

117TH CONGRESS
2D SESSION

H. R. 8719

To establish the Great Bend of the Gila National Conservation Area in the State of Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 16, 2022

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Great Bend of the Gila National Conservation Area in the State of Arizona, 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 “Great Bend of the Gila
5 Conservation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CONSERVATION AREAS.—The term “Con-
9 servation Areas” means the Great Bend of the Gila

1 National Conservation Area and the Palo Verde Na-
2 tional Conservation Area established by section 3(a).

3 (2) EXISTING USE.—The term “existing use”,
4 with respect to the Conservation Areas, means a use
5 that is occurring within the Conservation Areas on
6 the date of the enactment of this Act.

7 (3) INDIAN TRIBE.—The term “Indian Tribe”
8 means the governing body of any Indian or Alaska
9 Native tribe, band, nation, pueblo, village, commu-
10 nity, component band, or component reservation in-
11 dividually identified (including parenthetically) on
12 the list published by the Secretary of the Interior
13 under section 104 of the Federally Recognized In-
14 dian Tribe List Act of 1994 (25 U.S.C. 5131).

15 (4) INTERESTED INDIAN TRIBE.—The term
16 “interested Indian Tribe” means—

17 (A) historic, precontact, cultural, or reli-
18 gious connections to lands within the Conserva-
19 tion Areas;

20 (B) a former reservation located on land
21 within the Conservation Areas; or

22 (C) treaty rights or other reserved rights
23 associated with on land within the Conservation
24 Areas.

1 (5) GREAT BEND OF THE GILA MAP.—The term
2 “Great Bend of the Gila Map” means the map enti-
3 tled “Proposed Great Bend of the Gila Conservation
4 Act” and dated February 3, 2022.

5 (6) LAND MANAGEMENT PLANS.—The term
6 “land management plans” means each of the land
7 management plans developed pursuant to section
8 6(a).

9 (7) NATIVE KNOWLEDGE.—The term “Native
10 knowledge” has the meaning given the term in sec-
11 tion 219.19 of title 36, Code of Federal Regulations
12 (as in effect on the date of the enactment of this
13 Act).

14 (8) NEW USE.—The term “new use”, with re-
15 spect to the Conservation Areas—

16 (A) means a use that—

17 (i) involves surface disturbance and is
18 not occurring in the Conservation Areas on
19 the date of the enactment of this Act; or

20 (ii) is occurring in the Conservation
21 Areas on the date of the enactment of this
22 Act, but that is being modified so as—

23 (I) to create a surface disturb-
24 ance;

1 (II) to significantly expand or
2 alter impacts of the use on the land,
3 water, air, cultural resources, or wild-
4 life of the Conservation Areas; or

5 (III) to negatively impact the
6 purposes for which the Conservation
7 Areas are designated under this Act;
8 and

9 (B) does not include a use that—

10 (i) is categorically excluded from the
11 requirements of title I of the National En-
12 vironmental Policy Act of 1969 (42 U.S.C.
13 4331 et seq.);

14 (ii) is carried out to comply with the
15 Endangered Species Act of 1973 (16
16 U.S.C. 1531 et seq.);

17 (iii) is necessary to maintain a road,
18 trail, structure, or facility within the Con-
19 servation Areas that is—

20 (I) in existence on the date of the
21 enactment of this Act; and

22 (II) identified in the management
23 planning documents of the applicable
24 land management agency as a road,

1 trail, structure, or facility intended for
2 continued use; or

3 (iv) the Secretary determines to be
4 necessary for the control of fire, insects, or
5 diseases, subject to applicable law, includ-
6 ing regulations, and such terms and condi-
7 tions as the Secretary determines appro-
8 priate.

9 (9) PLO 1015 LANDS.—The term “PLO 1015
10 lands” means those Federal lands withdrawn and re-
11 served by Public Land Order 1015, dated October 1,
12 1954 (19 Fed. Reg. 6477), for use by the Arizona
13 Game and Fish Commission in connection with the
14 Gila River Waterfowl Area Project.

