

**Current Law as compared to Under the Malheur Community Empowerment for the
Owyhee
(Malheur C.E.O.s) bill**

As with many pieces of legislation, while this legislation addresses many interests and many actions, it cannot be all things to all interests. Here are a few things this legislation does **NOT DO**:

- Create a monument
- Amend the Taylor Grazing Act
- Amend the Federal Lands Policy Management Act
- Amend the Wilderness Act
- Amend the National Environmental Policy Act
- Water rights will not be impacted
- Management of the Owyhee Reservoir will not be affected
- No effect on irrigation districts
- Existing grazing will continue, in newly designated Wilderness, as well as outside
- Subsurface mineral rights are not affected, except for the legislative determination of one administrative mineral withdrawal at Leslie Gulch
- No existing mineral claims are effected
- Impede the completion of current projects in process even though they will be in newly designated Wilderness

Here are things it **DOES DO**:

- (1) Ensures Ecological Health is the Driving Force of Management on the Land
- (2) Allows Management Flexibility through the use of Adaptive Management in Wilderness as well as non-Wilderness areas
- (3) Invests in and Develops Research and Workforce in Malheur County
- (4) Creates a Monitoring Network to ensure Adaptive Management leads to overall ecological improvements by engaging all related ranchers, businesses, environmentalists, and federal, state and local agencies.
- (5) Wilderness Designated, but with ecological man and Wilderness Study Areas and Lands with Wilderness Characteristics Released
- (6) Roads are maintained, either cherry-stemmed in Wilderness Areas or for administrative purposes.
- (7) Creates a Number of Economic Development Opportunities for Malheur County
- (8) Sets out the funding necessary to monitor, conduct adaptive management, and enforce the anticipated uses of and effects on the federal land.

(1) Ensures Ecological Health is the Driving Force of Management on the Land

Current Law: The BLM is hampered by lack of resources and conflicting mandates.

Under the Malheur C.E.O. bill the clear purpose is to promote the long-term ecological health of the federal lands in Malheur County to support communities and natural resources. Adaptive management is put in place to accomplish that purpose and gives the rancher a key role.

(2) Allows Management Flexibility through the use of Adaptive Management in Wilderness as well as non-Wilderness areas

Current Law: There is no Adaptive Management

Management of rangeland across the West is governed by the Federal Lands Management Policy Act, the Taylor Grazing Act and associated regulations, and individually negotiated and NEPA reviewed grazing permits. Current grazing-related laws do not allow for management flexibility in a timely manner in response to changing conditions on the land.

Under the Malheur C.E.O.s Bill: Adaptive Management for a defined set of management challenges will be available, after completing NEPA through a Programmatic Environmental Impact Statement, within a year of enactment. *It will apply to ALL THE FEDERAL LANDS COVERED BY THE BILL, and that means Wilderness as well as non-Wilderness lands.* The PEIS shall provide both the baseline information on the ecological conditions of the federal land in the County, as well as define the desired future ecological conditions and outcomes. It will negate the need for project-specific environmental analysis for the defined set of management activities tackling invasive species, water use, infrastructure, ecological restoration, and fire. Projects currently authorized but not completed in newly designated Wilderness will continue without impediment.

Current Law: Minimum Requirements Analysis – using mechanical tools in WSAs or not.

Under current law every time management has to happen inside a WSA the BLM must complete a Minimum Requirements Analysis. The MRA is not another NEPA analysis but it seems like one. **Under the Malheur C.E.O bill:** The PEIS will include a Minimum Requirements Analysis (MRA) upfront, thereby allowing individual projects to be allowed without further MRA.

Current Law: Relationships with the BLM/Grazing Flexibility

Under current law every grazing permit holder and user has to negotiate their permit terms with the BLM on their own, leaving them to bear the entire burden of explaining to the BLM the management needs they have to address rangeland health and their operations. In lands affected by frequent drought and invasive species, this does not allow ranchers to readily vary grazing dates or practices, even if that action would be best for the land.

Under the Malheur C.E.O. bill: Strength in Numbers Updates Relationships with the BLM

Under the Malheur C.E.O. bill a group of ranchers, local businesses, environmentalists, tribal representatives, as well as science-based academic and agency advisors, will be available to

work with permit holders/users and the BLM to ensure use of the rangelands are always in the best interests of the ecology of the land, thereby benefiting the permit holder/user as well as the environment. The purpose of the Malheur Community Empowerment for Owyhee Group shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act. The purpose of the Malheur Community Empowerment for Owyhee Group Advisory Committee is to provide scientific, cultural, historical and other advice as needed, input to the Malheur Community Empowerment for Owyhee Group to ensure their work is well informed and relevant to the federal lands being managed. Also the Malheur C.E.O. group will work with the BLM to implement important pilot projects on wild horse management, juniper as a biomass source, mule deer corridor management and the like.

Current Law: Suspended A.U.M.s

Under current law there are around 43,000 voluntarily suspended A.U.M.s in the County.

Under the Malheur C.E.O.s bill those suspended A.U.M. shall be returned to the associated permit holder when it is determined that the land is capable of supporting them.

Current Law and the Malheur C.E.O. bill are the same when it comes to big new projects.

The PEIS will not allow large or new projects without further environmental assessment. New mining projects, energy development would require a separate Environmental Impact Statements, as required under current law.

