

117TH CONGRESS
2D SESSION

S. 4752

To require the Secretary of the Interior to prepare a programmatic environmental impact statement allowing for adaptive management of certain Federal land in Malheur County, Oregon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2022

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

A BILL

To require the Secretary of the Interior to prepare a programmatic environmental impact statement allowing for adaptive management of certain 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:

1 (1) ACTIVE MANAGEMENT.—The term “active
2 management” means those actions that are proposed
3 or implemented—

4 (A) to address degraded or non-functioning
5 resource conditions that would not improve
6 without on-the-ground treatments;

7 (B) to respond to specific, identified re-
8 source conditions described in subparagraph
9 (A); and

10 (C) to meet resource objectives and desired
11 outcomes.

12 (2) ADAPTIVE MANAGEMENT.—The term
13 “adaptive management” means management based
14 on a relationship between research and management
15 practices in which management practices are devel-
16 oped and modified based on a recurring evaluation
17 of data, collected on a recurring basis by and for the
18 Monitoring Network, for the purpose of allowing
19 timely reactions to changing conditions on Federal
20 land—

21 (A) to achieve, retain, or improve the eco-
22 logical health and functionality of the Federal
23 land; and

24 (B) to achieve desired future conditions on
25 the Federal land.

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

3 (4) CENTER.—The term “Center” means the
4 Native Seed Center established under section
5 6(e)(1)(A).

6 (5) COMMISSIONER.—The term “Commis-
7 sioner” means the Commissioner of Reclamation.

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

10 (7) CULTURAL.—The term “cultural” means
11 relating to the sites, areas, or artifacts of, or tradi-
12 tional uses of land by, indigenous peoples.

13 (8) CULTURAL RESOURCES.—The term “cul-
14 tural resources” means—

15 (A) the sites, areas, and artifacts of indige-
16 nous peoples; and

17 (B) the existing uses of land by indigenous
18 peoples.

19 (9) ECOLOGICAL HEALTH.—The term “ecologi-
20 cal health” means the ability of the ecological proc-
21 esses of an ecosystem to function in a manner that
22 maintains the structure, composition, activity, and
23 resilience of the ecosystem over time, including an
24 ecologically appropriate diversity of plant commu-

1 nities, habitats, and conditions that are sustainable
 2 through successional processes.

3 (10) FEDERAL LAND.—

4 (A) IN GENERAL.—The term “Federal
 5 land” means all land in the County the title to
 6 which is held by the United States.

7 (B) EXCLUSIONS.—The term “Federal
 8 land” does not include—

9 (i) any Forest Service land; or

10 (ii) any land held in trust by the Bu-
 11 reau of Indian Affairs.

12 (11) INVASIVE SPECIES.—The term “invasive
 13 species” means a species of nonnative aggressive
 14 plant with the potential to cause—

15 (A) significant damage to a native eco-
 16 system; or

17 (B) significant economic losses.

18 (12) LOOP ROAD.—

19 (A) IN GENERAL.—The term “loop road”
 20 means a route determined by the Malheur CEO
 21 Group that is managed and maintained by the
 22 Bureau and the County for the purpose of pro-
 23 viding directed tourism and educational oppor-
 24 tunities in the County.

1 (B) INCLUSION.—The term “loop road”
 2 includes each of the roads described in para-
 3 graphs (2) through (5) of section 6(a).

4 (13) MALHEUR CEO ADVISORY COMMITTEE.—
 5 The term “Malheur CEO Advisory Committee”
 6 means the Malheur Community Empowerment for
 7 Owyhee Group Advisory Committee established
 8 under section 4(e)(7)(A).

9 (14) MALHEUR CEO GROUP.—The term
 10 “Malheur CEO Group” means the Malheur Commu-
 11 nity Empowerment for Owyhee Group established
 12 under section 4(e)(1).

13 (15) MONITORING DATA.—

14 (A) IN GENERAL.—The term “monitoring
 15 data” means data that is—

16 (i) collected through a memorandum
 17 of understanding entered into under sec-
 18 tion 4(e)(1); and

19 (ii) provided to the Bureau at a fre-
 20 quency sufficient—

21 (I) to monitor the ecological
 22 functionality of Federal land subject
 23 to a programmatic environmental im-
 24 pact statement prepared under section
 25 4(a)(1); and

1 (II) to use for adaptive manage-
2 ment of that Federal land.

3 (B) INCLUSION.—The term “monitoring
4 data” includes data in existence on the date of
5 enactment of this Act.

6 (16) MONITORING NETWORK.—The term “Mon-
7 itoring Network” means the network of monitoring
8 partners and protocols established under section
9 4(e)(1), including the parties to, and protocols estab-
10 lished under, each memorandum of understanding
11 entered into under that section for the purpose of
12 implementing adaptive management of the Federal
13 land.

14 (17) NATIVE SEED CENTER ESTABLISHMENT
15 GROUP.—The term “Native Seed Center Establish-
16 ment Group” means the group established pursuant
17 to the memorandum of understanding entered into
18 under section 6(e)(1)(B).

19 (18) PASSIVE MANAGEMENT.—The term “pas-
20 sive management” means those actions that are pro-
21 posed or implemented to address degraded or non-
22 functioning resource conditions that are expected to
23 improve without additional on-the-ground actions,
24 such that resource objectives and desired outcomes

1 are anticipated to be reached without additional
2 human intervention.

3 (19) RESTORATION AREA.—The term “restora-
4 tion area” means an area of Federal land in need
5 of active or passive management—

6 (A) to restore the ecological health of the
7 area; or

8 (B) to prevent the ecological degradation
9 of the area from—

10 (i) demonstrably encroaching invasive
11 species; or

12 (ii) other threats.

13 (20) SECRETARY.—The term “Secretary”
14 means the Secretary of the Interior.

15 **SEC. 3. PURPOSE AND OBJECTIVES.**

16 (a) PURPOSE.—The purpose of this Act is to promote
17 the long-term ecological health of the Federal land to sup-
18 port communities and natural resources.

19 (b) OBJECTIVES.—

20 (1) IN GENERAL.—To further the purpose de-
21 scribed in subsection (a), the Secretary shall manage
22 the Federal land for the benefit of present and fu-
23 ture generations—

24 (A) to support and grow local communities
25 and economies;

1 (B) to protect the cultural resources and
2 western traditions for which the Federal land is
3 known;

4 (C) to maintain grazing on the Federal
5 land—

6 (i) for the economic well-being of the
7 County; and

8 (ii) as a tool to improve the ecological
9 health of the Federal land;

10 (D) to protect and enhance the cultural,
11 ecological, and economic needs of the Burns
12 Paiute Tribe;

13 (E) to maintain and enhance the latest
14 available science-based adaptive management of
15 the Federal land;

16 (F) to prevent invasive species encroach-
17 ment and large fires through management prac-
18 tices that focus on restoration of the ecosystem;

19 (G) to ensure the conservation and im-
20 proved management of the ecological, social,
21 and economic environment, including geological,
22 biological, wildlife, fish, riparian, and scenic re-
23 sources;

24 (H) to address the management uncertain-
25 ties on the Federal land to provide greater sta-

bility of natural resource management on the
Federal land; and

(I) to promote and foster cooperation, communication, and understanding, and reduce conflict, among all users of the Federal land.

(2) APPROACH.—The Secretary shall carry out the duties of the Secretary under this Act in a manner that—

(A) furthers the purpose described in subsection (a) and the objectives described in paragraph (1);

(B) ensures the collection of relevant data to monitor and evaluate the ecological health of the Federal land;

(C) ensures that adaptive management actions improve the ecological health of the Federal land;

(D) builds inclusivity in the County by promoting the involvement of local grazing allotment holders, institutions of higher education, volunteers, Federal agencies, and other interested parties in the Monitoring Network while standardizing data collection; and

1 (E) promotes cooperation, communication,
 2 and understanding within the County to reduce
 3 conflict among all users of Federal land.

