

118TH CONGRESS
2D SESSION

H. R. 10082

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2024

Mr. BENTZ (for himself and Mr. FULCHER) introduced the following bill;
which was referred to the Committee on 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 “Oregon Owyhee Wil-
5 derness and Community Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (5) STATE.—The term “State” means the State
8 of Oregon.

9 (6) STATE LANDS.—The term “State lands”
10 means any lands owned by the State of Oregon.

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

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

18 (9) OPERATIONAL FLEXIBILITY.—The term
19 “operational flexibility”, with respect to grazing on
20 the Federal land, means—

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

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

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

7 **SEC. 3. MALHEUR COUNTY GRAZING MANAGEMENT PRO-**
8 **GRAM.**

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

19 (b) PERMIT OPERATIONAL FLEXIBILITY.—

20 (1) FLEXIBLE GRAZING USE ALTERNATIVE FOR
21 A GRAZING PERMIT OR LEASE.—Solely at the re-
22 quest of an authorized grazing permittee or lessee,
23 for purposes of renewing a grazing permittee or les-
24 see’s grazing permit or lease under the program,
25 pursuant to the National Environmental Policy Act

1 of 1969 (42 U.S.C. 4321 et seq.), the Secretary
2 shall develop and analyze at least 1 alternative to
3 provide operational flexibility in livestock grazing use
4 to account for changing conditions.

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

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 before 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 the date of adjust-
18 ment;

19 (B) to adjust the dates for pasture rotation
20 by not more than 14 days, subject to the re-
21 quirement that the authorized grazing per-
22 mittee or lessee shall provide to the Bureau
23 written notice of the adjustment not later than
24 2 business days before the date of adjustment;
25 and

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

10 (3) MONITORING PLANS FOR PERMIT FLEXI-
11 BILITY.—

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

23 (B) REQUIREMENTS.—A monitoring plan
24 developed under subparagraph (A) shall be
25 based upon existing ecological conditions with

1 reliance upon the ecological site descriptions, in-
2 cluding the State and transitions models, as de-
3 fined by the Chief of the Natural Resources
4 Conservation Service, of the area to be mon-
5 itored, and shall—

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

10 (ii) include—

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

16 (II) a description of utilization
17 evaluation protocol;

18 (III) an evaluation schedule iden-
19 tifying periods during which utiliza-
20 tion data will be collected;

21 (IV) provisions for adjusting any
22 components of the monitoring plan,
23 including acceptance of data from
24 identified third parties; and

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

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

12 (4) TERMS AND CONDITIONS.—

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

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

23 (ii) specify how the monitoring infor-
24 mation with respect to the preferred alter-

1 native should be used to inform manage-
2 ment adjustments under the program.

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

9 (c) **NO EFFECT ON GRAZING PRIVILEGES.**—Nothing
10 in this Act—

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

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

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

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

22 (a) **DEFINITIONS.**—In this section:

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

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

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

22 (c) MEMBERSHIP.—

23 (1) IN GENERAL.—The Malheur C.E.O. Group
24 shall consist of 8 voting members, to be appointed
25 by the Secretary, based on recommendations from

1 the Vale District Bureau manager and the County
2 commissioners, of whom—

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

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

9 (C) 1 shall be a representative of the
10 Burns Paiute Tribe and 1 shall be a represent-
11 ative of the Fort McDermott Tribe.

12 (2) APPOINTMENT.—

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

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

21 (C) REAPPOINTMENT.—A member of the
22 Malheur C.E.O. Group may be reappointed for
23 1 or more additional 3-year terms.

24 (D) VACANCIES.—A vacancy on the
25 Malheur C.E.O. Group shall be filled—

- 1 (i) as soon as practicable after the va-
2 cancy occurs; and
3 (ii) in the same manner as the origi-
4 nal appointment.

5 (d) PROJECTS.—

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

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

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

19 (B) relating to—

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

22 (ii) range improvements for the pur-
23 pose of providing more efficient and effec-
24 tive ecologically beneficial management of
25 domestic livestock, fish, wildlife, or habitat;

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

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

8 (v) conservation of cultural sites;

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

11 (vii) research, monitoring, or analysis.

12 (3) REQUIREMENT.—

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

19 (B) FAILURE TO APPROVE.—If an eligible
20 project described in subparagraph (A) is not
21 approved by the head of the applicable Federal
22 agency, not later than 14 business days after
23 the date on which the proposal is submitted to
24 the head of the applicable Federal agency, the
25 head of the Federal agency shall provide to the

1 Malheur C.E.O. Group in writing a description
2 of the reasons for not approving the proposed
3 eligible project.

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

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

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

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

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

21 (B) use amounts placed into a trust fund
22 under paragraph (1) to carry out eligible
23 projects approved in accordance with this sec-
24 tion, including eligible projects carried out on
25 Federal land or water or using Federal funds,

1 if the project is approved by the head of the ap-
2 plicable Federal agency.

