

117TH CONGRESS
2D SESSION

S. 4860

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

SEPTEMBER 15, 2022

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, and conditions that
15 are sustainable through successional processes.

16 (6) LOOP ROAD.—

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

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

1 (7) MALHEUR CEO GROUP.—The term
2 “Malheur CEO Group” means the Malheur Commu-
3 nity Empowerment for Owyhee Group established
4 under section 4(a).

5 (8) OPERATIONAL FLEXIBILITY.—The term
6 “operational flexibility”, with respect to grazing on
7 the Federal land, means any approved seasonal ad-
8 justments of livestock positioning for the purposes of
9 that grazing pursuant to a flexible grazing use au-
10 thorized under the program.

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

14 (10) SECRETARY.—The term “Secretary”
15 means the Secretary of the Interior.

16 (11) STATE.—The term “State” means the
17 State of Oregon.

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

20 (a) IN GENERAL.—The Secretary may carry out a
21 grazing management program on the Federal land, to be
22 known as the “Malheur County Grazing Management Pro-
23 gram”, in accordance with the memorandum entitled “Bu-
24 reau of Land Management Instruction Memorandum
25 2018–109”, to provide to authorized grazing permittees

1 and lessees increased operational flexibility to improve the
2 long-term ecological health of the Federal land.

3 (b) PERMIT OPERATIONAL FLEXIBILITY.—

4 (1) FLEXIBLE GRAZING USE ALTERNATIVE FOR
5 A GRAZING PERMIT OR LEASE.—For purposes of re-
6 newing a grazing permit or lease under the program,
7 pursuant to the National Environmental Policy Act
8 of 1969 (42 U.S.C. 4321 et seq.), the Secretary
9 shall develop and analyze at least 1 alternative to
10 provide operational flexibility in livestock grazing use
11 to account for changing conditions.

12 (2) INTERIM FLEXIBLE GRAZING USE FOR A
13 GRAZING PERMIT OR LEASE.—For purposes of using
14 operational flexibility pending the renewal of a graz-
15 ing permit or lease under the program, the Bureau
16 may authorize temporary changes in livestock graz-
17 ing use in accordance with applicable laws (including
18 regulations) after providing notice to the applicable
19 individuals and entities described in paragraph (3).

20 (3) CONSULTATION.—The Secretary shall de-
21 velop alternatives under paragraph (1) in consulta-
22 tion with—

23 (A) the applicable grazing permittee or les-
24 see;

25 (B) affected Federal and State agencies;

1 (C) the Malheur CEO Group;

2 (D) other landowners in the affected allot-
3 ment; and

4 (E) interested members of the public.

5 (4) MONITORING PLANS.—

6 (A) IN GENERAL.—The Secretary shall de-
7 velop cooperative rangeland monitoring plans
8 and rangeland health objectives to apply to ac-
9 tions taken under paragraph (1) or (2) and to
10 improve the long-term ecological health of the
11 Federal land under the program, in consulta-
12 tion with grazing permittees or lessees and
13 other individuals and entities described in para-
14 graph (3).

15 (B) REQUIREMENTS.—A monitoring plan
16 developed under subparagraph (A) shall—

17 (i) identify situations in which pro-
18 viding operational flexibility in grazing per-
19 mit or lease uses is appropriate to improve
20 long-term ecological health of the Federal
21 land;

22 (ii) identify ways in which progress
23 would be measured toward long-term eco-
24 logical health of the Federal land;

25 (iii) include—

- 1 (I) a description of the condition
2 standards for which the monitoring is
3 tracking, including baseline conditions
4 and desired outcome conditions;
- 5 (II) a description of monitoring
6 methods and protocols;
- 7 (III) a schedule for collecting
8 data;
- 9 (IV) an identification of the re-
10 sponsible party for data collection and
11 storage;
- 12 (V) an evaluation schedule;
- 13 (VI) a description of the antici-
14 pated use of the data;
- 15 (VII) provisions for adjusting any
16 components of the monitoring plan;
17 and
- 18 (VIII) a description of the meth-
19 od to communicate the criteria for ad-
20 justing livestock grazing use; and
- 21 (iv) provide for annual reports on the
22 effects of operational flexibility in grazing
23 permit or lease uses under the program.