4 **SEC. 4. ADAPTIVE MANAGEMENT OF FEDERAL LAND IN**
 5 **THE COUNTY.**

6 (a) PROGRAMMATIC ENVIRONMENTAL IMPACT
 7 STATEMENT.—

8 (1) PREPARATION.—

9 (A) IN GENERAL.—Not later than 1 year
 10 after the date of enactment of this Act, and
 11 every 10 years thereafter, the Secretary, in con-
 12 sultation with the Commissioner and after ob-
 13 taining input from the Malheur CEO Group,
 14 shall prepare a programmatic environmental
 15 impact statement in accordance with the Na-
 16 tional Environmental Policy Act of 1969 (42
 17 U.S.C. 4321 et seq.) for the Federal land
 18 using—

19 (i) existing and up-to-date planning
 20 documents, processes, and data; and

21 (ii) in the case of the first pro-
 22 grammatic environmental impact state-
 23 ment, any planning and data documenta-
 24 tion that is in development on the date of
 25 enactment of this Act.

1 (B) PRIORITIES.—

2 (i) PRIORITY ACTIONS FOR MISSING
3 DATA.—The Secretary shall give priority to
4 the completion of any analysis relating to
5 areas on the landscape for which planning
6 or data are lacking during the year in
7 which a programmatic environmental im-
8 pact statement under subparagraph (A) is
9 prepared.

10 (ii) BASELINE SOIL AND VEGETATIVE
11 HEALTH ASSESSMENTS.—In carrying out
12 subparagraph (A), the Secretary shall give
13 priority to the completion of baseline soil
14 and vegetative health assessments on the
15 Federal land.

16 (C) PROTECTION OF THE FEDERAL
17 LAND.—In carrying out subparagraph (A), the
18 Secretary shall include an analysis of the condi-
19 tions and actions necessary to ensure that the
20 adaptive management carried out under a pro-
21 grammatic environmental impact statement will
22 not degrade the ecological health of the Federal
23 land.

24 (D) SUPPLEMENTATION OF EXISTING
25 GRAZING REGULATIONS.—A programmatic envi-

1 ronmental impact statement under subpara-
2 graph (A) shall supplement, and not supplant,
3 existing grazing regulations, including part
4 4100 of subchapter D of chapter II of subtitle
5 B of title 43, Code of Federal Regulations (or
6 successor regulations).

7 (E) CONSIDERATION OF OTHER LAW.—

8 The Secretary shall ensure that each pro-
9 grammatic environmental impact statement
10 under subparagraph (A) takes consideration of,
11 and is consistent with—

12 (i) the Archaeological Resources Pro-
13 tection Act of 1979 (16 U.S.C. 470aa et
14 seq.);

15 (ii) the Native American Graves Pro-
16 tection and Repatriation Act (25 U.S.C.
17 3001 et seq.);

18 (iii) division A of subtitle III of title
19 54, United States Code (formerly known
20 as the “National Historic Preservation
21 Act”); and

22 (iv) Executive Order No. 13007 (42
23 U.S.C. 1996 note; relating to Indian sa-
24 cred sites).

1 (2) ADAPTIVE MANAGEMENT.—Each pro-
2 grammatic environmental impact statement under
3 paragraph (1)(A) shall—

4 (A) provide baseline information on the ec-
5 ological health of the Federal land;

6 (B) define desired future ecological condi-
7 tions and outcomes;

8 (C) negate the need for project-specific en-
9 vironmental analysis for the management activi-
10 ties listed in clauses (i) through (ix) of subpara-
11 graph (D); and

12 (D) to restore and improve the ecological
13 health of the Federal land and related riparian
14 areas, lead to or enhance the use of adaptive
15 management of the Federal land for—

16 (i) the management of invasive species
17 through the use, as the Secretary deter-
18 mines to be appropriate, of available tools,
19 including—

20 (I) mechanical tools;

21 (II) hand tools;

22 (III) chemical tools;

23 (IV) biological tools; and

24 (V) livestock for varied season

25 use;

1 (ii) the maintenance of existing water
2 infrastructure;

3 (iii) the improvement, including move-
4 ment, of existing water infrastructure, ex-
5 cept in an area in which there are species
6 listed as threatened species or endangered
7 species under the Endangered Species Act
8 of 1973 (16 U.S.C. 1531 et seq.);

9 (iv) the culturally appropriate protec-
10 tion of areas for restoration of wildlife
11 habitat through—

12 (I) offsite water developments;

13 (II) wildlife-friendly fencing; and

14 (III) vegetation management to
15 protect—

16 (aa) the natural integrity of
17 spring sites;

18 (bb) native species diversity;

19 (cc) water quality; and

20 (dd) soil heath;

21 (v) the protection and use of existing
22 water infrastructure, including—

23 (I) the use of existing water in-
24 frastructure to distribute livestock

1 and wildlife, including wild horses,
2 for—

3 (aa) the protection of ripar-
4 ian areas, springs, wetlands, or
5 other mesic sites; and

6 (bb) the ecological improve-
7 ment of rangeland by domestic
8 species;

9 (II) the prevention of fragmenta-
10 tion of habitat;

11 (III) the preservation of existing
12 water infrastructure that has not ex-
13 perience invasion by an invasive spe-
14 cies; and

15 (IV) the restoration of existing
16 water infrastructure that has experi-
17 enced degradation by an invasive spe-
18 cies.

19 (vi) the repair, removal, or construc-
20 tion of fences, as necessary, in response to
21 land designations, in accordance with wild-
22 life or domestic animal management needs;

23 (vii) the maintenance of existing
24 roads, if that maintenance does not con-

stitute an improvement amounting to a
new road category;

(viii) the removal of juniper where
ecologically appropriate for the benefit of
improving or conserving ecological func-
tion; and

(ix) the use of prescribed fire to re-
duce fuel loads where ecologically appro-
priate.

(3) NO EFFECT ON SUBSURFACE MINERAL
RIGHTS.—A programmatic environmental impact
statement under paragraph (1)(A) shall not affect
any subsurface mineral rights.

(4) MINIMUM REQUIREMENTS ANALYSES.—

(A) IN GENERAL.—Each programmatic en-
vironmental impact statement under paragraph
(1)(A) shall include a minimum requirements
analysis under appendix B of section 6340 of
the Bureau of Land Management Manual
(Management of Designated Wilderness Areas)
(as in effect on the date of enactment of this
Act) for the proposed management activities in-
cluded in the programmatic environmental im-
pact statement.

1 (B) PROJECT-SPECIFIC ANALYSES.—A
 2 project-specific minimum requirements analysis
 3 shall not be required for any site-specific activ-
 4 ity that is covered under a programmatic envi-
 5 ronmental impact statement referred to in sub-
 6 paragraph (A).

7 (b) PLANNING AND REPORTING REQUIREMENTS.—
 8 (1) RESTORATION AREA PLAN.—

9 (A) IN GENERAL.—Not later than 1 year
 10 after the date of enactment of this Act, the Sec-
 11 retary, in consultation with the Malheur CEO
 12 Group and the Monitoring Network, shall de-
 13 velop a plan, using existing data and planning
 14 documents, for the restoration of areas that are
 15 ecologically degraded on the date of enactment
 16 of this Act.

17 (B) REQUIREMENT.—The plan under sub-
 18 paragraph (A) shall describe—

19 (i) the restoration areas to be treated
 20 under the plan;

21 (ii) the restoration objectives and de-
 22 sired ecological outcomes for the restora-
 23 tion areas;

1 (iii) the priority of restoration areas
 2 to be treated under the plan, including the
 3 reasons for such priority;

4 (iv) the prescribed treatments under
 5 the plan, including the use of newer and
 6 developing technologies;

7 (v) the timing of treatments under the
 8 plan; and

9 (vi) the monitoring methods and tech-
 10 niques that will be used to measure and
 11 evaluate success relative to the restoration
 12 objectives and desired ecological outcomes
 13 described in clause (ii).

14 (2) REPORT ON AREAS MOST AT RISK OF BEING
 15 ECOLOGICALLY DEGRADED.—Not later than 1 year
 16 after the date of enactment of this Act, the Sec-
 17 retary, in consultation with the Malheur CEO Group
 18 and the Monitoring Network, shall develop a report
 19 and a plan that identifies the Federal land most at
 20 risk of being ecologically degraded, including an as-
 21 sessment of management options to keep the Fed-
 22 eral land intact, including the option of no active
 23 management.

24 (c) MALHEUR COMMUNITY EMPOWERMENT FOR
 25 OWYHEE GROUP.—

1 (1) ESTABLISHMENT.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall establish a group, to be known as the
4 “Malheur Community Empowerment for Owyhee
5 Group”—

6 (A) to improve collaborative relationships
7 among—

8 (i) the members of the Malheur CEO
9 Group; and
10 (ii) the types of entities that those
11 members represent; and

12 (B) to provide advice and recommenda-
13 tions to the Secretary relating to the monitoring
14 and management of the Federal Land, in ac-
15 cordance with the purpose and objectives de-
16 scribed in section 3.