15 (10) RESTORATION.—The term “restoration”
16 has the meaning given the term in section 219.19 of
17 title 36, Code of Federal Regulations as in effect on
18 the date of the enactment of this Act.

19 (11) SACRED SITE.—The term “sacred site”
20 means a specific, discrete, narrowly delineated site
21 on public land that is identified by an Indian Tribe
22 as sacred by virtue of the established religious sig-
23 nificance of the site to, or ceremonial or medicinal
24 use of the site by, an Indian Tribe.

1 (12) SECRETARY.—The term “Secretary”
2 means the Secretary of the Interior.

3 (13) STATE.—The term “State” means the
4 State of Arizona.

5 (14) SURFACE DISTURBANCE.—The term “sur-
6 face disturbance” means any new disruption of soil
7 or vegetation that would require restoration to re-
8 turn the soil or vegetation to natural appearance or
9 ecological function.

10 (15) TRIBAL COMMISSION.—The term “Tribal
11 commission” means each Tribal commission estab-
12 lished under section 6(a).

13 (16) TRIBAL CULTURAL SITE.—The term
14 “Tribal Cultural Site” means—

15 (A) a historic property (as defined in sec-
16 tion 800.16 of title 36, Code of Federal Regula-
17 tions as in effect on the date of the enactment
18 of this Act);

19 (B) a sacred site; or

20 (C) a landform, landscape, or location
21 that—

22 (i) is or may be important to the cus-
23 toms, practices, objects, places, religions,
24 or ceremonies of an Indian Tribe;

1 (ii) is or may be important to an In-
2 dian Tribe for the undertaking of religious,
3 cultural, spiritual, traditional subsistence,
4 or other traditional practices;

5 (iii) contains unique or important tra-
6 ditional Tribal food, medicinal, or material
7 gathering areas; or

8 (iv) is connected through features,
9 ceremonies, objects, histories, or cultural
10 practices to other sites or to a larger sa-
11 cred landscape, as determined by an In-
12 dian Tribe.

13 (17) TRIBAL ORGANIZATION.—The term “Trib-
14 al organization” has the meaning given the term in
15 section 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act (25 U.S.C. 5304).

17 (18) WILDERNESS AREAS.—The term “Wilder-
18 ness Areas” means the public lands designated as
19 Wilderness by the amendments made by section
20 4(a).

21 **SEC. 3. ESTABLISHMENT OF CONSERVATION AREAS.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—Subject to valid existing
24 rights, there is established in the State—

1 (A) the Great Bend of the Gila National
2 Conservation Area; and

3 (B) the Palo Verde National Conservation
4 Area.

5 (2) AREA INCLUDED.—

6 (A) GREAT BEND OF THE GILA NCA.—The
7 Great Bend of the Gila National Conservation
8 Area consists of the approximately 329,310
9 acres of land administered by the Bureau of
10 Land Management, as generally depicted on the
11 Great Bend of the Gila Map.

12 (B) PALO VERDE NCA.—The Palo Verde
13 National Conservation Area consists of the ap-
14 proximately 47,653 acres of land administered
15 by the Bureau of Land Management, as gen-
16 erally depicted on the Great Bend of the Gila
17 Map.

18 (b) PURPOSES.—The purposes of the Conservation
19 Areas are to conserve, protect, and enhance for the benefit
20 and enjoyment of present and future generations the In-
21 digenous ancestral, archaeological, cultural, historic, geo-
22 logic, hydrologic, natural, recreational, educational, and
23 scenic resources of the Conservation Areas.

24 (c) MANAGEMENT.—

1 (1) IN GENERAL.—The Secretary shall manage
2 the Conservation Areas—

3 (A) in a manner that conserves, protects,
4 and enhances the resources of the Conservation
5 Areas;

6 (B) in a manner that preserves and pro-
7 tects Tribal Cultural Sites;

8 (C) in consultation with the applicable
9 Tribal commissions;

10 (D) as components of the National Land-
11 scape Conservation System; and

12 (E) in accordance with—

13 (i) the Federal Land Policy and Man-
14 agement Act of 1976 (43 U.S.C. 1701 et
15 seq.);

16 (ii) the Native American Graves Pro-
17 tection and Repatriation Act (25 U.S.C.
18 3001 et seq.);

19 (iii) Public Law 95–341 (commonly
20 known as the American Indian Religious
21 Freedom Act; 42 U.S.C. 1996);

22 (iv) this Act; and

23 (v) any other applicable law.

