM
4 OPERATIONAL FLEXIBILITY.—

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

14 (ii) REQUIREMENTS.—A monitoring
15 plan developed under clause (i) shall—

16 (I) evaluate the percent utiliza-
17 tion of available forage;

18 (II) identify the appropriate per-
19 centage of utilization for the feed
20 type, ecosystem, time of year, and
21 type of animal using the allotment;

22 (III) include—

23 (aa) a description of the uti-
24 lization standards for which the
25 monitoring is tracking, including

1 baseline conditions and desired
2 outcome conditions;
3 (bb) a description of utiliza-
4 tion evaluation protocol;
5 (cc) an evaluation schedule
6 identifying periods during which
7 utilization data will be collected;
8 (dd) provisions for adjusting
9 any components of the moni-
10 toring plan, including acceptance
11 of data from identified third par-
12 ties; and
13 (ee) a description of the
14 method to communicate the cri-
15 teria for adjusting livestock graz-
16 ing use based on the on-the-
17 ground conditions after the pe-
18 riod of use; and
19 (IV) provide for annual reports
20 on the effects of flexibility in grazing
21 permit or lease uses under the pro-
22 gram to allow the Secretary to make
23 management adjustments to account
24 for the information provided in the
25 annual report.

1 (5) TERMS AND CONDITIONS.—

2 (A) PREFERRED ALTERNATIVE.—If the
3 Secretary determines that an alternative consid-
4 ered under the program that provides oper-
5 ational flexibility is the preferred alternative,
6 the Secretary shall—

7 (i) incorporate the alternative, includ-
8 ing applicable monitoring plans adopted
9 under paragraph (4), into the terms and
10 conditions of the applicable grazing permit
11 or lease; and

12 (ii) specify how the monitoring infor-
13 mation with respect to the preferred alter-
14 native should be used to inform manage-
15 ment adjustments under the program.

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

24 (C) ADDITIONAL REQUIREMENTS.—The
25 Secretary may include any other requirements

1 in a permit or lease with respect to which an
 2 alternative has been incorporated under sub-
 3 paragraph (A) that the Secretary determines to
 4 be necessary.

5 (c) REVIEW; TERMINATION.—

6 (1) REVIEW.—

7 (A) IN GENERAL.—Subject to subpara-
 8 graph (B), not earlier than the date that is 8
 9 years after the date of enactment of this Act,
 10 the Secretary shall conduct a review of the pro-
 11 gram to determine whether the objectives of the
 12 program are being met.

13 (B) NO EFFECT ON PROGRAM PERMITS
 14 AND LEASES.—The review of the program
 15 under subparagraph (A) shall not affect the ex-
 16 istence, renewal, or termination of a grazing
 17 permit or lease entered into under the program.

18 (2) TERMINATION.—If, based on the review
 19 conducted under paragraph (1), the Secretary deter-
 20 mines that the objectives of the program are not
 21 being met, the Secretary shall, on the date that is
 22 10 years after the date of enactment of this Act—

23 (A) modify the program in a manner to en-
 24 sure that the objectives of the program would
 25 be met; or

1 (B) terminate the program.

2 (d) NO EFFECT ON GRAZING PRIVILEGES.—Nothing
3 in this Act—

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

7 (2) requires the Secretary to consider modifying
8 or terminating the classification of any existing graz-
9 ing district on the Federal land in any subsequent
10 plan or decision of the Secretary; or

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

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

15 (a) DEFINITIONS.—In this section:

16 (1) CONSENSUS.—The term “consensus” means
17 a unanimous agreement by the voting members of
18 the Malheur C.E.O. Group present and constituting
19 a quorum at a regularly scheduled business meeting
20 of the Malheur C.E.O. Group.

21 (2) FEDERAL AGENCY.—

22 (A) IN GENERAL.—The term “Federal
23 agency” means an agency or department of the
24 Government of the United States.

1 (B) INCLUSIONS.—The term “Federal
2 agency” includes—

- 3 (i) the Bureau of Reclamation;
- 4 (ii) the Bureau of Indian Affairs;
- 5 (iii) the Bureau;
- 6 (iv) the United States Fish and Wild-
7 life Service; and
- 8 (v) the Natural Resources Conserva-
9 tion Service.

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

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

16 (c) MEMBERSHIP.—

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

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

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

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

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

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

5 (ii) 1 member is in the recreation or
6 tourism industry; and

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

9 (B) 2 voting members who represent the
10 environmental community, 1 of whom is based
11 in the County;

12 (C) 1 voting member who represents the
13 hunting or fishing community;

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

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

18 (ii) 1 member shall be a representa-
19 tive of the Fort McDermitt Paiute and
20 Shoshone Tribes;

21 (E) 2 nonvoting members who are rep-
22 resentatives of Federal agencies with authority
23 and responsibility in the County and who shall
24 provide technical assistance, 1 of whom shall
25 represent the Bureau;

(F) 2 nonvoting members who are representatives of State agencies with authority and responsibility in the County and who shall provide technical assistance, of whom—

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

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

(G) 4 nonvoting members who are representatives of units of local government within the County and who shall provide technical assistance, 1 of whom shall be from the County weeds eradication department.