17 (2) MEMBERSHIP.—

18 (A) IN GENERAL.—The Malheur CEO
19 Group shall consist of 13 members, of whom—

20 (i) 6 shall be representatives of ranch-
21 ing businesses in the County;

22 (ii) 6 shall be representatives of other
23 businesses or conservation or recreation or-
24 ganizations, of whom 2 shall reside in the
25 County; and

1 (iii) 1 shall be a representative of the
2 Burns Paiute Tribe.

3 (B) APPOINTMENT.—

4 (i) IN GENERAL.—Members of the
5 Malheur CEO Group shall be appointed by
6 the Secretary, with advice from—

7 (I) the manager of the Vale Dis-
8 trict of the Bureau;

9 (II) any Member of the House of
10 Representatives who represents a dis-
11 trict in which the Federal land is lo-
12 cated; and

13 (III) the Governor of the State of
14 Oregon.

15 (ii) INITIAL APPOINTMENTS.—Not
16 later than 180 days after the date of en-
17 actment of this Act, the Secretary shall ap-
18 point the initial members of the Malheur
19 CEO Group.

20 (iii) TERMS.—Each member of the
21 Malheur CEO Group shall serve for a term
22 of 3 years.

23 (iv) REAPPOINTMENT.—A member of
24 the Malheur CEO Group may be re-

1 appointed for 1 or more additional 3-year
2 terms.

3 (v) VACANCIES.—A vacancy on the
4 Malheur CEO Group shall be filled—

5 (I) as soon as practicable after
6 the vacancy occurs; and

7 (II) in the same manner as the
8 original appointment.

9 (C) COMPENSATION AND EXPENSES.—

10 (i) COMPENSATION.—Members of the
11 Malheur CEO Group shall serve without
12 compensation.

13 (ii) TRAVEL EXPENSES.—Each mem-
14 ber of the Malheur CEO Group shall re-
15 ceive, from the Secretary, travel expenses,
16 including per diem in lieu of subsistence,
17 in accordance with sections 5702 and 5703
18 of title 5, United States Code.

19 (D) CHAIRPERSON.—A chairperson shall
20 be elected by a majority of the members of the
21 Malheur CEO Group.

22 (3) DUTIES.—

23 (A) IN GENERAL.—The Malheur CEO
24 Group shall—

1 (i) review each project proposed to the
2 Bureau by members of the Malheur CEO
3 Group, ranchers holding grazing permits
4 on the Federal land, or other members of
5 the public to be carried out using the anal-
6 ysis completed by a programmatic environ-
7 mental impact statement prepared under
8 subsection (a)(1);

9 (ii) propose projects and funding to
10 the Secretary under this Act;

11 (iii) provide early and continuous co-
12 ordination with appropriate officials of
13 land management agencies in the County
14 in recommending projects consistent with
15 purposes of this Act; and

16 (iv) provide frequent opportunities for
17 citizens, organizations, Tribes, land man-
18 agement agencies, and other interested
19 parties to participate openly and meaning-
20 fully in the project development process,
21 including in the early stages of the process.

22 (B) PROJECTS PROPOSED TO THE SEC-
23 RETARY.—The Malheur CEO Group may pro-
24 pose a project to the Secretary if the project
25 has been approved by a majority of the mem-

1 bers voting at an official meeting of the
2 Malheur CEO Group.

3 (4) MEETINGS.—

4 (A) IN GENERAL.—A quorum is required
5 for an official meeting of the Malheur CEO
6 Group.

7 (B) QUORUM.—A quorum shall consist
8 of—

9 (i) a combination of members that—

10 (I) constitutes a majority of the
11 members of the Malheur CEO Group;
12 and

13 (II) consists of at least as many
14 members described in clause (i) of
15 paragraph (2)(A) as the total number
16 of members described in clauses (ii)
17 and (iii) of that paragraph; or

18 (ii) all of the members of the Malheur
19 CEO Group.

20 (C) OPEN MEETINGS.—Each meeting of
21 the Malheur CEO Group shall—

22 (i) be announced in a local newspaper
23 of record, as determined by the Secretary,
24 not less than 1 week in advance of the
25 meeting; and

1 (ii) be open to the public.

2 (D) RECORDS.—The Malheur CEO Group
3 shall—

4 (i) maintain records of each meeting;

5 and

6 (ii) make those records available for
7 public inspection.

8 (5) BYLAWS.—

9 (A) IN GENERAL.—The members of the
10 Malheur CEO Group shall establish bylaws for
11 the Malheur CEO Group.

12 (B) REQUIREMENT.—Bylaws may be es-
13 tablished under subparagraph (A) on approval
14 by—

15 (i) a combination of members that—

16 (I) constitutes a majority of the
17 members of the Malheur CEO Group;
18 and

19 (II) consists of at least as many
20 members described in clause (i) of
21 paragraph (2)(A) as the total number
22 of members described in clauses (ii)
23 and (iii) of that paragraph; or

24 (ii) all of the members of the Malheur
25 CEO Group.

1 (6) DETAIL OF FEDERAL EMPLOYEES.—

2 (A) IN GENERAL.—On request of the
3 Malheur CEO Group, the Secretary may detail,
4 with or without reimbursement, any of the per-
5 sonnel of the Department of the Interior to as-
6 sist the Malheur CEO Group in carrying out
7 the duties described in paragraph (3).

8 (B) CIVIL SERVICE STATUS.—Any detail of
9 a Federal employee under subparagraph (A)
10 shall not interrupt or otherwise affect the civil
11 service status or privileges of the Federal em-
12 ployee detailed.

13 (7) MALHEUR COMMUNITY EMPOWERMENT FOR
14 OWYHEE GROUP ADVISORY COMMITTEE.—

15 (A) ESTABLISHMENT.—Not later than 60
16 days after the date on which the Malheur CEO
17 Group is established under paragraph (1), the
18 Malheur CEO Group shall establish an advisory
19 committee, to be known as the “Malheur Com-
20 munity Empowerment for Owyhee Group Advi-
21 sory Committee”, to provide input to the
22 Malheur CEO Group, including scientific, cul-
23 tural, historical, and other advice, as needed,
24 regarding management of the Federal land—

1 (i) to ensure that the work of the
2 Malheur CEO Group is well-informed and
3 relevant to the Federal land; and

4 (ii) to promote adaptive management
5 of the Federal land in accordance with a
6 programmatic environmental impact state-
7 ment prepared under subsection (a)(1).

8 (B) MEMBERSHIP.—

9 (i) IN GENERAL.—The Malheur CEO
10 Advisory Committee shall consist of—

11 (I) members of the Malheur CEO
12 Group;

13 (II) representatives of Indian
14 tribes, including at least 1 representa-
15 tive of the Burns Paiute Tribe;

16 (III) representatives of the sci-
17 entific and research communities, in-
18 cluding individuals with expertise in
19 scientific matters relevant to the Fed-
20 eral land, as determined by the
21 Malheur CEO Group; and

22 (IV) representatives of any other
23 entity or interest relevant to the Fed-
24 eral land, as determined by the
25 Malheur CEO Group.

1 (ii) APPOINTMENT.—

2 (I) IN GENERAL.—The Malheur
3 CEO Group shall appoint the mem-
4 bers of the Malheur CEO Advisory
5 Committee.

6 (II) INITIAL APPOINTMENTS.—
7 Not later than 60 days after the date
8 on which the Malheur CEO Group is
9 established under paragraph (1), the
10 Malheur CEO Group shall appoint the
11 initial members of the Malheur CEO
12 Advisory Committee.

13 (III) TERMS.—Each member of
14 the Malheur CEO Advisory Com-
15 mittee shall serve for such period as
16 the Malheur CEO Group determines
17 to be appropriate.

18 (IV) REAPPOINTMENT.—A mem-
19 ber of the Malheur CEO Advisory
20 Committee may be reappointed for 1
21 or more additional terms.

22 (V) VACANCIES.—A vacancy on
23 the Malheur CEO Advisory Com-
24 mittee shall be filled—

1 (aa) as soon as practicable
2 after the vacancy occurs; and

3 (bb) in the same manner as
4 the original appointment.