24 (2) USES.—

1 (A) IN GENERAL.—In accordance with this
2 Act, the Secretary shall only authorize new or
3 existing uses within the Conservation Areas
4 that the Secretary determines, in consultation
5 with the applicable Tribal commission, are con-
6 sistent with—

7 (i) the purposes described in sub-
8 section (b);

9 (ii) the management priorities identi-
10 fied in paragraph (1);

11 (iii) the preservation of Tribal Cul-
12 tural Sites within the Conservation Areas;
13 and

14 (iv) this Act.

15 (B) NEW USES.—

16 (i) IN GENERAL.—If the Secretary de-
17 termines under subparagraph (A) that a
18 new use is consistent with the require-
19 ments of clauses (i) through (iv) of that
20 subparagraph, before authorizing the new
21 use, the Secretary shall request agreement
22 from the applicable Tribal commission.

23 (ii) APPROVAL.—The Secretary shall
24 authorize the new use for which the Sec-

1 retary requests agreement under clause (i)
2 if the applicable Tribal commission—

3 (I) agrees to the new use; or

4 (II) does not respond to the re-
5 quest by the date that is 60 days after
6 the date on which the Secretary
7 makes the request under clause (i).

8 (iii) DENIAL.—If the applicable Tribal
9 commission denies agreement for a new
10 use on or before the date that is 60 days
11 after the date on which the Secretary
12 makes the request under clause (i), the
13 Secretary shall—

14 (I) consult with the applicable
15 Tribal commission to determine spe-
16 cific measures to eliminate or, to the
17 extent practicable, mitigate potential
18 adverse impacts to the Conservation
19 Areas resulting from the new use; and

20 (II) authorize the new use, sub-
21 ject to completion of the measures de-
22 termined under subclause (I), or deny
23 the new use if elimination or substan-
24 tial mitigation of potential adverse im-
25 pacts is not practicable.

1 (C) **MOTORIZED VEHICLES.**—

2 (i) **IN GENERAL.**—Except as provided
3 in clauses (ii) and (iii), and as needed for
4 administrative purposes or to respond to
5 an emergency, the use of motorized vehi-
6 cles in the Conservation Areas after the ef-
7 fective date of the land management plans
8 shall be allowed only on roads and trails
9 designated for the use of motor vehicles in
10 the land management plans.

11 (ii) **RESOURCE PROTECTION AREA.**—
12 Except as needed for administrative pur-
13 poses or to respond to an emergency, the
14 use of motor vehicles within the area gen-
15 erally depicted on the Great Bend of the
16 Gila Map as “Proposed Resource Protec-
17 tion Area” shall be prohibited.

18 (D) **NEW ROADS.**—Except as provided in
19 section 6(c), no new permanent or temporary
20 roads or other motorized vehicle routes shall be
21 constructed within the Conservation Areas after
22 the date of the enactment of this Act.

1 **SEC. 4. ESTABLISHMENT OF WILDERNESS.**

2 (a) DESIGNATION.—Section 101(a) of the Arizona
3 Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law
4 101–628) is amended—

5 (1) in paragraph (15), by striking “1990” and
6 all that follows through the semicolon and inserting
7 “1990, and approximately 9,809 acres, generally de-
8 picted as ‘Gila Bend Wilderness’ on the map entitled
9 ‘Proposed Great Bend of the Gila Conservation Act’
10 and dated August 05, 2021, and which shall be
11 known as the Gila Bend Wilderness;”;

12 (2) in paragraph (39), by striking the period
13 and inserting a semicolon; and

14 (3) by adding at the end the following:

15 “(40) certain lands in Maricopa County, Ari-
16 zona, which comprise approximately 23,464 acres, as
17 generally depicted as ‘Red Rock Canyon Wilderness’
18 on the map entitled ‘Proposed Great Bend of the
19 Gila Conservation Act’ and dated August 05, 2021,
20 and which shall be known as the Red Rock Canyon
21 Wilderness; and

22 “(41) certain lands in Maricopa County, Ari-
23 zona, which comprise approximately 23,712 acres,
24 generally depicted as ‘Ringtail Wilderness’ on the
25 map entitled ‘Proposed Great Bend of the Gila Con-

1 servation Act’ and dated August 05, 2021, which
2 shall be known as the Ringtail Wilderness.”.

3 (b) APPLICABLE LAW.—For the purposes of admin-
4 istering the Wilderness Areas—

5 (1) any reference in the Wilderness Act (16
6 U.S.C. 1131 et seq.) to the effective date of that Act
7 shall be considered to be a reference to the date of
8 the enactment of this Act; and

9 (2) any reference in section 101 of the Arizona
10 Wilderness Act of 1990 (16 U.S.C. 1132 note; Pub-
11 lic Law 101–628) to the effective date of that Act
12 shall be considered to be a reference to the date of
13 the enactment of this Act.

14 (c) REFERENCES.—Any reference in a law, map, reg-
15 ulation, document, paper, or other record of the United
16 States to the Woolsey Peak Wilderness, as designated by
17 section 101(a)(13) of the Arizona Wilderness Act of 1990
18 (16 U.S.C. 1132 note; Public Law 101–628), as redesi-
19 gnated and amended by subsection (a)(1) of this Act, shall
20 be considered to be a reference to the Gila Bend Wilder-
21 ness.

22 **SEC. 5. MAPS AND LEGAL DESCRIPTIONS.**

23 (a) IN GENERAL.—As soon as practicable after the
24 date of the enactment of this Act, the Secretary shall sub-
25 mit to the Committee on Energy and Natural Resources

1 of the Senate and the Committee on Natural Resources
2 of the House of Representatives a map and legal descrip-
3 tion of each of the Conservation Areas and each of the
4 Wilderness Areas.

5 (b) FORCE AND EFFECT.—Each map and legal de-
6 scription submitted under subsection (a) shall have the
7 same force and effect as if included in this Act, except
8 that the Secretary may correct any clerical or typo-
9 graphical errors in the maps or legal descriptions.

10 (c) AVAILABILITY.—Each map and legal description
11 submitted under subsection (a) shall be available for pub-
12 lic inspection in the appropriate offices of the Bureau of
13 Land Management.

14 **SEC. 6. MANAGEMENT OF CONSERVATION AREAS AND WIL-**
15 **DERNESS AREAS.**

16 (a) LAND MANAGEMENT PLANS.—

17 (1) IN GENERAL.—Not later than 3 years after
18 the date of the enactment of this Act, the Secretary
19 shall develop a comprehensive management plan for
20 each of the Conservation Areas that provides for the
21 long-term protection and management of the Con-
22 servation Areas.

23 (2) REQUIREMENTS.—In developing a manage-
24 ment plan under paragraph (1), the Secretary
25 shall—

1 (A) closely collaborate with each applicable
2 Tribal commission in accordance with para-
3 graph (3);

4 (B) consult with—

5 (i) interested Indian Tribes;

6 (ii) appropriate State and local gov-
7 ernmental entities; and

8 (iii) members of the public;

9 (C) at the request of an interested Indian
10 Tribe, include the interested Indian Tribe as a
11 cooperating agency in the development of the
12 management plan; and

13 (D) to the maximum extent practicable, in-
14 corporate Native knowledge.

15 (3) INCORPORATION OF RECOMMENDATIONS.—

16 (A) IN GENERAL.—In developing a man-
17 agement plan under this subsection, the Sec-
18 retary shall carefully and fully consider incor-
19 porating the traditional, historical, and cultural
20 knowledge and Native knowledge of the applica-
21 ble Tribal commission, if the Tribal commission
22 submits such information to the Secretary as
23 written recommendations.