24 (5) TERMS AND CONDITIONS.—

1 (A) PREFERRED ALTERNATIVE.—If the
2 Secretary determines that an alternative consid-
3 ered under the program that provides oper-
4 ational flexibility is the preferred alternative,
5 the Secretary shall incorporate the alternative,
6 including applicable monitoring plans developed
7 under paragraph (4), into the terms and condi-
8 tions of the applicable grazing permit or lease.

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

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

23 (c) REVIEW; TERMINATION.—

24 (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 RIGHTS OR PRIVI-
22 LEGES.—Nothing in this Act—

23 (1) affects the rights or privileges provided
24 under the Act of 10 June 28, 1934 (commonly

1 known as the “Taylor Grazing Act”; 43 U.S.C. 315
2 et seq.); or

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

7 **SEC. 4. MALHEUR COMMUNITY EMPOWERMENT FOR**
8 **OWYHEE GROUP.**

9 (a) ESTABLISHMENT.—Not later than 180 days after
10 the date of enactment of this Act, the Secretary shall es-
11 tablish an advisory group, to be known as the “Malheur
12 Community Empowerment for Owyhee Group”—

13 (1) to provide to the Secretary advice and rec-
14 ommendations relating to the implementation of ac-
15 tions proposed to be carried out under this Act, in-
16 cluding monitoring and operational flexibility of
17 grazing use of the Federal land;

18 (2) to be listed as an interested party for pend-
19 ing Bureau management decisions on the Federal
20 land under this Act; and

21 (3) to provide advice and recommendations to
22 the State and the County commissioners on eco-
23 nomic development issues relating to the Federal
24 land under this Act.

25 (b) MEMBERSHIP.—

1 (1) IN GENERAL.—The Malheur CEO Group
2 shall consist of—

3 (A) 8 voting members, to be appointed by
4 the Secretary, based on recommendations from
5 the Vale District Bureau manager and the
6 County commissioners, of whom—

7 (i) 3 shall be representatives of graz-
8 ing permittees and lessees in the County;

9 (ii) 3 shall be representatives of other
10 businesses or conservation or recreation or-
11 ganizations in the County, of whom at
12 least 2 shall reside in the County;

13 (iii) 1 shall be a representative of the
14 Burns Paiute Tribe; and

15 (iv) 1 shall be a representative of the
16 Fort McDermott Tribe; and

17 (B) 4 nonvoting members, to be appointed
18 by the Secretary, based on recommendations
19 from the Vale District Bureau manager and the
20 County commissioners, of whom—

21 (i) 1 shall be a representative of the
22 Bureau Vale District;

23 (ii) 1 shall be a representative of the
24 United States Fish and Wildlife Service;

1 (iii) 1 shall be a representative of the
2 State; and

3 (iv) 1 shall be a representative of the
4 County.

5 (2) APPOINTMENT.—

6 (A) INITIAL APPOINTMENTS.—Not later
7 than 180 days after the date of enactment of
8 this Act, the Secretary shall appoint the initial
9 members of the Malheur CEO Group.

10 (B) TERMS.—Each member of the
11 Malheur CEO Group shall serve for a term of
12 3 years.

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

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

18 (i) as soon as practicable after the va-
19 cancy occurs; and

20 (ii) in the same manner as the origi-
21 nal appointment.

22 (3) COMPENSATION AND EXPENSES.—

23 (A) COMPENSATION.—Members of the
24 Malheur CEO Group shall serve without com-
25 pensation.

1 (B) TRAVEL EXPENSES.—Each member of
2 the Malheur CEO Group shall receive from the
3 Secretary travel expenses, including per diem in
4 lieu of subsistence, in accordance with sections
5 5702 and 5703 of title 5, United States Code.

6 (4) CHAIRPERSON.—A chairperson shall be
7 elected by a majority of the voting members of the
8 Malheur CEO Group.

9 (5) SECRETARY.—The representative from the
10 Bureau Vale District appointed under paragraph
11 (1)(B)(i) shall be—

12 (A) the secretary and recordkeeper for the
13 Malheur CEO Group; and

14 (B) responsible for convening meetings of
15 the Malheur CEO Group.