(3) Invests in and Develops Research and Workforce in Malheur County

Current Law: Research and a Workforce for the Future are needed. Currently, there is no systematic support for research on approved grazing practices, and permits. Instead, there are piecemeal efforts studying the use of grazing to reduce invasive plants in fire-impacted landscapes. Likewise, there is a lack of consistent connections between BLM internship opportunities and local students with a passion for natural resources. Typically, interns are now hired from out of state for a season, learn from the land and then leave.

Under the Malheur C.E.O.s bill: The Malheur C.E.O. group will include agency and academic advisors to more readily respond to opportunities to explore alternative grazing strategies and other practices. The academic advisors will facilitate classroom instruction and internships to create a pipeline for local students to grow into natural resource careers in Malheur County.

(4) Creates a Monitoring Network to ensure Adaptive Management leads to overall ecological improvements by engaging all related ranchers, businesses, environmentalists, and federal, state and local agencies.

Current Law: Monitoring of the 4.5 million acres of federal land in Malheur County is less than complete due to limitations in funding and personnel. In addition, monitoring priorities are not well defined.

Under the Malheur C.E.O.s bill: Monitoring for 21st Century Adaptive Management.

The Malheur C.E.O bill puts in place the monitoring necessary to ensure the management flexibility noted above that the bill grants leads to ecological improvements on the land and identifies areas to target for restoration projects. The bill creates a Monitoring Network of all the

relevant federal, state and county agencies to create a robust monitoring network, accompanied by the Malheur C.E.O.'s group, including the tribe as well as ranchers and environmental interests. This bill will increase funding for the Vale District BLM office and allow for the hiring of the personnel needed to, first, complete the soil and vegetation survey for the entire county.

(5) Wilderness Designated and Wilderness Study Areas and Lands with Wilderness Characteristics Released

Current Law: Wilderness Study Areas

Under current law there are approximately 2.5 million acres of federal land in Malheur County that are held in Wilderness Study Areas or units administratively created and known as Lands with Wilderness Characteristics. Those lands are or will be (under the developing RMP) managed for wilderness characteristics:

- Size: at least 5000 acres
- Natural condition: untrammeled by man
- With Opportunities for solitude or primitive recreation.

Under the Malheur C.E.O. bill: Wilderness will come to mean ecological health.

Wilderness designated under this plan will be free forever from human development or extraction AND will be managed to be healthy and vibrant ecosystems. The improved ecological health of all lands is an overall purpose of the bill. Approximately 1 million acres will be designated Wilderness, while another 1 million acres will remain or return to multiple use; all acres will be managed and monitored for improvements to ecological health. In addition, there are assurances of access for grazing, firefighting and mechanical restoration work; and the permission to create road buffers along cherry-stemmed access roads to continue traditional access, as well as trailhead improvements.

(6) Roads are maintained, either cherry-stemmed in Wilderness Areas or for administrative purposes.

Current Law: there are thousands of miles of roads, ranging from highway to primitive tracks, all across Malheur County.

Under the Malheur C.E.O. those roads remain open, including primitive tracks, for administrative purposes, running through new Wilderness areas. Cherry stemmed roads allowing access to private land will also be accomplished.

(7) Creates a Number of Economic Development Opportunities for Malheur County

Current Situation: No Recreation Organization. Malheur County is the poorest county in Oregon. There is no reason that should continue. Boise, Idaho is growing by leaps and bounds providing over a million people looking for recreation opportunities, many of whom are already coming to Malheur County in an unorganized manner.

Under the Malheur C.E.O. bill: Loop Roads are designated to direct recreation opportunities around the county, from sight-seeing to camping and fishing.

Other Recreation Opportunities: In addition, other recreation opportunity feasibility studies are authorized to pursue including: improvements to Oregon State Parks; the establishment of not more than 2 marinas on the Owyhee Reservoir; the establishment of a paddle bar on the Owyhee Reservoir; the creation of a network of hostelrys in the County using former hotels and

bunkhouses that are not in use; improvements to private camps on the shore of the Owyhee Reservoir; the establishment of a dude ranch at Birch Creek; and examining the feasibility of the rails-to-trails project known as “Rails to Trails: The Oregon Eastern Branch/The Oregon and Northwestern Railroad”.

Other Economic Opportunities: The County will be able to conduct feasibility studies on the Gateway to the Oregon Owyhee; Jordan Valley Airstrip Improvements; and establishment of a Native Seed Center. *The Native Seed Center is an opportunity to turn Malheur County into a provider of native and non-native but ecologically appropriate rangeland restoration seed for the entire Western U.S.*

(8) Sets out the funding necessary to monitor, conduct adaptive management, and enforce the anticipated uses of and effects on the federal land.

Under current law the BLM, the County, the Tribes, and stakeholders are not financed well enough to carry out all of the monitoring, adaptive management, tourism development and enforcement anticipated under this bill. This bill sets out the funding that will be necessary to create the Loop Roads, conduct the Monitoring Network, implement adaptive management, and enforce protective actions through the Tribes as well as through County and BLM law enforcement. In addition to the figures laid out in the bill, it is anticipated that through the Malheur C.E.O. group other forms of funding, such as funding available through NRCS or DHS law enforcement grants, will be pursued in a mutually agreeable manner.