24 (B) CONSULTATION.—If the Secretary de-
25 termines that a specific recommendation sub-

1 mitted to the Secretary under subparagraph (A)
2 is impracticable, infeasible, or not in the public
3 interest, the Secretary shall consult with the ap-
4 plicable Tribal commission to determine specific
5 measures to modify, or otherwise address, the
6 recommendation.

7 (C) WRITTEN EXPLANATION.—If, after
8 consultation under subparagraph (B), the Sec-
9 retary determines not to incorporate a specific
10 recommendation submitted to the Secretary
11 under subparagraph (A), the Secretary shall
12 provide to the Tribal commission a written ex-
13 planation of the reason for the determination by
14 the date that is 30 days after the date on which
15 the determination is made.

16 (4) CONTENTS.—The land management plan
17 for each of the relevant Conservation Areas shall—

18 (A) describe the appropriate uses and
19 management of the relevant Conservation Area;

20 (B) provide for traditional uses of the Con-
21 servation Area by members of Indian Tribes in
22 accordance with subsection (b) and section 7;

23 (C) provide for the protection and preser-
24 vation of cultural resources within the relevant
25 Conservation Area;

1 (D) be developed with extensive public
2 input and government-to-government consulta-
3 tion with interested Indian Tribes;

4 (E) take into consideration any informa-
5 tion developed in studies of the land within the
6 relevant Conservation Area; and

7 (F) include comprehensive travel manage-
8 ment plans for the relevant Conservation Area.

9 (b) NATIVE AMERICAN USES.—

10 (1) IN GENERAL.—To the extent practicable,
11 the Secretary shall ensure access to the Conservation
12 Areas for traditional cultural activities by members
13 of Indian Tribes that are culturally associated with
14 the Conservation Areas.

15 (2) PURPOSE AND INTENT.—Access provided
16 under paragraph (1) shall be consistent with the
17 purpose and intent of Public Law 95–341 (42
18 U.S.C. 1996), commonly referred to as the American
19 Indian Religious Freedom Act.

20 (3) TEMPORARY CLOSURES.—

21 (A) IN GENERAL.—In implementing this
22 subsection, the Secretary, upon the request of
23 an interested Indian Tribe, may temporarily
24 close to general public use of portions of the
25 Conservation Areas to protect the privacy of

1 traditional cultural activities in such areas by
2 members of the interested Indian Tribe.

3 (B) LIMITATION.—Any closure pursuant to
4 subparagraph (A) shall be made to affect the
5 smallest practicable area for the minimum pe-
6 riod of time necessary for such purposes.

7 (c) ACCESS.—The Secretary shall allow access, in ac-
8 cordance with applicable law, to—

9 (1) non-Federal land and interests in non-Fed-
10 eral land within the Conservation Areas; and

11 (2) trust or restricted lands or a trust or re-
12 stricted interest in land (as defined by section
13 201(4) of the Indian Land Consolidation Act (25
14 U.S.C. 2201(4))) within the Conservation Areas.

15 (d) COORDINATION AND INTERPRETATION.—

16 (1) IN GENERAL.—The Secretary shall, in con-
17 sultation with each applicable Tribal Commission,
18 seek to coordinate conservation, protection, restora-
19 tion, and scientific management of the lands within
20 the Great Bend of the Gila National Conservation
21 Area with similar activities carried out on PLO
22 1015 lands.

23 (2) INTERPRETATION.—The Secretary shall
24 seek to ensure that the following areas are inter-

1 preted for the public as an overall complex linked by
2 natural and cultural history and resources:

3 (A) The Great Bend of the Gila National
4 Conservation Area.

5 (B) The Gila Bend Wilderness.

6 (C) The Red Rock Canyon Wilderness.

7 (D) PLO 1015 lands.

8 (e) WITHDRAWAL.—Subject to valid existing rights,
9 all Federal land in the Conservation Areas (including any
10 land acquired by the Secretary within the Conservation
11 Areas after the date of the enactment of this Act) is with-
12 drawn from—

13 (1) all forms of entry, appropriation, and dis-
14 posal under the public land laws;

15 (2) location, entry, and patent under the mining
16 laws; and

17 (3) operation of the mineral leasing, mineral
18 materials, and geothermal leasing laws.