16 (c) DUTIES.—

17 (1) IN GENERAL.—The Malheur CEO Group
18 shall—

19 (A) review any program project proposed
20 to the Bureau by—

21 (i) a member of the Malheur CEO
22 Group;

23 (ii) a grazing permittee or lessee on
24 the Federal land; or

25 (iii) any other member of the public;

1 (B) subject to paragraph (2), propose pro-
2 gram projects and funding recommendations to
3 the Secretary under this section;

4 (C) cooperate with appropriate officials of
5 land management agencies in the County in
6 recommending program projects consistent with
7 purposes of this section;

8 (D) review program monitoring data and,
9 in accordance with this subsection, recommend
10 program project modifications, if appropriate;
11 and

12 (E) provide frequent opportunities for citi-
13 zens, organizations, Indian Tribes, land man-
14 agement agencies, and other interested parties
15 to participate openly and meaningfully in pro-
16 gram project development and implementation.

17 (2) PROJECTS PROPOSED TO SECRETARY.—The
18 Malheur CEO Group may propose a program project
19 to the Secretary if the program project has been ap-
20 proved by a majority of the members voting at an
21 official meeting of the Malheur CEO Group.

22 (d) MEETINGS.—

23 (1) IN GENERAL.—A quorum is required for an
24 official meeting of the Malheur CEO Group.

1 (2) BIENNIAL MEETINGS.—The Malheur CEO
2 Group shall hold official meetings not less frequently
3 than biannually.

4 (3) VIRTUAL MEETINGS.—An official meeting
5 of the Malheur CEO Group may be held virtually.

6 (4) QUORUM.—A quorum of the Malheur CEO
7 Group shall consist of a majority of the members of
8 the Malheur CEO Group participating in person or
9 virtually.

10 (5) OPEN MEETINGS.—Each meeting of the
11 Malheur CEO Group shall—

12 (A) not later than the date that is 1 week
13 before the date of the meeting, be announced—

14 (i) on the public website of the Bu-
15 reau; and

16 (ii) in a local newspaper of record, as
17 determined by the Secretary; and

18 (B) be held open to the public.

19 (6) RECORDS.—The secretary of the Malheur
20 CEO Group described in subsection (b)(5) shall—

21 (A) maintain records of each official meet-
22 ing of the Malheur CEO Group; and

23 (B) make the records maintained under
24 subparagraph (A) available for public inspec-
25 tion.

1 (e) BYLAWS.—

2 (1) IN GENERAL.—The members of the
3 Malheur CEO Group shall establish bylaws for the
4 Malheur CEO Group.

5 (2) REQUIREMENT.—Bylaws may be estab-
6 lished under paragraph (1) on approval by a major-
7 ity of the members of the Malheur CEO Group.

8 (f) CONSULTATION.—During any period in which the
9 program and the Malheur CEO Group are in existence,
10 the Secretary shall consult with the Malheur CEO
11 Group—

12 (1) not less frequently than once every 60 days;

13 or

14 (2) as otherwise agreed to by—

15 (A) the Secretary; and

16 (B) the Malheur CEO Group.

17 (g) FACCA APPLICABILITY.—The Federal Advisory
18 Committee Act (5 U.S.C. App.) shall not apply to the
19 Malheur CEO Group.

20 (h) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated to the Secretary to carry out this sec-
23 tion \$51,000 for each of fiscal years 2023 through
24 2027.

1 (2) ADMINISTRATIVE COSTS.—Of the amounts
2 made available under paragraph (1), not more than
3 10 percent may be used for administrative costs re-
4 lating to the Malheur CEO Group.

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

6 (a) DEFINITIONS.—In this section:

7 (1) MAP.—The term “Map” means the map en-
8 titled “Proposed Wilderness Malheur County” and
9 dated November 6, 2019.

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

13 (b) DESIGNATION OF WILDERNESS AREAS.—

14 (1) IN GENERAL.—In accordance with the Wil-
15 derness Act (16 U.S.C. 1131 et seq.), the following
16 Federal land in the County comprising approxi-
17 mately 1,133,841 acres, as generally depicted on the
18 Map, is designated as wilderness and as components
19 of the National Wilderness Preservation System:

20 (A) FIFTEENMILE CREEK WILDERNESS.—

21 Certain Federal land, comprising approximately
22 58,599 acres, as generally depicted on the Map,
23 which shall be known as the “Fifteenmile Creek
24 Wilderness”.

1 (B) OREGON CANYON MOUNTAINS WILDER-
2 NESS.—Certain Federal land, comprising ap-
3 proximately 57,891 acres, as generally depicted
4 on the Map, which shall be known as the “Or-
5 egon Canyon Mountains Wilderness”.

6 (C) TWELVEMILE CREEK WILDERNESS.—
7 Certain Federal land, comprising approximately
8 37,779 acres, as generally depicted on the Map,
9 which shall be known as the “Twelvemile Creek
10 Wilderness”.