5 (iii) COMPENSATION AND EX-
6 PENSES.—

7 (I) COMPENSATION.—Members
8 of the Malheur CEO Advisory Com-
9 mittee shall serve without compensa-
10 tion.

11 (II) TRAVEL EXPENSES.—Each
12 member of the Malheur CEO Advisory
13 Committee shall receive, from the Sec-
14 retary, travel expenses, including per
15 diem in lieu of subsistence, in accord-
16 ance with sections 5702 and 5703 of
17 title 5, United States Code.

18 (8) INAPPLICABILITY OF FEDERAL ADVISORY
19 COMMITTEE ACT.—The Federal Advisory Committee
20 Act (5 U.S.C. App.) shall not apply to the Malheur
21 CEO Group or the Malheur CEO Advisory Com-
22 mittee.

23 (d) ONGOING CONSULTATION.—

24 (1) IN GENERAL.—In carrying out adaptive
25 management under a programmatic environmental

1 impact statement prepared under subsection (a)(1)
 2 and monitoring under subsection (e), the Secretary
 3 shall consult with the Malheur CEO Group and
 4 work toward a consensus with respect to—

5 (A) the implementation of policies and
 6 practices;

7 (B) any lessons learned from that imple-
 8 mentation; and

9 (C) the adaptation of those policies and
 10 practices—

11 (i) to reflect any lessons learned from
 12 the implementation; and

13 (ii) to incorporate the results of the
 14 monitoring carried out under subsection
 15 (e).

16 (2) FREQUENCY.—The Secretary shall consult
 17 with the Malheur CEO Group not less frequently
 18 than once every 60 days for the 4-year period begin-
 19 ning on the date on which the Malheur CEO Group
 20 is established under subsection (c)(1), and as nec-
 21 essary thereafter.

22 (e) MONITORING.—

23 (1) ESTABLISHMENT OF THE MONITORING NET-
 24 WORK.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding with the monitoring partners described in subparagraph (B) to establish a network, to be known as the “Monitoring Network”—

(i) to monitor, in accordance with this subsection, all Federal land subject to a programmatic environmental impact statement prepared under subsection (a)(1)(A); and

(ii) to carry out ecological research relating to that monitoring.

(B) MONITORING PARTNERS DESCRIBED.—The monitoring partners referred to in subparagraph (A) are—

(i) the Director of the Bureau;

(ii) the Director of the United States Fish and Wildlife Service;

(iii) the Chief of the Natural Resources Conservation Service;

(iv) the Oregon Department of Fish and Wildlife;

- 1 (v) the Oregon Department of Envi-
- 2 ronmental Quality;
- 3 (vi) the County;
- 4 (vii) the Malheur County Soil and
- 5 Water Conservation District;
- 6 (viii) relevant watershed councils in
- 7 the County, as determined by the Malheur
- 8 CEO Group;
- 9 (ix) the Burns Paiute Tribe;
- 10 (x) Oregon State University;
- 11 (xi) Treasure Valley Community Col-
- 12 lege;
- 13 (xii) existing holders or users of graz-
- 14 ing permits on the Federal land;
- 15 (xiii) representatives of conservation,
- 16 hunting, or fishing organizations; and
- 17 (xiv) any other individual or entity
- 18 that, in the determination of the Secretary,
- 19 collects or holds data relevant to the moni-
- 20 toring, in accordance with this section, of
- 21 the Federal land subject to a pro-
- 22 grammatic environmental impact state-
- 23 ment prepared under subsection (a)(1).

24 (2) LEADERSHIP OF THE MONITORING NET-

25 WORK.—The Chief of the Natural Resources Con-

1 servation Service and the Director of the Bureau
2 shall lead the Monitoring Network unless the parties
3 to the memorandum of understanding described in
4 paragraph (1) choose another Federal official to lead
5 the Monitoring Network.

6 (3) REQUIREMENTS.—The Monitoring Network
7 shall carry out monitoring and research—

8 (A) using agreed upon protocols for the
9 collection of data to inform the adaptive man-
10 agement actions necessary to achieve a desired
11 range of future conditions;

12 (B) using the latest available science-based
13 ecological framework to provide more frequent
14 and timely data relating to the ecological
15 functionality of the Federal land subject to a
16 programmatic environmental impact statement
17 prepared under subsection (a)(1) than the data
18 that the Bureau was able to acquire before the
19 date of enactment of this Act through—

20 (i) the independent efforts of the Bu-
21 reau; or

22 (ii) existing cooperative agreements;

23 (C) that provides data that can be used by
24 the Secretary in real-time, as baseline data and
25 as data indicating changes in conditions, for

1 adaptive management of the Federal land in ac-
2 cordance with a programmatic environmental
3 impact statement prepared under subsection
4 (a)(1); and

5 (D) that includes monitoring and research
6 of ecological health, including the collection of
7 data on—

8 (i) the relationship between invasive
9 species and fires, including information re-
10 garding the frequency and severity of any
11 fires, updated not less frequently than once
12 each year;

13 (ii) soils and vegetation, for the pur-
14 pose of preparing a complete inventory of
15 all soils and vegetation within the Federal
16 land, updated not less frequently than once
17 every 10 years;

18 (iii) wildlife, including migration cor-
19 ridors and the status of habitat fragmenta-
20 tion;

21 (iv) wild or feral horses or trespass
22 livestock;

23 (v) the availability and management
24 of water on the land, including the use of
25 updated water infrastructure;

- 1 (vi) the effects of the removal of juni-
- 2 per;
- 3 (vii) invasive species;
- 4 (viii) sage brush steppe ecosystems;
- 5 (ix) wetlands, riparian areas, springs,
- 6 seeps, and other mesic sites; and
- 7 (x) recreation, including—
- 8 (I) recreation in any component
- 9 of the National Wild and Scenic Riv-
- 10 ers System;
- 11 (II) recreation north and south of
- 12 the Owyhee dam; and
- 13 (III) recreation relating to loop
- 14 roads, including—
- 15 (aa) the use of the roads;
- 16 (bb) the economic impact of
- 17 the roads;
- 18 (cc) the effects of the roads
- 19 on domestic and wild flora and
- 20 fauna; and
- 21 (dd) the effects of the roads
- 22 on—
- 23 (AA) cultural uses of
- 24 the land; and
- 25 (BB) cultural artifacts.

1 (4) DEADLINE FOR BASELINE DATA.—Not later
2 than 180 days after the date on which the Moni-
3 toring Network is established under paragraph (1),
4 the Monitoring Network shall begin—

5 (A) compiling existing baseline data;

6 (B) incorporating new baseline data as
7 that data is acquired; and

8 (C) making that baseline data available to
9 the public.

10 (5) USE OF MONITORING DATA.—

11 (A) IN GENERAL.—Monitoring data col-
12 lected by the Monitoring Network shall inform
13 management planning decisions relating to the
14 actions covered by a programmatic environ-
15 mental impact statement prepared under sub-
16 section (a)(1), as determined by the Secretary.

17 (B) EFFECT OF VIOLATIONS.—If moni-
18 toring data described in subparagraph (A)
19 shows that a holder or user of a grazing permit
20 is not in substantial compliance with the appli-
21 cable management plan or any use of flexible
22 management granted by a programmatic envi-
23 ronmental impact statement prepared under
24 subsection (a)(1), that holder or user shall not
25 be permitted further access to any flexible man-

agement granted by the programmatic environmental impact statement until—

(i) the holder or user takes corrective action; and

(ii) monitoring data shows that the corrective action taken by the holder or user has improved the ecological health of the affected land, as determined by the Secretary.

(C) EFFECT OF IMPROVEMENTS.—

(i) SUSPENDED ANIMAL UNIT MONTHS.—The Secretary shall restore for use by a holder or user of a grazing permit any animal unit months held by that holder or user that were suspended, in a quantity commensurate with the carrying capacity of the relevant land, as determined by the Secretary, if—

(I) monitoring data shows that the holder or user is in substantial compliance with—

(aa) the applicable management plan; and

(bb) the use of flexible management granted by a pro-

1 grammatic environmental impact
2 statement prepared under sub-
3 section (a)(1); and

4 (II) the conditions of the allot-
5 ments of that holder or user will sup-
6 port additional animal unit months
7 beyond the animal unit months as-
8 signed to that holder or user.