19 (f) ACQUISITION AND INCORPORATION.—

20 (1) IN GENERAL.—The Secretary may acquire
21 land or an interest in land within the boundaries of
22 the Conservation Areas by purchase from a willing
23 seller, donation, or exchange.

24 (2) STATE LANDS.—The Secretary, in collabo-
25 ration with the Arizona State Land Department,

1 shall seek to acquire by exchange or purchase from
2 a willing seller those lands generally depicted on the
3 Great Bend of the Gila Map as “Lands Identified
4 for Potential Acquisition”.

5 (3) INCORPORATION IN CONSERVATION
6 AREAS.—Land acquired under paragraph (1) or
7 paragraph (2) shall—

8 (A) become part of the appropriate Con-
9 servation Area and, if within the Wilderness
10 Areas, the appropriate wilderness area; and

11 (B) be managed in accordance with this
12 Act and any other applicable laws.

13 (4) PLO 1015.—If the Secretary determines
14 that the lands withdrawn by PLO 1015 and utilized
15 by the Arizona Fish and Game Commission are no
16 longer necessary for the purposes for which they
17 were withdrawn, such lands shall—

18 (A) become part of the Great Bend of the
19 Gila National Conservation Area; and

20 (B) be managed by the United States Fish
21 and Wildlife Service in accordance with this Act
22 and any other applicable laws.

23 (g) GRAZING.—The grazing of livestock in the Con-
24 servation Areas and the Wilderness Areas, where estab-
25 lished before the date of the enactment of this Act, shall

1 be allowed to continue, subject to such reasonable regula-
2 tions, policies, and practices as the Secretary considers to
3 be necessary in accordance with—

4 (1) applicable law (including regulations);

5 (2) the purposes of the Conservation Areas; and

6 (3) if within the Wilderness Areas, in accord-
7 ance with the section 101(f) of the Arizona Wilder-
8 ness Act of 1990 (16 U.S.C. 1132 note; Public Law
9 101–628) and section 4(b)(2).

10 (h) FISH AND WILDLIFE.—Nothing in this Act af-
11 fects the jurisdiction of the State with respect to the man-
12 agement of fish and wildlife in the State.

13 (i) WATER RIGHTS.—Nothing in this Act—

14 (1) shall constitute either an express or implied
15 reservation by the United States of any water rights
16 for the Conservation Areas;

17 (2) affects the use or allocation, in existence on
18 the date of the enactment of this Act, of any water,
19 water right, or interest in water;

20 (3) affects any interstate water compact in ex-
21 istence on the date of the enactment of this section;

22 or

23 (4) shall be considered to be a relinquishment
24 or reduction of any water rights reserved or appro-

1 priated by the United States in the State on or be-
2 fore the date of the enactment of this Act.

3 (j) INVASIVE SPECIES.—

4 (1) IN GENERAL.—The Secretary may prescribe
5 such measures to control or eradicate nonnative
6 invasive plants within the Conservation Areas and
7 the Wilderness Areas in accordance with—

8 (A) the purposes of the Conservation Areas
9 described in section 3(b);

10 (B) the land management plans for each of
11 the Conservation Areas;

12 (C) applicable law (including regulations);
13 and

14 (D) if within the Wilderness Areas, in ac-
15 cordance with section 4 of the Wilderness Act
16 (16 U.S.C. 1133(d)(4)).

17 (2) INVENTORY.—Not later than 3 years after
18 the date of the enactment of this Act, and every 5
19 years thereafter, the Secretary shall conduct an in-
20 ventory of nonnative invasive plant species in the
21 Conservation Areas.