11 (D) UPPER WEST LITTLE OWYHEE WIL-
12 DERNES.—Certain Federal land, comprising
13 approximately 93,159 acres, as generally de-
14 picted on the Map, which shall be known as the
15 “Upper West Little Owyhee Wilderness”.

16 (E) LOOKOUT BUTTE WILDERNESS.—Cer-
17 tain Federal land, comprising approximately
18 66,194 acres, as generally depicted on the Map,
19 which shall be known as the “Lookout Butte
20 Wilderness”.

21 (F) MARY GAUTREAUX OWYHEE RIVER
22 CANYON WILDERNESS.—Certain Federal land,
23 comprising approximately 223,586 acres, as
24 generally depicted on the Map, which shall be

1 known as the “Mary Gautreaux Owyhee River
2 Canyon Wilderness”.

3 (G) TWIN BUTTE WILDERNESS.—Certain
4 Federal land, comprising approximately 18,135
5 acres, as generally depicted on the Map, which
6 shall be known as the “Twin Butte Wilder-
7 ness”.

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

12 (I) OREGON BUTTE WILDERNESS.—Cer-
13 tain Federal land, comprising approximately
14 32,010 acres, as generally depicted on the Map,
15 which shall be known as the “Oregon Butte
16 Wilderness”.

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

21 (K) SACRAMENTO HILL WILDERNESS.—
22 Certain Federal, comprising approximately
23 9,568 acres, as generally depicted on the Map,
24 which shall be known as the “Sacramento Hill
25 Wilderness”.

1 (L) COYOTE WELLS WILDERNESS.—Cer-
2 tain Federal land, comprising approximately
3 7,147 acres, as generally depicted on the Map,
4 which shall be known as the “Coyote Wells Wil-
5 derness”.

6 (M) BIG GRASSEY WILDERNESS.—Certain
7 Federal land, comprising approximately 45,192
8 acres, as generally depicted on the Map, which
9 shall be known as the “Big Grassey Wilder-
10 ness”.

11 (N) LITTLE GROUNDHOG RESERVOIR WIL-
12 DERNESS.—Certain Federal land, comprising
13 approximately 5,272 acres, as generally de-
14 picted on the Map, which shall be known as the
15 “Little Groundhog Reservoir Wilderness”.

16 (O) MARY GAUTREAUX LOWER OWYHEE
17 CANYON WILDERNESS.—Certain Federal land,
18 comprising approximately 79,947 acres, as gen-
19 erally depicted on the Map, which shall be
20 known as the “Mary Gautreaux Lower Owyhee
21 Canyon Wilderness”.

22 (P) JORDAN CRATER WILDERNESS.—Cer-
23 tain Federal land, comprising approximately
24 31,141 acres, as generally depicted on the Map,

1 which shall be known as the “Jordan Crater
2 Wilderness”.

3 (Q) OWYHEE BREAKS WILDERNESS.—Cer-
4 tain Federal land, comprising approximately
5 29,471 acres, as generally depicted on the Map,
6 which shall be known as the “Owyhee Breaks
7 Wilderness”.

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

12 (S) DRY CREEK BUTTES WILDERNESS.—
13 Certain Federal land, comprising approximately
14 53,782 acres, as generally depicted on the Map,
15 which shall be known as the “Dry Creek Buttes
16 Wilderness”.

17 (T) UPPER LESLIE GULCH WILDERNESS.—
18 Certain Federal land, comprising approximately
19 2,911 acres, as generally depicted on the Map,
20 which shall be known as the “Upper Leslie
21 Gulch Wilderness”.

22 (U) SLOCUM CREEK WILDERNESS.—Cer-
23 tain Federal land, comprising approximately
24 7,528 acres, as generally depicted on the Map,

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

3 (V) HONEYCOMBS WILDERNESS.—Certain
4 Federal land, comprising approximately 40,099
5 acres, as generally depicted on the Map, which
6 shall be known as the “Honeycombs Wilder-
7 ness”.

8 (W) WILD HORSE BASIN WILDERNESS.—
9 Certain Federal land, comprising approximately
10 18,381 acres, as generally depicted on the Map,
11 which shall be known as the “Wild Horse Basin
12 Wilderness”.

13 (X) QUARTZ MOUNTAIN WILDERNESS.—
14 Certain Federal land, comprising approximately
15 32,781 acres, as generally depicted on the Map,
16 which shall be known as the “Quartz Mountain
17 Wilderness”.