3 (6) COST-SHARING REQUIREMENT.—

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

8 (B) FORM OF NON-FEDERAL CONTRIBU-
9 TION.—The non-Federal contribution required
10 under subparagraph (A) may be provided in the
11 form of in-kind contributions.

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

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

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

24 (g) PRIORITIES.—For purposes of approving eligible
25 projects proposed under subsection (d)(1), the Malheur

1 C.E.O. Group shall give priority to voluntary habitat,
 2 range, and ecosystem restoration projects focused on im-
 3 proving the long-term ecological health of the Federal land
 4 and natural bodies of water.

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

10 (i) EFFECT.—

11 (1) EXISTING ACTIVITIES.—The activities of
 12 the Malheur C.E.O. Group shall supplement, and
 13 not replace, existing activities to manage the natural
 14 resources of the County.

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

20 **SEC. 5. WILDERNESS DESIGNATIONS AND OTHER LAND**
 21 **DESIGNATIONS AND RELATED MANAGEMENT**
 22 **TO DESIGNATIONS.**

23 (a) DEFINITIONS.—In this section:

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

1 (A) Wilderness Area Maps exhibits 1
2 through 17.

3 (B) Existing Road Maps-Roads Exhibits 1
4 through 6.

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

8 (b) DESIGNATION OF WILDERNESS AREAS.—

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

15 (A) FIFTEENMILE CREEK WILDERNESS.—

16 Certain Federal land, comprising approximately
17 61,647 acres, as generally depicted on the Map,
18 which shall be known as the “Fifteenmile Creek
19 Wilderness”.

20 (B) OREGON CANYON MOUNTAINS WILDER-

21 NESS.—Certain Federal land, comprising ap-
22 proximately 53,559 acres, as generally depicted
23 on the Map, which shall be known as the “Or-
24 egon Canyon Mountains Wilderness”.

1 (C) TWELVEMILE CREEK WILDERNESS.—
2 Certain Federal land, comprising approximately
3 38,099 acres, as generally depicted on the Map,
4 which shall be known as the “Twelvemile Creek
5 Wilderness”.

6 (D) UPPER WEST LITTLE OWYHEE WIL-
7 DERNESS.—Certain Federal land, comprising
8 approximately 93,199 acres, as generally de-
9 picted on the Map, which shall be known as the
10 “Upper West Little Owyhee Wilderness”.

11 (E) LOOKOUT BUTTE WILDERNESS.—Cer-
12 tain Federal land, comprising approximately
13 66,242 acres, as generally depicted on the Map,
14 which shall be known as the “Lookout Butte
15 Wilderness”.

16 (F) MARY GAUTREAUX OWYHEE RIVER
17 CANYON WILDERNESS.—Certain Federal land,
18 comprising approximately 211,679 acres, as
19 generally depicted on the Map, which shall be
20 known as the “Mary Gautreaux Owyhee River
21 Canyon Wilderness”.

22 (G) JORDAN CRATERS WILDERNESS.—Cer-
23 tain Federal land, comprising approximately
24 29,255 acres, as generally depicted on the Map,

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

3 (H) OWYHEE BREAKS WILDERNESS.—Cer-
4 tain Federal land, comprising approximately
5 31,637 acres, as generally depicted on the Map,
6 which shall be known as the “Owyhee Breaks
7 Wilderness”.

8 (I) 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 (J) DRY CREEK BUTTES WILDERNESS.—
13 Certain Federal land, comprising approximately
14 88,289 acres, as generally depicted on the Map,
15 which shall be known as the “Dry Creek Buttes
16 Wilderness”.

17 (K) UPPER LESLIE GULCH WILDER-
18 NESS.—Certain Federal land, comprising ap-
19 proximately 2,997 acres, as generally depicted
20 on the Map, which shall be known as the
21 “Upper Leslie Gulch Wilderness”.

22 (L) SLOCUM CREEK WILDERNESS.—Cer-
23 tain Federal land, comprising approximately
24 7,534 acres, as generally depicted on the Map,

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

3 (M) HONEYCOMBS WILDERNESS.—Certain
4 Federal land, comprising approximately 41,122
5 acres, as generally depicted on the Map, which
6 shall be known as the “Honeycombs Wilder-
7 ness”.