(2) APPOINTMENT; TERM; VACANCY.—

(A) APPOINTMENT.—

(i) GOVERNMENTAL AGENCIES.—A member of the Malheur C.E.O. Group representing a Federal agency or State or local agency shall be appointed by the head of the applicable agency.

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

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

3 (C) VACANCY.—A vacancy on the Malheur
4 C.E.O. Group shall be filled in the manner de-
5 scribed in subparagraph (A).

6 (d) PROJECTS.—

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

15 (2) DESCRIPTION OF ELIGIBLE PROJECTS.—An
16 eligible project referred to in paragraph (1) is a
17 project—

18 (A) that complies with existing law (includ-
19 ing regulations); and

20 (B) relating to—

21 (i) ecological restoration, including de-
22 velopment, planning, and implementation;

23 (ii) range improvements for the pur-
24 pose of providing more efficient and effec-

tive ecologically beneficial management of
domestic livestock, fish, wildlife, or habitat;

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

(iv) restoration of springs and related
water infrastructure to enhance the avail-
ability of sustainable flows of freshwater
for livestock, fish, or wildlife;

(v) conservation of cultural sites;

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

(vii) research, monitoring, or analysis.

(3) REQUIREMENT.—

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

(B) FAILURE TO APPROVE.—If an eligible
project described in subparagraph (A) is not
approved by the head of the applicable Federal
agency, not later than 14 business after the
date on which the proposal is submitted to the

1 head of the applicable Federal agency, the head
 2 of the Federal agency shall provide to the
 3 Malheur C.E.O. Group in writing a description
 4 of the reasons for not approving the proposed
 5 eligible project.

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

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

15 (B) no Federal funds may be used for an
 16 eligible project that is agreed to in accordance
 17 with this paragraph.

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

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

23 (B) use amounts placed into a trust fund
 24 under paragraph (1) to carry out eligible
 25 projects approved in accordance with this sec-

tion, including eligible projects carried out on Federal land or water or using Federal funds, if the project is approved by the head of the applicable Federal agency.

(6) COST-SHARING REQUIREMENT.—

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

(B) FORM OF NON-FEDERAL CONTRIBUTION.—The non-Federal contribution required under subparagraph (A) may be provided in the form of in-kind contributions.

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

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

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

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

7 (h) ADDITIONAL PROJECTS.—To the extent per-
8 mitted by applicable law and subject to the availability of
9 appropriations, Federal agencies may contribute to the im-
10 plementation of projects recommended by the Malheur
11 C.E.O. Group and approved by the Secretary.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—

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

17 (2) MAINTENANCE AND DISTRIBUTION.—
18 Amounts made available under paragraph (1) shall
19 be maintained and distributed by the Secretary.

20 (3) ADMINISTRATIVE EXPENSES.—Not more
21 than more than 5 percent of amounts made available
22 under paragraph (1) for a fiscal year may be used
23 for the administration of this Act.

24 (4) GRANTS.—Of the amounts made available
25 under paragraph (1), not more than 10 percent may

1 be made available for a fiscal year to provide grants
 2 to the Malheur C.E.O. Group.

3 (j) EFFECT.—

4 (1) EXISTING ACTIVITIES.—The activities of
 5 the Malheur C.E.O. Group shall supplement, and
 6 not replace, existing activities to manage the natural
 7 resources of the County.

8 (2) LEGAL RIGHTS, DUTIES, OR AUTHORI-
 9 TIES.—Nothing in this section affects any legal
 10 right, duty, or authority of any person or Federal
 11 agency, including any member of the Malheur
 12 C.E.O. Group.

13 **SEC. 5. LAND DESIGNATIONS.**

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

17 (b) DESIGNATION OF WILDERNESS AREAS.—

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

1 (A) FIFTEENMILE CREEK WILDERNESS.—
2 Certain Federal land, comprising approximately
3 61,647 acres, as generally depicted on the map
4 entitled “Proposed Wilderness Trout Creek–Or-
5 egon Canyon Group” and dated December 12,
6 2023, which shall be known as the “Fifteenmile
7 Creek Wilderness”.

8 (B) OREGON CANYON MOUNTAINS WILDER-
9 NESS.—Certain Federal land, comprising ap-
10 proximately 53,559 acres, as generally depicted
11 on the map entitled “Proposed Wilderness
12 Trout Creek–Oregon Canyon Group” and dated
13 December 12, 2023, which shall be known as
14 the “Oregon Canyon Mountains Wilderness”.