9 (ii) IMPROVED CARRYING CAPACITY.—

10 The Secretary shall consider increasing the
11 quantity of animal unit months held by a
12 holder or user of a grazing permit if moni-
13 toring data shows an increased carrying
14 capacity on the relevant land.

15 (6) DEPLOYMENT AND USE OF MODERN TECH-
16 NOLOGY.—To the maximum extent practicable, the
17 Secretary shall deploy, use, and request the use of
18 modern technology to carry out the monitoring re-
19 ferred to in paragraph (1), including—

20 (A) unmanned aerial systems;

21 (B) satellite imagery;

22 (C) Global Positioning Systems and tab-
23 lets;

24 (D) weather stations; and

25 (E) stream gauges.

1 (7) SOIL AND VEGETATION SURVEYS.—Not
 2 later than 180 days after the date of enactment of
 3 this Act, the Secretary shall enter into a memo-
 4 randum of understanding for internships and work-
 5 force development to carry out soil and vegetation
 6 surveys on the Federal land with—

7 (A) the Chief of the Natural Resources
 8 Conservation Service;

9 (B) the American Conservation Experi-
 10 ence;

11 (C) Oregon State University;

12 (D) Treasure Valley Community College;

13 (E) the Burns Paiute Tribe; and

14 (F) local high schools in the County.

15 (8) NO EFFECT ON EXISTING FEES.—Nothing
 16 in this subsection affects any Federal, State, Tribal,
 17 or local grazing or other fee generated in the County
 18 under existing law (including regulations).

19 (f) ENFORCEMENT.—

20 (1) DIRECT ENFORCEMENT BY THE SEC-
 21 RETARY.—The Secretary shall enforce compliance
 22 with—

23 (A) any requirement relating to the moni-
 24 toring of Federal land under subsection (e); and

1 (B) any policy or practice implemented by
 2 the Secretary in response to that monitoring.

3 (2) ENFORCEMENT BY THE COUNTY.—

4 (A) IN GENERAL.—The Secretary may
 5 make grants to County law enforcement agen-
 6 cies to assist in the enforcement of any require-
 7 ment relating to the monitoring of county
 8 roads.

9 (B) ADDITIONAL LAW ENFORCEMENT OF-
 10 FICERS AND PERSONNEL.—The County may
 11 use funds received through a grant under this
 12 paragraph to hire not more than 4 additional
 13 law enforcement officers or personnel.

14 (3) MONITORING AND ENFORCEMENT BY IN-
 15 DIAN TRIBES.—The Secretary shall make grants to
 16 Indian Tribes—

17 (A) to assist the Secretary in the moni-
 18 toring required under subsection (e); and

19 (B) to assist in the enforcement of—

20 (i) any requirement relating to the
 21 monitoring of Federal land under sub-
 22 section (e); and

23 (ii) any policy or practice implemented
 24 by the Secretary in response to that moni-
 25 toring.

1 (g) AUTHORIZATION OF RESOURCES FOR INCREASED
2 WORKFORCE.—

3 (1) IN GENERAL.—To carry out this section, in-
4 cluding any monitoring and enforcement under this
5 section, the Secretary may hire additional employees
6 for the Vale District of the Bureau.

7 (2) SOIL AND VEGETATIVE HEALTH SURVEY
8 WORKFORCE.—

9 (A) INITIAL COMPLETION OF BASELINE
10 SOIL AND VEGETATIVE HEALTH SURVEY.—To
11 complete the soil and vegetative health surveys
12 under subsection (e)(7), the Secretary shall use
13 existing protocols and hire, for the Vale District
14 of the Bureau—

15 (i) 4 employees to survey 200,000
16 acres of Federal land each year until the
17 survey of Federal land is completed; or

18 (ii) to complete the survey of Federal
19 land in 1 year, 40 employees for a period
20 of 1 year.

21 (B) UPDATES TO THE SURVEY.—To up-
22 date the survey not less frequently than once
23 every 10 years, the Secretary shall hire, for the
24 Vale District of the Bureau, 6 employees to

1 survey not less than 460,000 acres of Federal
2 land each year on an ongoing basis.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be
5 appropriated to the Secretary—

6 (A) to carry out monitoring and enforce-
7 ment under this section, \$10,000,000 for each
8 of fiscal years 2023 through 2033;

9 (B) to carry out soil and vegetation sur-
10 veys under subsection (e)(7), \$10,000,000 for
11 each of fiscal years 2023 through 2033;

12 (C) to make grants under subsection (f)(2)
13 to County law enforcement agencies,
14 \$10,000,000 for each of fiscal years 2023
15 through 2033; and

16 (D) to make grants under subsection (f)(3)
17 for monitoring and enforcement by Indian
18 Tribes, \$7,000,000 for each of fiscal years 2023
19 through 2033.

20 (2) INCREASED APHIS FUNDING.—There is au-
21 thorized to be appropriated to the Administrator of
22 the Animal and Plant Health Inspection Service to
23 support innovative technologies to reduce invasive
24 species, including invasive weeds and invasive annual

1 grasses on the Federal land, \$1,000,000 for each of
2 fiscal years 2023 through 2033.

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

4 (a) DEFINITIONS.—In this section:

5 (1) COVERED SEGMENT.—The term “covered
6 segment” means the river segment designated by
7 paragraph (231) of section 3(a) of the Wild and Sce-
8 nic Rivers Act (16 U.S.C. 1274(a)) (as added by
9 subsection (d)(1)).

10 (2) MAP.—The term “Map” means the map en-
11 titled “Proposed Wilderness Malheur County” and
12 dated November 6, 2019.

13 (3) WILDERNESS AREA.—The term “wilderness
14 area” means a wilderness area designated by sub-
15 section (b)(1).

16 (b) DESIGNATION OF WILDERNESS AREAS.—

17 (1) IN GENERAL.—In accordance with the Wil-
18 derness Act (16 U.S.C. 1131 et seq.), the following
19 Federal land in the County comprising approxi-
20 mately 1,133,481 acres, as generally depicted on the
21 Map, is designated as wilderness and as components
22 of the National Wilderness Preservation System:

23 (A) FIFTEENMILE CREEK WILDERNESS.—

24 Certain Federal land managed by the Bureau of
25 Land Management, comprising approximately

1 58,599 acres, as generally depicted on the Map,
2 which shall be known as the “Fifteenmile Creek
3 Wilderness”.

4 (B) OREGON CANYON MOUNTAINS WILDER-
5 NESS.—Certain Federal land managed by the
6 Bureau of Land Management, comprising ap-
7 proximately 57,891 acres, as generally depicted
8 on the Map, which shall be known as the “Or-
9 egon Canyon Mountains Wilderness”.

10 (C) TWELVEMILE CREEK WILDERNESS.—
11 Certain Federal land managed by the Bureau of
12 Land Management, comprising approximately
13 37,779 acres, as generally depicted on the Map,
14 which shall be known as the “Twelvemile Creek
15 Wilderness”.

16 (D) UPPER WEST LITTLE OWYHEE WIL-
17 DERNESS.—Certain Federal land managed by
18 the Bureau of Land Management, comprising
19 approximately 93,159 acres, as generally de-
20 picted on the Map, which shall be known as the
21 “Upper West Little Owyhee Wilderness”.

22 (E) LOOKOUT BUTTE WILDERNESS.—Cer-
23 tain Federal land managed by the Bureau of
24 Land Management, comprising approximately
25 66,194 acres, as generally depicted on the Map,

1 which shall be known as the “Lookout Butte
2 Wilderness”.

3 (F) OWYHEE RIVER CANYON WILDER-
4 NESS.—Certain Federal land managed by the
5 Bureau of Land Management, comprising ap-
6 proximately 223,586 acres, as generally de-
7 picted on the Map, which shall be known as the
8 “Mary Gautreaux Owyhee River Canyon Wil-
9 derness”.

10 (G) TWIN BUTTE WILDERNESS.—Certain
11 Federal land managed by the Bureau of Land
12 Management, comprising approximately 18,135
13 acres, as generally depicted on the Map, which
14 shall be known as the “Twin Butte Wilder-
15 ness”.

16 (H) CAIRN “C” WILDERNESS.—Certain
17 Federal land managed by the Bureau of Land
18 Management, comprising approximately 8,946
19 acres, as generally depicted on the Map, which
20 shall be known as the “Cairn ‘C’ Wilderness”.