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

22 (Z) BURNT MOUNTAIN WILDERNESS.—
23 Certain Federal land, comprising approximately
24 8,109 acres, as generally depicted on the Map,

1 which shall be known as the “Burnt Mountain
2 Wilderness”.

3 (AA) COTTONWOOD CREEK WILDER-
4 NESS.—Certain Federal land, comprising ap-
5 proximately 77,828 acres, as generally depicted
6 on the Map, which shall be known as the “Cot-
7 tonwood Creek Wilderness”.

8 (BB) CASTLE ROCK WILDERNESS.—Cer-
9 tain Federal land, comprising approximately
10 6,151 acres, as generally depicted on the Map,
11 which shall be known as the “Castle Rock Wil-
12 derness”.

13 (CC) WEST FORK BENDIRE WILDER-
14 NESS.—Certain Federal land, comprising ap-
15 proximately 10,519 acres, as generally depicted
16 on the Map, which shall be known as the “West
17 Fork Bendire Wilderness”.

18 (DD) BEAVER DAM CREEK WILDER-
19 NESS.—Certain Federal land, comprising ap-
20 proximately 19,080 acres, as generally depicted
21 on the Map, which shall be known as the “Bea-
22 ver Dam Creek Wilderness”.

23 (2) MAPS AND LEGAL DESCRIPTIONS.—

24 (A) IN GENERAL.—As soon as practicable
25 after the date of enactment of this Act, the Sec-

1 retary shall prepare and submit to Congress a
2 map and legal description of each wilderness
3 area.

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

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

15 (3) MANAGEMENT.—

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

21 (i) any reference in that Act to the ef-
22 fective date of that Act shall be considered
23 to be a reference to the date of enactment
24 of this Act; and

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

4 (B) GRAZING.—The Secretary shall allow
5 the continuation of the grazing of livestock, in-
6 cluding the maintenance, construction, or re-
7 placement of authorized supporting facilities, in
8 the wilderness areas, if established before the
9 date of enactment of this Act, in accordance
10 with—

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

13 (ii) the guidelines set forth in Appen-
14 dix A of the report of the Committee on
15 Interior and Insular Affairs of the House
16 of Representatives accompanying H.R.
17 2570 of the 101st Congress (H. Rept.
18 101–405).

19 (C) FIRE MANAGEMENT AND RELATED AC-
20 TIVITIES.—The Secretary may carry out any
21 activities in the wilderness areas that the Sec-
22 retary determines to be necessary for the con-
23 trol of fire, insects, and diseases, in accordance
24 with—

1 (i) section 4(d)(1) of the Wilderness
2 Act (16 U.S.C. 1133(d)(1)); and

3 (ii) the report of the Committee on
4 Interior and Insular Affairs of the House
5 of Representatives accompanying H.R.
6 1437 of the 98th Congress (House Report
7 98–40).

8 (D) ROADS ADJACENT TO WILDERNESS
9 AREAS.—Nothing in this Act requires the clo-
10 sure of any adjacent road outside the boundary
11 of a wilderness area.

12 (c) MANAGEMENT OF LAND NOT DESIGNATED AS
13 WILDERNESS.—

14 (1) RELEASE OF WILDERNESS STUDY AREA.—

15 (A) FINDING.—Congress finds that, for
16 purposes of section 603(e) of the Federal Land
17 Policy and Management Act of 1976 (43 U.S.C.
18 1782(c)), any portion of the Federal land des-
19 ignated as a wilderness study area, as depicted
20 on the Map, on the date of enactment of this
21 Act that is not designated as wilderness by sub-
22 section (b)(1) has been adequately studied for
23 wilderness designation.

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

4 (i) is no longer subject to section
5 603(c) of the Federal Land Policy and
6 Management Act of 1976 (43 U.S.C.
7 1782(c)); and

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

14 (2) MANAGEMENT OF CERTAIN LAND WITH
15 WILDERNESS CHARACTERISTICS.—Any portion of
16 the Federal land that was previously determined by
17 the Secretary to be land with wilderness characteris-
18 tics that is not designated as wilderness by sub-
19 section (b)(1) shall be managed by the Secretary in
20 accordance with the applicable land use plans adopt-
21 ed under section 202 of the Federal Land Policy
22 and Management Act of 1976 (43 U.S.C. 1712).