15 (C) TWELVEMILE CREEK WILDERNESS.—
16 Certain Federal land, comprising approximately
17 38,099 acres, as generally depicted on the map
18 entitled “Proposed Wilderness Trout Creek–Or-
19 egon Canyon Group” and dated December 12,
20 2023, which shall be known as the “Twelvemile
21 Creek Wilderness”.

22 (D) UPPER WEST LITTLE OWYHEE WIL-
23 DERNES.—Certain Federal land, comprising
24 approximately 93,199 acres, as generally de-
25 picted on the map entitled “Proposed Wilder-

ness Upper Owyhee” and dated December 12, 2023, which shall be known as the “Upper West Little Owyhee Wilderness”.

(E) LOOKOUT BUTTE WILDERNESS.—Certain Federal land, comprising approximately 66,242 acres, as generally depicted on the map entitled “Proposed Wilderness Upper Owyhee” and dated December 12, 2023, which shall be known as the “Lookout Butte Wilderness”.

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

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

(H) TWIN BUTTE WILDERNESS.—Certain Federal land, comprising approximately 18,150

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

5 (I) OREGON BUTTE WILDERNESS.—Cer-
6 tain Federal land, comprising approximately
7 31,934 acres, as generally depicted on the map
8 entitled “Proposed Wilderness Upper Owyhee”
9 and dated December 12, 2023, which shall be
10 known as the “Oregon Butte Wilderness”.

11 (J) MAHOGANY BUTTE WILDERNESS.—
12 Certain Federal land, comprising approximately
13 8,953 acres, as generally depicted on the map
14 entitled “Proposed Wilderness Upper Owyhee”
15 and dated December 12, 2023, which shall be
16 known as the “Mahogany Butte Wilderness”.

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

23 (L) SACRAMENTO HILL WILDERNESS.—
24 Certain Federal, comprising approximately
25 9,574 acres, as generally depicted on the map

1 entitled “Proposed Wilderness Upper Owyhee”
2 and dated December 12, 2023, which shall be
3 known as the “Sacramento Hill Wilderness”.

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

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

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

23 (P) MARY GAUTREAUX LOWER OWYHEE
24 CANYON WILDERNESS.—Certain Federal land,
25 comprising approximately 77,121 acres, as gen-

erally depicted on the map entitled “Proposed Wilderness Lower Owyhee” and dated December 12, 2023, which shall be known as the “Mary Gautreaux Lower Owyhee Canyon Wilderness”.

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

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

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

(T) DRY CREEK BUTTES WILDERNESS.—Certain Federal land, comprising approximately

1 88,289 acres, as generally depicted on the map
2 entitled “Proposed Wilderness Lower Owyhee”
3 and dated December 12, 2023, which shall be
4 known as the “Dry Creek Buttes Wilderness”.

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

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

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

24 (X) WILD HORSE BASIN WILDERNESS.—
25 Certain Federal land, comprising approximately

1 18,402 acres, as generally depicted on the map
2 entitled “Proposed Wilderness Lower Owyhee”
3 and dated December 12, 2023, which shall be
4 known as the “Wild Horse Basin Wilderness”.

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

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

17 (AA) THREE FINGERS ROCK NORTH WIL-
18 DERNESS.—Certain Federal land, comprising
19 approximately 12,462 acres, as generally de-
20 picted on the map entitled “Proposed Wilder-
21 ness Lower Owyhee” and dated December 12,
22 2023, which shall be known as the “Three Fin-
23 gers Rock North Wilderness”.

24 (BB) BURNT MOUNTAIN WILDERNESS.—
25 Certain Federal land, comprising approximately

1 8,115 acres, as generally depicted on the map
2 entitled “Proposed Wilderness Lower Owyhee”
3 and dated December 12, 2023, which shall be
4 known as the “Burnt Mountain Wilderness”.

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

11 (2) MAPS AND LEGAL DESCRIPTIONS.—

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

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

22 (C) PUBLIC AVAILABILITY.—The maps
23 and legal descriptions prepared under subpara-
24 graph (A) shall be on file and available for pub-

1 lic inspection in the appropriate offices of the
2 Bureau.

3 (3) MANAGEMENT.—

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

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

13 (ii) any reference in that Act to the
14 Secretary of Agriculture shall be consid-
15 ered to be a reference to the Secretary.

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

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

23 (ii) the guidelines set forth in Appen-
24 dix A of the report of the Committee on
25 Interior and Insular Affairs of the House

1 of Representatives accompanying H.R.
 2 2570 of the 101st Congress (H. Rept.
 3 101–405).