21 (I) OREGON BUTTE WILDERNESS.—Cer-
22 tain Federal land managed by the Bureau of
23 Land Management, comprising approximately
24 32,010 acres, as generally depicted on the Map,

1 which shall be known as the “Oregon Butte
2 Wilderness”.

3 (J) DEER FLAT WILDERNESS.—Certain
4 Federal land managed by the Bureau of Land
5 Management, comprising approximately 12,266
6 acres, as generally depicted on the Map, which
7 shall be known as the “Deer Flat Wilderness”.

8 (K) SACRAMENTO HILL WILDERNESS.—
9 Certain Federal land managed by the Bureau of
10 Land Management, comprising approximately
11 9,568 acres, as generally depicted on the Map,
12 which shall be known as the “Sacramento Hill
13 Wilderness”.

14 (L) COYOTE WELLS WILDERNESS.—Cer-
15 tain Federal land managed by the Bureau of
16 Land Management, comprising approximately
17 7,147 acres, as generally depicted on the Map,
18 which shall be known as the “Coyote Wells Wil-
19 derness”.

20 (M) BIG GRASSEY WILDERNESS.—Certain
21 Federal land managed by the Bureau of Land
22 Management, comprising approximately 45,192
23 acres, as generally depicted on the Map, which
24 shall be known as the “Big Grassey Wilder-
25 ness”.

1 (N) LITTLE GROUNDHOG RESERVOIR WIL-
2 DERNESS.—Certain Federal land managed by
3 the Bureau of Land Management, comprising
4 approximately 5,272 acres, as generally de-
5 picted on the Map, which shall be known as the
6 “Little Groundhog Reservoir Wilderness”.

7 (O) LOWER OWYHEE CANYON WILDER-
8 NESS.—Certain Federal land managed by the
9 Bureau of Land Management, comprising ap-
10 proximately 79,947 acres, as generally depicted
11 on the Map, which shall be known as the “Mary
12 Gautreaux Lower Owyhee Canyon Wilderness”.

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

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

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

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

12 (T) UPPER LESLIE GULCH WILDERNESS.—
13 Certain Federal land managed by the Bureau of
14 Land Management, comprising approximately
15 2,911 acres, as generally depicted on the Map,
16 which shall be known as the “Upper Leslie
17 Gulch Wilderness”.

18 (U) SLOCUM CREEK WILDERNESS.—Cer-
19 tain Federal land managed by the Bureau of
20 Land Management, comprising approximately
21 7,528 acres, as generally depicted on the Map,
22 which shall be known as the “Slocum Creek
23 Wilderness”.

24 (V) HONEYCOMBS WILDERNESS.—Certain
25 Federal land managed by the Bureau of Land

1 Management, comprising approximately 40,099
2 acres, as generally depicted on the Map, which
3 shall be known as the “Honeycombs Wilder-
4 ness”.

5 (W) WILD HORSE BASIN WILDERNESS.—
6 Certain Federal land managed by the Bureau of
7 Land Management, comprising approximately
8 18,381 acres, as generally depicted on the Map,
9 which shall be known as the “Wild Horse Basin
10 Wilderness”.

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

17 (Y) THE TONGUE WILDERNESS.—Certain
18 Federal land managed by the Bureau of Land
19 Management, 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 managed by the Bureau of
24 Land Management, comprising approximately
25 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 managed by the
5 Bureau of Land Management, comprising ap-
6 proximately 77,828 acres, as generally depicted
7 on the Map, which shall be known as the “Cot-
8 tonwood Creek Wilderness”.

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

15 (CC) WEST FORK BENDIRE WILDER-
16 NESS.—Certain Federal land managed by the
17 Bureau of Land Management, comprising ap-
18 proximately 10,519 acres, as generally depicted
19 on the Map, which shall be known as the “West
20 Fork Bendire Wilderness”.

21 (DD) BEAVER DAM CREEK WILDER-
22 NESS.—Certain Federal land managed by the
23 Bureau of Land Management, comprising ap-
24 proximately 19,080 acres, as generally depicted

1 on the Map, which shall be known as the “Bea-
2 ver Dam Creek Wilderness”.

3 (2) MAPS AND LEGAL DESCRIPTIONS.—

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

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

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

20 (3) MANAGEMENT.—

21 (A) IN GENERAL.—Subject to valid exist-
22 ing rights, the wilderness areas shall be admin-
23 istered by the Secretary in accordance with—

24 (i) this subsection;

1 (ii) the Wilderness Act (16 U.S.C.
2 1131 et seq.), except that—

3 (I) any reference in that Act to
4 the effective date of that Act shall be
5 considered to be a reference to the
6 date of enactment of this Act; and

7 (II) any reference in that Act to
8 the Secretary of Agriculture shall be
9 considered to be a reference to the
10 Secretary; and

11 (iii) section 6340 of the Bureau of
12 Land Management Manual (Management
13 of Designated Wilderness Areas) (as in ef-
14 fect on the date of enactment of this Act).

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

20 (i) this Act;

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

23 (iii) 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. 18 Rept.
3 101–405); and

4 (iv) any other Federal law that ap-
5 plies to livestock grazing on Federal public
6 land.

7 (C) FIRE MANAGEMENT AND RELATED AC-
8 TIVITIES.—

9 (i) IN GENERAL.—The Secretary may
10 carry out any activities in the wilderness
11 areas that the Secretary determines to be
12 necessary for the control of fire, insects,
13 and diseases, in accordance with—

14 (I) this Act;

15 (II) section 4(d)(1) of the Wil-
16 derness Act (16 U.S.C. 1133(d)(1));
17 and

18 (III) the report of the Committee
19 on Interior and Insular Affairs of the
20 House of Representatives accom-
21 panying H.R. 1437 of the 98th Con-
22 gress (House Report 98–40).

23 (ii) INCLUSIONS.—Authorized activi-
24 ties under clause (i) shall include the use

of mechanical treatments in the wilderness areas by first responders.

(D) INVASIVE SPECIES MANAGEMENT AND RELATED ACTIVITIES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may carry out any activities in the wilderness areas that the Secretary determines to be necessary for the control and manipulation of invasive species, including—

(i) the use of nonnative species in areas in which native species cannot be grown to adequately compete with nonnative species; and

(ii) the manipulation of vegetation, including through chemical, biological, and mechanical means—

(I) to control nonnative species;

or

(II) as part of restoration activities, if natural processes alone cannot recover the ecological health of an area, as determined by the Secretary.

(E) MAINTENANCE OF LIVESTOCK STRUCTURES.—The Secretary may carry out any ac-

1 activities in the wilderness areas that the Sec-
2 retary determines to be necessary for the main-
3 tenance of structures and installations used for
4 livestock management in existence on the date
5 of enactment of this Act, in accordance with—

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

8 (ii) the report of the Committee on
9 Interior and Insular Affairs of the House
10 of Representatives accompanying H.R.
11 1437 of the 98th Congress (House Report
12 98–40).

13 (F) SETBACK FOR ROADS ADJACENT TO
14 WILDERNESS AREAS.—The Secretary may de-
15 termine, in accordance with an applicable travel
16 management plan for the Federal land adopted
17 not later than 1 year after the date of enact-
18 ment of this Act and section 6340 of the Bu-
19 reau of Land Management Manual (Manage-
20 ment of Designated Wilderness Areas) (as in ef-
21 fect on the date of enactment of this Act), that
22 the boundary of a wilderness area adjacent to
23 a road may be up to 300 feet from the center-
24 line of a road if—

1 (i) the setback is determined by the
2 Secretary to be appropriate for the use of
3 the Federal land; and

4 (ii) no existing boundary road will be
5 closed.

6 (c) MANAGEMENT OF LAND UNDER THE MULTIPLE-
7 USE MANDATE OF THE BUREAU OF LAND MANAGE-
8 MENT.—

9 (1) RELEASE OF WILDERNESS STUDY AREA.—

10 (A) FINDING.—Congress finds that, for
11 purposes of section 603(c) of the Federal Land
12 Policy and Management Act of 1976 (43 U.S.C.
13 1782(c)), any portion of the Federal land des-
14 ignated as a wilderness study area as of the
15 date of enactment of this Act and identified as
16 “Proposed for Release from Protection under
17 Wilderness Study Area (WSA) Designation or
18 from Priority Protection of Lands with Wilder-
19 ness Characteristics (LWC)” on the Map that
20 is not designated as wilderness by subsection
21 (b)(1) has been adequately studied for wilder-
22 ness designation.