23 **SEC. 6. ECONOMIC DEVELOPMENT.**

24 (a) DEFINITION OF MAP.—In this section, the term
25 “Map” means the map entitled “Lake Owyhee, Succor

1 Creek, Birch Creek, and Three Forks Scenic Loops” and
2 dated November 6, 2019.

3 (b) LOOP ROADS REQUIREMENTS.—

4 (1) IN GENERAL.—The Secretary, in coordina-
5 tion with the County, shall work with Travel Oregon
6 to establish the loop roads.

7 (2) OWYHEE DAM ROAD.—

8 (A) SAFETY UPGRADES.—

9 (i) IN GENERAL.—The Secretary shall
10 seek to enter into an arrangement with the
11 County to fund safety upgrades, in accord-
12 ance with County road standards, to the
13 Owyhee Dam Road to ensure access to the
14 recreational opportunities of the Owyhee
15 Reservoir, including improved signage and
16 surfacing.

17 (ii) DEADLINE FOR UPGRADES.—Any
18 upgrades carried out with funds provided
19 under clause (i) shall be completed not
20 later than 1 year after the date of enact-
21 ment of this Act, weather permitting.

22 (iii) COMPLIANCE WITH STAND-
23 ARDS.—If the County receives any funds
24 under this subparagraph, the County shall
25 ensure that, not later than 1 year after the

1 date of enactment of this Act, weather per-
 2 mitting, the Owyhee Dam Road is in com-
 3 pliance with the applicable standards of—

- 4 (I) the State;
 5 (II) the County; and
 6 (III) each affected County road
 7 district.

8 (B) AUTHORIZATION OF APPROPRIA-
 9 TIONS.—In addition to amounts made available
 10 under subsection (f)(1), there is authorized to
 11 be appropriated to the Secretary to carry out
 12 subparagraph (A) \$6,000,000.

13 (3) SUCCOR CREEK SCENIC LOOP.—The Sec-
 14 retary shall work with the County on a plan to im-
 15 prove the Succor Creek Scenic Loop, as generally
 16 depicted on the Map, to accommodate visitors and
 17 residents.

18 (4) BIRCH CREEK SCENIC LOOP.—The Sec-
 19 retary shall work with the County on a plan to im-
 20 prove the Birch Creek Scenic Loop, as generally de-
 21 picted on the Map, to accommodate visitors and resi-
 22 dents.

23 (5) THREE FORKS SCENIC LOOP.—The Sec-
 24 retary shall work with the County on a plan to im-

1 prove the Three Forks Scenic Loop, as generally de-
2 picted on the Map—

3 (A) to accommodate visitors and residents;

4 and

5 (B) to provide a connection to the Idaho
6 Scenic Byway.

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

10 (1) the Commissioner, in coordination with the
11 Owyhee Irrigation District, shall work with Travel
12 Oregon or the Oregon Parks and Recreation Depart-
13 ment, as appropriate, to carry out a feasibility study
14 regarding each of—

15 (A) the establishment of not more than 2
16 marinas on the Owyhee Reservoir;

17 (B) improvements to existing Oregon State
18 Parks bordering the Owyhee Reservoir;

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

22 (D) improvements to private camps on the
23 shore of the Owyhee Reservoir;

24 (E) the establishment of a dude ranch at
25 Birch Creek; and

1 (F) any other economic development pro-
 2 posals for the Owyhee Reservoir or the County;
 3 and

4 (2) the Secretary shall work with the County to
 5 carry out a feasibility study regarding the rails-to-
 6 trails project known as “Rails to Trails: The Oregon
 7 Eastern Branch/The Oregon and Northwestern Rail-
 8 road”.

9 (d) GATEWAY TO THE OREGON OWYHEE.—Not later
 10 than 1 year after the date of enactment of this Act, the
 11 Secretary, in coordination with Travel Oregon, shall com-
 12 plete a feasibility study on how best to market commu-
 13 nities or sections of the County as the “Gateway to the
 14 Oregon Owyhee”.

15 (e) JORDAN VALLEY AIRSTRIP IMPROVEMENTS TO
 16 SUPPORT FIREFIGHTING EFFORTS.—

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

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

22 (B) the conditions under which the Jordan
 23 Valley Airstrip may be used to support fire-
 24 fighting efforts.