8 (N) COTTONWOOD CREEK WILDERNESS.—
9 Certain Federal land, comprising approximately
10 72,597 acres, as generally depicted on the Map,
11 which shall be known as the “Cottonwood Creek
12 Wilderness”.

13 (O) LOWER OWYHEE CANYON WILDER-
14 NESS.—Certain Federal land, comprising ap-
15 proximately 77,121 acres, as generally depicted
16 on the Map, which shall be known as the
17 “Lower Owyhee Canyon Wilderness”.

18 (P) WILD HORSE BASIN WILDERNESS.—
19 Certain Federal land, comprising approximately
20 18,402 acres, as generally depicted on the Map,
21 which shall be known as the “Wild Horse Basin
22 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 a map and legal description
2 of each wilderness area.

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

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

14 (3) MANAGEMENT.—

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

20 (i) any reference in that Act to the ef-
21 fective date of that Act shall be considered
22 to be a reference to the date of enactment
23 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 the wilderness areas, if established before the
7 date of enactment of this Act, in accordance
8 with—

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

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

18 The “number of livestock permitted” as used in
19 “guideline and policy” number 1 shall mean the
20 “Permitted use” animal unit months prescribed
21 in the existing Grazing Permits upon enactment
22 of this Act, in addition to any Nonrenewal
23 Grazing Permits issued by the Bureau within a
24 10-year period before enactment of this Act.
25 Said Appendix A shall control over of clause (i).

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

11 (i) Nothing in this Act requires any
12 restriction, inclusive of closure or seasonal
13 closure, of any road outside but adjacent
14 to the boundary of any wilderness designed
15 in subsection (b)(1).

16 (ii) The Secretary shall provide rea-
17 sonable access to any private lands, State
18 lands, or tribal lands within the boundaries
19 of any wilderness designated in subsection
20 (b)(1), or to any Private lands, State
21 lands, or Tribal lands near or adjacent to
22 any wilderness area that require reasonable
23 road access across any wilderness area if
24 road access is not otherwise provided
25 under subsection (a)(1)(A). For purposes

1 of this clause, the term “reasonable ac-
2 cess” includes any road existing on the
3 date of enactment of this Act. Any road
4 within or across any wilderness designated
5 in subsection (b)(1) shall be not less than
6 30-feet on each side of the centerline of the
7 road.

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

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

24 (I) members of the Burns-Paiute
25 Tribe (for cultural purposes only);

1 (II) the Bureau for fire suppres-
2 sion, invasive weed control, and range
3 management activities;

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

12 (IV) private land owners and
13 their agents, contractors, employees,
14 and invitees as related to access to
15 their private land, as provided for in
16 clause (ii); and

17 (V) the county and the State and
18 their agents, contractors and employ-
19 ees as related to access to State lands
20 and to access to any county public
21 roads, as provided for in as provided
22 for in clause (ii).

23 (D) FISH AND WILDLIFE MANAGEMENT
24 ACTIVITIES.—

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

9 (I) consistent with applicable wil-
10 derness management plans; and

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

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

1 populations that would enhance wilderness
2 values while causing the minimum impact
3 necessary to accomplish those tasks.

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

18 (c) MANAGEMENT OF FEDERAL LAND NOT DES-
19 IGNATED AS WILDERNESS.—

20 (1) FINDING.—Congress finds that, for pur-
21 poses of section 201(a) and section 603(c) of the
22 Federal Land Policy and Management Act of 1976
23 (43 U.S.C. 1711(a); 1782(c)), the Federal land des-
24 ignated in this Act as wilderness and all other Fed-

1 eral land in the County has been adequately inven-
2 toried and studied to allow for wilderness purposes.

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

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

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

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

23 (d) THE AMENDED NOTICE.—Three years after the
24 date of enactment of this Act, and to conform to give ef-
25 fect to this Act, the Secretary shall initiate a process to

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

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

19 (1) ROAD MAPS.—Not later than 60 days after
20 the date of the enactment of this Act, the Secretary
21 shall publish a map depicting all existing roads on
22 lands marked as “Unit Protected for Wilderness
23 Characteristics” and “Unit Managed for Other Re-
24 sources” in the notice entitled “Notice of Availability
25 of the Record of Decision and Approved Resource

1 Management Plan Amendment for the Southeastern
2 Oregon Resource Management Plan, Vale District,
3 Oregon” published by the Bureau of Land Manage-
4 ment in the Federal Register on February 2, 2024
5 (89 Fed. Reg. 14090) and amended on February 26,
6 2024.