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

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

(ii) shall be managed in accordance with—

(I) this Act; and

(II) the applicable land use plans adopted under section 202 of that Act (43 U.S.C. 1712).

(2) MANAGEMENT OF CERTAIN LAND WITH WILDERNESS CHARACTERISTICS.—Any portion of the Federal land described in paragraph (1)(A) that was previously found to be lands with wilderness characteristics, as determined by the Secretary, that is not designated as wilderness under this Act, shall be managed by the Secretary in accordance with the applicable land use plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(d) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

1 “(231) OWYHEE RIVER, OREGON.—The ap-
 2 proximately 14.7-mile segment of the Owyhee River
 3 from the base of Owyhee Dam in sec. 18, T. 22 S.,
 4 R. 45 E., downstream to W¹/₄ SW¹/₄ sec. 13, T. 21
 5 S., R. 45 E., to be administered by the Secretary of
 6 the Interior as a recreational river.”.

7 (2) MANAGEMENT.—

8 (A) IN GENERAL.—The Secretary shall
 9 manage the covered segment in accordance with
 10 section 6400 of the Bureau of Land Manage-
 11 ment Manual (Wild and Scenic Rivers) (as in
 12 effect on the date of enactment of this Act).

13 (B) LIVESTOCK GRAZING.—

14 (i) IN GENERAL.—The Secretary shall
 15 manage domestic livestock grazing in the
 16 vicinity of the covered segment in a man-
 17 ner that protects the identified values of
 18 the covered segment, including maintaining
 19 existing structures used for livestock man-
 20 agement.

21 (ii) NEW STRUCTURES.—To maintain
 22 the identified values of the covered seg-
 23 ment, the Secretary shall ensure that any
 24 structures constructed after the date of en-
 25 actment of this Act to facilitate livestock

1 management in the vicinity of the covered
2 segment are unobtrusive, as determined by
3 the Secretary.

4 (C) INVASIVE SPECIES MANAGEMENT.—

5 (i) IN GENERAL.—In administering
6 the covered segment, the Secretary shall
7 carry out any activities that the Secretary
8 determines to be necessary to prevent or
9 control the spread of terrestrial invasive
10 species and aquatic invasive species, con-
11 sistent with the applicable land use plan
12 and applicable law, including using manual
13 and chemical prevention and control meth-
14 ods, in accordance with—

15 (I) the applicable land use plan;

16 (II) section 9011 of the Bureau
17 of Land Management Manual (Chem-
18 ical Pest Control) (as in effect on the
19 date of enactment of this Act);

20 (III) section 9014 of the Bureau
21 of Land Management Manual (Con-
22 trol Use of Biological Control Agents
23 on Public Lands) (as in effect on the
24 date of enactment of this Act);

1 (IV) section 9015 of the Bureau
 2 of Land Management (Integrated
 3 Weed Management) (as in effect on
 4 the date of enactment of this Act);

5 (V) section H-1740-2 of the Bu-
 6 reau of Land Management Handbook
 7 (as in effect on the date of enactment
 8 of this Act); and

9 (VI) any applicable Federal law.

10 (ii) REQUIRED EVALUATION.—Before
 11 using a chemical prevention or control
 12 method authorized under clause (i), the
 13 Secretary shall carefully evaluate the pro-
 14 posed use to ensure that the proposed use
 15 would not adversely affect water quality
 16 and the identified values of the covered
 17 segment.

18 (3) WITHDRAWAL AND USE.—

19 (A) WITHDRAWAL.—Subject to valid exist-
 20 ing rights, all Federal land within a covered
 21 segment is withdrawn from—

22 (i) entry, appropriation, or disposal
 23 under the public land laws;

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

1 (iii) disposition under all laws per-
2 taining to mineral and geothermal leasing
3 or mineral materials.

4 (B) WATER RIGHTS.—Nothing in this sub-
5 section or an amendment made by this sub-
6 section affects—

7 (i) valid existing water rights; or

8 (ii) existing rights to access water
9 from the river segment, if the access does
10 not permanently impede the qualities for
11 which the covered segment was designated.

12 (C) WATER RESOURCES.—The Secretary
13 shall authorize the continued use and mainte-
14 nance of diversions and water infrastructure in
15 or adjacent to the covered segments as of the
16 date of enactment of this Act, in accordance
17 with section 6400 of the Bureau of Land Man-
18 agement Manual (Wild and Scenic Rivers—Pol-
19 icy and Program Direction for Identification,
20 Evaluation, Planning, and Management) (as in
21 effect on the date of enactment of this Act).

22 (e) MINERAL WITHDRAWALS.—Subject to valid exist-
23 ing rights, the approximately 12,426.43 acres of Federal
24 land known as the “Leslie Gulch Area of Critical Environ-
25 mental Concern”, as described in the public land order

1 entitled “Public Land Order No. 7412; Withdrawal for
2 Leslie Gulch Area of Critical Environmental Concern; Or-
3 egon” (64 Fed. Reg. 51553 (September 23, 1999)), is per-
4 manently withdrawn from—

5 (1) entry, appropriation, and disposal under the
6 public land laws;

7 (2) location, entry, and patent under mining
8 laws; and

9 (3) operation of the mineral leasing, mineral
10 materials, and geothermal leasing laws.

11 **SEC. 6. ECONOMIC DEVELOPMENT.**

12 (a) LOOP ROADS REQUIREMENTS.—

13 (1) IN GENERAL.—The Secretary, in coordina-
14 tion with the County, shall work with Travel Oregon
15 to establish requirements for the loop roads.

16 (2) OWYHEE DAM ROAD.—

17 (A) SAFETY UPGRADES.—

18 (i) IN GENERAL.—The Secretary shall
19 seek to enter into an arrangement with the
20 County to fund safety upgrades, in accord-
21 ance with County road standards, to the
22 Owyhee Dam Road to ensure access to the
23 recreational opportunities of the Owyhee
24 Reservoir, including improved signage and
25 surfacing.

1 (ii) DEADLINE FOR UPGRADES.—Any
2 upgrades carried out with funds provided
3 under clause (i) shall be completed not
4 later than 1 year after the date of enact-
5 ment of this Act.

6 (iii) COMPLIANCE WITH STAND-
7 ARDS.—If the County receives any funds
8 provided under this subparagraph, the
9 County shall ensure that, not later than 1
10 year after the date of enactment of this
11 Act, the Owyhee Dam Road is in compli-
12 ance with County and County road district
13 standards.

14 (B) FEES AND TOLLS.—

15 (i) IN GENERAL.—As soon as prac-
16 ticable after the date on which require-
17 ments for the Owyhee Dam Road are es-
18 tablished under paragraph (1) and not-
19 withstanding the terms of the right-of-way
20 easement between the County and the Bu-
21 reau dated April 20, 1988, and recorded in
22 the County deed records as instrument
23 number 88–17855, the County may collect
24 fees or tolls for the use of the road.

1 (ii) USE OF FEES OR TOLLS.—Any
2 fees or tolls collected under clause (i) shall
3 be used for road improvements by the
4 County.

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

10 (3) SUCCOR CREEK SCENIC LOOP.—The Sec-
11 retary shall work with the County on a plan to im-
12 prove the Succor Creek Scenic Loop, as generally
13 depicted on the map entitled “Lake Owyhee, Succor
14 Creek, Birch Creek, and Three Forks Scenic Loops”
15 and dated November 6, 2019, to accommodate visi-
16 tors and residents.

17 (4) BIRCH CREEK SCENIC LOOP.—The Sec-
18 retary shall work with the County on a plan to im-
19 prove the Birch Creek Scenic Loop, as generally de-
20 picted on the map entitled “Lake Owyhee, Succor
21 Creek, Birch Creek, and Three Forks Scenic Loops”
22 and dated November 6, 2019, to accommodate visi-
23 tors and residents.

24 (5) THREE FORKS SCENIC LOOP.—The Sec-
25 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 entitled “Lake Owyhee, Succor
3 Creek, Birch Creek, and Three Forks Scenic Loops”
4 and dated November 6, 2019—

5 (A) to accommodate visitors and residents;

6 and

7 (B) to provide a connection to the Idaho
8 Scenic Byway.