1 (2) REPORT.—Not later than 1 year after the
 2 date of enactment of this Act, the Secretary shall
 3 submit to the Malheur CEO Group a report describ-
 4 ing the need and conditions described in subpara-
 5 graphs (A) and (B) of paragraph (1), including
 6 methods by which to meet those conditions.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated for fiscal year 2023—

9 (1) to the Secretary—

10 (A) to carry out subsection (b),
 11 \$2,000,000;

12 (B) to carry out subsection (c)(2),
 13 \$2,000,000;

14 (C) to carry out subsection (d), \$500,000;
 15 and

16 (D) to carry out subsection (e), \$500,000;
 17 and

18 (2) to the Commissioner to carry out subsection
 19 (c)(1), \$1,000,000.

20 **SEC. 7. LAND CONVEYANCE TO BURNS PAIUTE TRIBE.**

21 (a) CONVEYANCE AND TAKING INTO TRUST.—As
 22 soon as practicable after the date of enactment of this Act,
 23 the Secretary shall—

24 (1) transfer to the Burns Paiute Tribe all right,
 25 title, and interest in and to the land in the State de-

1 scribed in subsection (b) for the purpose of pro-
 2 tecting and conserving cultural and natural values
 3 and to be part of the reservation of the Burns Pai-
 4 ute Tribe; and

5 (2) take the land transferred under paragraph
 6 (1) into trust for the benefit of the Burns Paiute
 7 Tribe.

8 (b) DESCRIPTION OF LAND.—The land referred to in
 9 subsection (a)(1) is the following, as depicted on the map
 10 entitled “Malheur Reservation Paiute Indian Tribe Grant,
 11 Malheur, and Harney Counties, Oregon” and dated March
 12 15, 1958:

13 (1) JONESBORO RANCH.—The parcel commonly
 14 known as “Jonesboro Ranch”, located approximately
 15 6 miles east of Juntura, Oregon, consisting of
 16 21,548 acres of Federal land, 6,686 acres of certain
 17 private land associated with the Jonesboro Ranch
 18 containing the pastures referred to as “Saddle
 19 Horse” and “Trail Horse”, “Indian Creek”, “Sperry
 20 Creek”, “Antelope Swales”, “Horse Camp”, “Dinner
 21 Creek”, “Upper Hunter Creek”, and “Tim’s Peak”,
 22 and more particularly described as follows:

23 (A) T. 20 S., R. 38 E., secs. 25 and 36.

24 (B) T. 20 S., R. 39 E., secs. 25–36.

1 (C) T. 20 S., R. 40 E., secs. 30, 31, and
2 32.

3 (D) T. 21 S., R. 39 E., secs. 1–18, 20–29,
4 and 32–36.

5 (E) T. 21 S., R. 40 E., secs. 5–8, 17–19,
6 30, and 31.

7 (F) T. 22 S., R. 39 E., secs. 1–5, 8, and
8 9.

9 (2) ROAD GULCH; BLACK CANYON.—The ap-
10 proximately 4,137 acres of State land containing the
11 pastures referred to as “Road Gulch” and “Black
12 Canyon” and more particularly described as follows:

13 (A) T. 20 S., R. 39 E., secs. 10, 11, 15,
14 14, 13, 21–28, and 36.

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

17 (c) APPLICABLE LAW.—Land taken into trust under
18 subsection (a)(2) shall be administered in accordance with
19 the laws (including regulations) generally applicable to
20 property held in trust by the United States for the benefit
21 of an Indian Tribe.

22 (d) MAP OF TRUST LAND.—As soon as practicable
23 after the date of enactment of this Act, the Secretary shall
24 prepare a map depicting the land taken into trust under
25 subsection (a)(2).

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

7 (f) PAYMENT IN LIEU OF TAXES PROGRAM.—Any
8 land taken into trust under subsection (a)(2) shall be eligi-
9 ble for payments under the payment in lieu of taxes pro-
10 gram established under chapter 69 of title 31, United
11 States Code.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Secretary such
14 sums as are necessary to carry out this section.

15 **SEC. 8. EFFECT ON TRIBAL RIGHTS AND CERTAIN EXIST-**
16 **ING USES.**

17 Nothing in this Act, including any designation or
18 nondesignation of land transferred into trust to be held
19 by the United States for the benefit of the Burns Paiute
20 Tribe under section 7—

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

25 (2) affects—

- 1 (A) existing rights-of-way; or
- 2 (B) preexisting grazing uses and existing
- 3 water rights or mining claims, except as specifi-
- 4 cally negotiated between any applicable Indian
- 5 Tribe and the Secretary.

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