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

13 (A) members of the Burns-Paiute Tribe;

14 (B) livestock grazing permittees;

15 (C) the Bureau as necessary for range
16 management including mechanical suppression
17 of fire or invasive weeds;

18 (D) private land owners and their agents,
19 contractors, employees, and invitees as related
20 to access to their private land; and

21 (E) the county and the State and their
22 agents, contractors, and employees as related to
23 access to State lands and to access to any coun-
24 ty public roads.

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

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

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

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

15 (1) CONVEYANCE AND TAKING INTO TRUST.—

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

22 (B) TRUST.—Land to which title is accept-
 23 ed by the Secretary under subparagraph (A)
 24 shall be held in trust by the United States for
 25 the benefit of the Burns Paiute Tribe.

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

(A) JONESBORO RANCH.—The parcel commonly known as “Jonesboro Ranch”, located approximately 6 miles east of Juntura, Oregon, consisting of 21,548 acres of Federal land, 6,686 acres of certain private land owned by the Burns Paiute Tribe and associated with the Jonesboro Ranch containing the pastures referred to as “Saddle Horse” and “Trail Horse”, “Indian Creek”, “Sperry Creek”, “Antelope Swales”, “Horse Camp”, “Dinner Creek”, “Upper Hunter Creek”, and “Tim’s Peak”, and more particularly described as follows:

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

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

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

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

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

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

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

8 (i) T. 20 S., R. 39 E., secs. 10, 11,
9 15, 14, 13, 21–28, and 36, Willamette Me-
10 ridian.

11 (ii) T. 20 S., R. 40 E., secs. 19, 30,
12 31, and 32, Willamette Meridian.

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

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

22 (5) LAND EXCHANGE.—Not later than 3 years
23 after the date of enactment of this Act, the Sec-
24 retary shall seek to enter into an agreement with the
25 State under which the Secretary would exchange

1 Federal land for the portions of the area described
2 in paragraph (2)(B) that are owned by the State.

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

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

13 (A) GRAZING ON LAND TO BE HELD IN
14 TRUST.—

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

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

22 (I) the Tribe shall give the Bu-
23 reau notice of cancellation of Per-
24 mitted Use Animal Unit Months with-
25 in the Trust Land;

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

18 (III) upon the effectiveness of the
19 cancellation of grazing within the
20 Trust Land, the Tribe shall fence out,
21 at its sole expense, and shall maintain
22 the fence, at its sole expense, the
23 Trust Land from the adjacent land to
24 ensure no drift of livestock occurs
25 from adjacent land. Should the Tribe

1 not timely fence out the Trust Land,
2 or maintain the fence, then any Graz-
3 ing Permittee(s) shall not be subject
4 to any unauthorized use for any drift
5 of livestock into the Trust Land from
6 adjacent land.

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

8 (A) MEMORANDUM OF UNDERSTANDING.—

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

20 (ii) REQUIREMENT.—The memo-
21 randum of understanding entered into
22 under clause (i) shall ensure that the Cas-
23 tle Rock Co-Stewardship Area is managed
24 in a manner that—

1 (I) ensures that Tribal interests
2 therein are considered;

3 (II) provides for protection of
4 cultural and archaeological resources;
5 located thereon;

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

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

16 (V) does not extend beyond the
17 boundaries of the co-stewardship area.

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

1 cordance with the memorandum of under-
2 standing entered into under subparagraph
3 (A)(i).

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

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

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

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

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

23 (F) LAND EXCHANGE ACTIVITIES.—Any
24 private land within the Castle Rock Co-Stew-
25 ardship Area, inclusive of the private land in

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

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

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

24 (B) location, entry, and patent under the
25 mining laws; and

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

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

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

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

17 (2) affects—

18 (A) existing access, rights-of-way, or ease-
19 ments; or

20 (B) preexisting grazing uses and existing
21 water rights or mining claims, except as specifi-
22 cally negotiated and agreed between the Burns
23 Paiute Tribe, the mineral claim holder, the
24 grazing permittee and the Secretary.

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

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

10 (1) the Federal land designated as wilderness
11 by this Act; and

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

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

20 (c) Livestock shall be managed on Federal land des-
21 ignated as wilderness by this Act in accordance with the
22 provisions of this Act.

23 (d) Livestock grazing shall not be abridged, prohib-
24 ited, restricted, or terminated on Federal land that is not
25 designated as wilderness by this Act, however the Sec-
26 retary shall continue management in accordance with the

1 Act of June 28, 1934 (commonly known as the “Taylor
2 Grazing Act”) (48 Stat. 1269, chapter 865; 43 U.S.C. 315
3 et seq.), section 402 of the Federal Land Policy and Man-
4 agement Act of 1976 (43 U.S.C. 1752), the provisions of
5 this Act, and other laws applicable to grazing.

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

○