

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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

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**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-



1 bility of natural resource management on the  
2 Federal land; and

3 (I) to promote and foster cooperation, com-  
4 munication, and understanding, and reduce  
5 conflict, among all users of the Federal land.

6 (2) APPROACH.—The Secretary shall carry out  
7 the duties of the Secretary under this Act in a man-  
8 ner that—

9 (A) furthers the purpose described in sub-  
10 section (a) and the objectives described in para-  
11 graph (1);

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

15 (C) ensures that adaptive management ac-  
16 tions improve the ecological health of the Fed-  
17 eral land;

18 (D) builds inclusivity in the County by pro-  
19 moting the involvement of local grazing allot-  
20 ment holders, institutions of higher education,  
21 volunteers, Federal agencies, and other inter-  
22 ested parties in the Monitoring Network while  
23 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 perienceed 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-

1                   stitute an improvement amounting to a  
2                   new road category;

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

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

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

14                  (4) MINIMUM REQUIREMENTS ANALYSES.—

15                  (A) IN GENERAL.—Each programmatic en-  
16                  vironmental impact statement under paragraph  
17                  (1)(A) shall include a minimum requirements  
18                  analysis under appendix B of section 6340 of  
19                  the Bureau of Land Management Manual  
20                  (Management of Designated Wilderness Areas)  
21                  (as in effect on the date of enactment of this  
22                  Act) for the proposed management activities in-  
23                  cluded in the programmatic environmental im-  
24                  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  
24 NETWORK.—

1           (A) IN GENERAL.—Not later than 180  
2 days after the date of enactment of this Act,  
3 the Secretary shall enter into a memorandum of  
4 understanding with the monitoring partners de-  
5 scribed in subparagraph (B) to establish a net-  
6 work, to be known as the “Monitoring Net-  
7 work”—

8           (i) to monitor, in accordance with this  
9 subsection, all Federal land subject to a  
10 programmatic environmental impact state-  
11 ment prepared under subsection (a)(1)(A);  
12 and

13           (ii) to carry out ecological research re-  
14 lating to that monitoring.

15           (B) MONITORING PARTNERS DE-  
16 SCRIBED.—The monitoring partners referred to  
17 in subparagraph (A) are—

18           (i) the Director of the Bureau;

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

21           (iii) the Chief of the Natural Re-  
22 sources Conservation Service;

23           (iv) the Oregon Department of Fish  
24 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  
25 NETWORK.—The Chief of the Natural Resources

1 Conservation 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-

1           agement granted by the programmatic environ-  
2           mental impact statement until—

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

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

10           (C) EFFECT OF IMPROVEMENTS.—

11                   (i)    SUSPENDED    ANIMAL    UNIT  
12                   MONTHS.—The Secretary shall restore for  
13                   use by a holder or user of a grazing permit  
14                   any animal unit months held by that hold-  
15                   er or user that were suspended, in a quan-  
16                   tity commensurate with the carrying ca-  
17                   pacity of the relevant land, as determined  
18                   by the Secretary, if—

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

22                                   (aa) the applicable manage-  
23                                   ment plan; and

24                                   (bb) the use of flexible man-  
25                                   agement 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 2020 through 2030;

9 (B) to carry out soil and vegetation sur-  
10 veys under subsection (e)(7), \$10,000,000 for  
11 each of fiscal years 2020 through 2030;

12 (C) to make grants under subsection (f)(2)  
13 to County law enforcement agencies,  
14 \$10,000,000 for each of fiscal years 2020  
15 through 2030; 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 2020  
19 through 2030.

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 2020 through 2030.

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

1 of mechanical treatments in the wilderness  
2 areas by first responders.

3 (D) INVASIVE SPECIES MANAGEMENT AND  
4 RELATED ACTIVITIES.—In accordance with sec-  
5 tion 4(d)(1) of the Wilderness Act (16 U.S.C.  
6 1133(d)(1)), the Secretary may carry out any  
7 activities in the wilderness areas that the Sec-  
8 retary determines to be necessary for the con-  
9 trol and manipulation of invasive species, in-  
10 cluding—

11 (i) the use of nonnative species in  
12 areas in which native species cannot be  
13 grown to adequately compete with non-  
14 native species; and

15 (ii) the manipulation of vegetation, in-  
16 cluding through chemical, biological, and  
17 mechanical means—

18 (I) to control nonnative species;

19 or

20 (II) as part of restoration activi-  
21 ties, if natural processes alone cannot  
22 recover the ecological health of an  
23 area, as determined by the Secretary.