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

12 (1) the Commissioner, in coordination with the
13 Owyhee Irrigation District, shall work with Travel
14 Oregon or the Oregon Parks and Recreation Depart-
15 ment, as appropriate—

16 (A) to carry out a feasibility study relating
17 to the establishment of not more than 2 mari-
18 nas on the Owyhee Reservoir;

19 (B) to carry out a feasibility study relating
20 to the establishment of a paddle bar on the
21 Owyhee Reservoir;

22 (C) to carry out improvements to existing
23 Oregon State Parks bordering the Owyhee Res-
24 ervoir;

1 (D) to establish a network of hostelries in
 2 the County using former hotels and bunkhouses
 3 that are not in use;

4 (E) to carry out improvements to private
 5 camps on the shore of the Owyhee Reservoir;
 6 and

7 (F) to establish a dude ranch at Birch
 8 Creek; and

9 (2) the Secretary shall work with the County to
 10 carry out a feasibility study on the rails-to-trails
 11 project known as “Rails to Trails: The Oregon East-
 12 ern Branch/The Oregon and Northwestern Rail-
 13 road”.

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

20 (d) JORDAN VALLEY AIRSTRIP IMPROVEMENTS TO
 21 SUPPORT FIREFIGHTING EFFORTS.—

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

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

3 (B) the conditions under which the Jordan
 4 Valley Airstrip may be used to support fire-
 5 fighting efforts.

6 (2) REPORT.—Not later than 1 year after the
 7 date of enactment of this Act, the Secretary shall
 8 submit to the Malheur CEO Group a report on the
 9 need and conditions described in subparagraphs (A)
 10 and (B) of paragraph (1), including any ways in
 11 which to meet those conditions.

12 (e) NATIVE SEED CENTER.—

13 (1) ESTABLISHMENT.—

14 (A) IN GENERAL.—Not later than 180
 15 days after the date of enactment of this Act,
 16 the Native Seed Center Establishment Group
 17 shall establish a center, to be known as the
 18 “Native Seed Center”, to serve as the primary
 19 native seed repository of the Federal Govern-
 20 ment in the Western States.

21 (B) NATIVE SEED CENTER ESTABLISH-
 22 MENT GROUP.—

23 (i) ESTABLISHMENT OF GROUP.—Not
 24 later than 1 year after the date of enact-
 25 ment of this Act, the Administrator of the

1 Agricultural Resource Service shall enter
 2 into a memorandum of understanding with
 3 the partners described in clause (ii) to es-
 4 tablish a group, to be known as the “Na-
 5 tive Seed Center Establishment Group”, to
 6 establish and operate the Center.

7 (ii) PARTNERS DESCRIBED.—The
 8 partners referred to in clause (i) are—

9 (I) the Administrator of the
 10 Farm Service Agency;

11 (II) Oregon State University;

12 (III) Treasure Valley Community
 13 College;

14 (IV) the Malheur County Weeds
 15 Department Inspector; and

16 (V) local agricultural producers
 17 in the County.

18 (2) PURPOSE.—The Center shall—

19 (A) serve as a repository of native seeds
 20 deposited with the Center;

21 (B) develop methods to improve the growth
 22 of native seeds;

23 (C) give priority to the production of spe-
 24 cies of plants, as seeds and seedlings, that—

1 (i) are of heightened cultural signifi-
 2 cance to the Burns Paiute Tribe; and

3 (ii) are locally adapted; and

4 (D) pursuant to the contract described in
 5 paragraph (3), provide native seeds for use on
 6 all rangeland managed by the Bureau.

7 (3) CONTRACT.—

8 (A) IN GENERAL.—Not later than 180
 9 days after the establishment of the Center
 10 under paragraph (1), the Center shall enter
 11 into a contract with the Bureau, seed growers,
 12 ranchers in the County, and the Burns Paiute
 13 Tribe to provide native seeds for use on all
 14 rangeland managed by the Bureau.

15 (B) REQUIREMENT.—The contract under
 16 subparagraph (A) shall—

17 (i) include the use of technologies
 18 such as biochar to improve seed germina-
 19 tion rates; and

20 (ii) guarantee prices and availability
 21 for ranchers and members of the Burns
 22 Paiute Tribe who use rangeland managed
 23 by the Bureau.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 25 are authorized to be appropriated—

1 (1) to the Secretary—

2 (A) to carry out subsection (a),
3 \$10,000,000 for each of fiscal years 2023
4 through 2033;

5 (B) to carry out subsection (b)(2),
6 \$10,000,000 for each of fiscal years 2023
7 through 2033;

8 (C) to carry out subsection (c),
9 \$10,000,000 for each of fiscal years 2023
10 through 2033; and

11 (D) to carry out subsection (d),
12 \$10,000,000 for each of fiscal years 2023
13 through 2033;

14 (2) to the Commissioner—

15 (A) to carry out subsection (b)(1)(A),
16 \$10,000,000 for each of fiscal years 2023
17 through 2033;

18 (B) to carry out subsection (b)(1)(B),
19 \$10,000,000 for each of fiscal years 2023
20 through 2033;

21 (C) to carry out subsection (b)(1)(C),
22 \$10,000,000 for each of fiscal years 2023
23 through 2033;

1 (D) to carry out subsection (b)(1)(D),
 2 \$10,000,000 for each of fiscal years 2023
 3 through 2033;

4 (E) to carry out subsection (b)(1)(E),
 5 \$10,000,000 for each of fiscal years 2023
 6 through 2033; and

7 (F) to carry out subsection (b)(1)(F),
 8 \$10,000,000 for each of fiscal years 2023
 9 through 2033; and

10 (3) to the Administrator of the Agricultural Re-
 11 source Service, for the establishment and operation
 12 of the Center, \$10,000,000 for each of fiscal years
 13 2023 through 2033.

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

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

18 (1) transfer to the Burns Paiute Tribe all right,
 19 title, and interest in and to the land in the State of
 20 Oregon described in subsection (b); and

21 (2) take that land into trust for the benefit of
 22 the Burns Paiute Tribe.

23 (b) DESCRIPTION OF LAND.—The land referred to in
 24 subsection (a)(1) is the following, as depicted on the map
 25 entitled “Malheur Reservation Paiute Indian Tribe Grant,

1 Malheur, and Harney Counties, Oregon” and dated March
2 15, 1958:

3 (1) JONESBORO RANCH.—The parcel commonly
4 known as “Jonesboro Ranch”, located approximately
5 6 miles east of Juntura, Oregon, consisting of
6 21,548 acres of Federal land, 208 acres of land of
7 the State of Oregon, and 4,552 acres of private
8 land, containing the pastures referred to as “Saddle
9 Horse”, “Trail Horse”, “Indian Creek”, “Sperry
10 Creek”, “Antelope Swale”, “Horse Camp”, “Dinner
11 Creek”, and “Tim’s Peak”, and more particularly
12 described as follows:

13 (A) T. 21 S., R. 39 E.

14 (B) T. 21 S., R. 40 E.

15 (C) T. 22 S., R. 39 E.

16 (D) T. 21 S., R. 40 E.

17 (2) CASTLE ROCK WILDERNESS STUDY AREA.—
18 The parcel commonly known as the “Castle Rock
19 Wilderness Study Area” and more particularly de-
20 scribed as follows:

21 (A) T. 18 S., R. 37 E., secs. 5, 8, 9, 16,
22 and 17.

23 (B) T. 18. S., R. 37 E., the W¹/₂ and S¹/₂
24 of sec. 4 (except for any portion of private
25 land).

1 (C) T. 18 S., R. 37 E., the W^{1/2} of sec. 15.

2 (D) T. 18 S., R. 37 E., sec. 10.

3 (E) The SW^{1/4} of the SW^{1/4} of sec. 10.

4 (F) The NW^{1/4} of the SW^{1/4} of sec. 10.

5 (G) The SW^{1/4} of the NW ^{1/4} of sec. 10.

6 (H) The NW^{1/4} of the NW^{1/4} of the NW^{1/4}
7 of sec. 10.

8 (I) The SW^{1/4} of the NW^{1/4} of the NW^{1/4}
9 of sec. 10.

10 (J) The NW^{1/4} of the SW^{1/4} of the NW^{1/4}
11 of sec. 10.

12 (K) The SW^{1/4} of the SW^{1/4} of the NW^{1/4}
13 of sec. 10.

14 (L) T. 18 S., R. 37 E., sec. 3.

15 (M) The SW^{1/4} of the SW^{1/4} of the SW^{1/4}
16 of sec. 3.

○