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

8 (D) FISH AND WILDLIFE MANAGEMENT
 9 ACTIVITIES.—

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

18 (I) consistent with applicable wil-
 19 derness management plans; and

20 (II) conducted in accordance with
 21 appropriate policies, such as the poli-
 22 cies established in Appendix B of the
 23 report of the Committee on Interior
 24 and Insular Affairs of the House of
 25 Representatives accompanying H.R.

1 2570 of the 101st Congress (House
2 Report 101–405).

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

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

1 (c) MANAGEMENT OF LAND NOT DESIGNATED AS
2 WILDERNESS.—

3 (1) RELEASE OF WILDERNESS STUDY AREAS.—

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

11 (B) RELEASE.—Except as provided in
12 paragraph (2), the land described in subpara-
13 graph (A)—

14 (i) is no longer subject to section
15 603(c) of the Federal Land Policy and
16 Management Act of 1976 (43 U.S.C.
17 1782(c)); and

18 (ii) shall be managed in accordance
19 with the Federal Land Policy and Manage-
20 ment Act of 1976 (43 U.S.C. 1701 et
21 seq.), including any applicable land use
22 plan adopted under section 202 of that Act
23 (43 U.S.C. 1712).

24 (2) MANAGEMENT OF CERTAIN LAND WITH
25 WILDERNESS CHARACTERISTICS.—Any portion of

1 the Federal land that was previously determined by
 2 the Secretary to be land with wilderness characteris-
 3 tics that is not designated as wilderness by sub-
 4 section (b)(1) and is not designated on the Map as
 5 “land with wilderness characteristics” shall be man-
 6 aged by the Secretary in accordance with the appli-
 7 cable land use plans adopted under section 202 of
 8 the Federal Land Policy and Management Act of
 9 1976 (43 U.S.C. 1712).

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

12 (a) JONESBORO RANCH, ROAD GULCH, AND BLACK
 13 CANYON LAND CONVEYANCES.—

14 (1) CONVEYANCE AND TAKING INTO TRUST.—

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

21 (B) TRUST.—Land to which title is accept-
 22 ed by the Secretary under subparagraph (A)
 23 shall—

1 (i) be held in trust by the United
 2 States for the benefit of the Burns Paiute
 3 Tribe; and

4 (ii) be part of the reservation of the
 5 Burns Paiute Tribe.

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

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

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

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

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

5 (iv) T. 21 S., R. 39 E., secs. 1–18,
6 20–29, and 32–36, Willamette Meridian.

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

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

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

16 (i) T. 20 S., R. 39 E., secs. 10, 11,
17 15, 14, 13, 21–28, and 36, Willamette Me-
18 ridian.

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

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

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

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

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

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

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

22 (B) be part of the reservation of the Burns
 23 Paiute Tribe.

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

25 (A) MEMORANDUM OF UNDERSTANDING.—

1 (i) IN GENERAL.—As soon as prac-
2 ticable after the date of enactment of this
3 Act, the Secretary shall seek to enter into
4 a memorandum of understanding with the
5 Burns Paiute Tribe to provide for the co-
6 stewardship of the area depicted as “Tribal
7 Co-Stewardship Area” on the map entitled
8 “Land into Trust and Co-Stewardship
9 Castle Rock Group” and dated December
10 12, 2023, to be known as the “Castle Rock
11 Co-Stewardship Area”.

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

17 (I) ensures that Tribal interests
18 are adequately considered;

19 (II) provides for maximum pro-
20 tection of cultural and archaeological
21 resources; and

22 (III) provides for the protection
23 of natural resources with cultural sig-
24 nificance.

1 (B) MANAGEMENT AGREEMENTS.—In ac-
2 cordance with applicable law (including regula-
3 tions), the Secretary may enter into 1 or more
4 management agreements with the Burns Paiute
5 Tribe to authorize the Burns Paiute Tribe to
6 carry out management activities in the Castle
7 Rock Co-Stewardship Area in accordance with
8 the memorandum of understanding entered into
9 under subparagraph (A)(i).

10 (C) GRAZING.—The grazing of livestock in
11 the Castle Rock Co-Stewardship Area, if estab-
12 lished before the date of enactment of this Act,
13 shall be permitted to continue in accordance
14 with applicable law (including regulations).

15 (D) WATER RIGHTS.—Nothing in this
16 paragraph—

17 (i) affects any valid and existing water
18 rights; or

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

21 (3) WITHDRAWAL.—Subject to valid existing
22 rights, the land 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 entry, appropriation, and
2 disposal 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) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Secretary to carry
10 out this section \$2,000,000 for fiscal year 2025.

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

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

20 (2) affects—

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

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

- 1 cally negotiated between any applicable Indian
- 2 Tribe and the Secretary.

Passed the Senate December 20 (legislative day, December 16), 2024.

Attest:

Secretary.

118TH CONGRESS
2^D Session

S. 1890

AN ACT

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