24 (E) MAINTENANCE OF LIVESTOCK STRUC-  
25 TURES.—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(e) 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)—

1 (i) is no longer subject to section  
2 603(c) of the Federal Land Policy and  
3 Management Act of 1976 (43 U.S.C.  
4 1782(c)); and

5 (ii) shall be managed in accordance  
6 with—

7 (I) this Act; and

8 (II) the applicable land use plans  
9 adopted under section 202 of that Act  
10 (43 U.S.C. 1712).

11 (2) MANAGEMENT OF CERTAIN LAND WITH  
12 WILDERNESS CHARACTERISTICS.—Any portion of  
13 the Federal land described in paragraph (1)(A) that  
14 was previously found to be lands with wilderness  
15 characteristics, as determined by the Secretary, that  
16 is not designated as wilderness under this Act, shall  
17 be managed by the Secretary in accordance with the  
18 applicable land use plans adopted under section 202  
19 of the Federal Land Policy and Management Act of  
20 1976 (43 U.S.C. 1712).

21 (d) WILD AND SCENIC RIVER DESIGNATIONS.—

22 (1) IN GENERAL.—Section 3(a) of the Wild and  
23 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended  
24 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 W<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 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 2020  
4 through 2030;

5 (B) to carry out subsection (b)(2),  
6 \$10,000,000 for each of fiscal years 2020  
7 through 2030;

8 (C) to carry out subsection (c),  
9 \$10,000,000 for each of fiscal years 2020  
10 through 2030; and

11 (D) to carry out subsection (d),  
12 \$10,000,000 for each of fiscal years 2020  
13 through 2030;

14 (2) to the Commissioner—

15 (A) to carry out subsection (b)(1)(A),  
16 \$10,000,000 for each of fiscal years 2020  
17 through 2030;

18 (B) to carry out subsection (b)(1)(B),  
19 \$10,000,000 for each of fiscal years 2020  
20 through 2030;

21 (C) to carry out subsection (b)(1)(C),  
22 \$10,000,000 for each of fiscal years 2020  
23 through 2030;

1 (D) to carry out subsection (b)(1)(D),  
2 \$10,000,000 for each of fiscal years 2020  
3 through 2030;

4 (E) to carry out subsection (b)(1)(E),  
5 \$10,000,000 for each of fiscal years 2020  
6 through 2030; and

7 (F) to carry out subsection (b)(1)(F),  
8 \$10,000,000 for each of fiscal years 2020  
9 through 2030; 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 2020 through 2030.

14 **SEC. 7. TRIBAL PROTECTIONS.**

15 (a) IN GENERAL.—Nothing in this Act, including any  
16 designation or nondesignation relating to increased protec-  
17 tion of Tribal resources under this Act, detrimentally af-  
18 fects any sacred Tribal or important cultural location or  
19 resource.

20 (b) LAND IN TRUST.—

21 (1) DEFINITION OF COVERED LAND.—In this  
22 subsection, the term “covered land” means—

23 (A) the allotment of land of the Bureau  
24 known as “OR00306 Jonesboro”; and

1 (B) the allotment of land of the Bureau  
2 known as “OR00229 Road Gulch”.

3 (2) LAND IN TRUST.—Subject to valid existing  
4 rights, all right, title, and interest of the United  
5 States in and to the covered land shall be held in  
6 trust by the United States for the benefit of the  
7 Burns Paiute Tribe.

8 (3) TRANSFER OF ADMINISTRATIVE JURISDIC-  
9 TION.—To better manage and protect the resources  
10 around the Malheur River Wildlife Mitigation Site of  
11 the Burns Paiute Tribe, administrative jurisdiction  
12 over the covered land is transferred from the Sec-  
13 retary to the Director of the Bureau of Indian Af-  
14 fairs.

15 (4) GRANTS FOR MANAGEMENT OF LAND.—The  
16 Director of the Bureau of Indian Affairs shall make  
17 grants to the Burns Paiute Tribe to support the  
18 management of the covered land.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to the Director of the Bu-  
21 reau of Indian Affairs to make grants under subsection  
22 (b)(4) \$10,000,000 for each of fiscal years 2020 through  
23 2030.