22 (3) COORDINATION.—The Secretary shall co-
23 ordinate the management of nonnative invasive spe-
24 cies within the Conservation Areas with the Flood

1 Control District of Maricopa County and neigh-
2 boring communities.

3 (k) RESEARCH AND INTERPRETIVE MANAGEMENT.—

4 The Secretary shall, in consultation with each applicable
5 Tribal Commission, allow scientific research to be con-
6 ducted in the Conservation Areas and the Wilderness
7 Areas, including research to identify, protect, and preserve
8 the historic and cultural resources of the Conservation
9 Areas and the Wilderness Areas, subject to such reason-
10 able regulations, policies, and practices as the Secretary
11 considers to be necessary in accordance with—

12 (1) applicable law (including regulations);

13 (2) the purposes of the Conservation Areas;

14 (3) if within the Wilderness Areas, in accord-
15 ance with section 4 of the Wilderness Act (16 U.S.C.
16 1133(d)(4)); and

17 (4) this Act.

18 (l) MILITARY OVERFLIGHTS.—Nothing in this Act
19 restricts or precludes—

20 (1) low-level overflights of military aircraft over
21 the Conservation Areas, including military over-
22 flights that can be seen or heard within the Con-
23 servation Areas;

24 (2) flight testing and evaluation; or

1 (3) the designation or creation of new units of
2 special use airspace, or the establishment of military
3 flight training routes over the Conservation Areas.

4 (m) ADJACENT MANAGEMENT.—

5 (1) IN GENERAL.—Nothing in this Act shall be
6 construed to create a protective perimeter or buffer
7 zone around the Conservation Areas.

8 (2) ACTIVITIES AND USES.—The fact that ac-
9 tivities or uses can be seen or heard from areas
10 within the Conservation Areas shall not preclude the
11 conduct of the activities or uses outside the bound-
12 ary of the Conservation Areas.

13 **SEC. 7. NATIVE AMERICAN RIGHTS AND USES.**

14 (a) TRIBAL RIGHTS.—Nothing in this Act alters or
15 diminishes—

16 (1) the treaty rights of any Indian Tribe; or

17 (2) the hunting, fishing, and gathering rights of
18 the Tohono O’odham Nation recognized by section
19 4(b) of the Gila Bend Indian Reservation Lands Re-
20 placement Act (Public Law 99–503).

21 (b) CONSULTATION.—The Secretary shall consult
22 with interested Indian Tribes—

23 (1) in carrying out the land management plans;

24 (2) providing access under section 6(b); and

1 (3) to determine whether to charter an advisory
2 committee to provide advice on the management of
3 the Conservation Areas.

4 **SEC. 8. TRIBAL COMMISSION.**

5 (a) IN GENERAL.—To ensure that the management
6 of the Conservation Areas reflects the expertise and tradi-
7 tional, cultural, ecological, and historical knowledge and
8 Native knowledge of members of interested Indian Tribes,
9 not later than 180 days after the date of the enactment
10 of this Act, the Secretary shall establish for the Conserva-
11 tion Areas a Tribal commission.

12 (b) DUTIES.—The Tribal commission shall provide
13 guidance and recommendations on the development and
14 implementation of the management plan for, and policies
15 of, the Conservation Area.

16 (c) MEMBERSHIP.—

17 (1) COMPOSITION.—The Tribal commission
18 shall consist of the representatives designated by
19 each interested Indian Tribe with a historical asso-
20 ciation with the land within the boundaries of the
21 Conservation Areas, with a maximum of 1 represent-
22 ative per interested Indian Tribe.

23 (2) PROCESS.—The Secretary shall conduct
24 government-to-government consultation with each in-
25 terested Indian Tribe with a historical association

1 with the land within the boundaries of the Conserva-
2 tion Areas to determine whether the interested In-
3 dian Tribe may designate a representative to be a
4 member of the Tribal commission under paragraph
5 (1).

6 (d) EXEMPTION.—The Federal Advisory Committee
7 Act (5 U.S.C. App.) shall not apply to the Tribal commis-
8 sion.

9 **SEC. 9. SELF-DETERMINATION CONTRACTS.**

10 (a) IN GENERAL.—The Secretary may contract with
11 1 or more Indian Tribes or Tribal organizations to per-
12 form administrative or management functions within the
13 Conservation Areas through contracts entered into under
14 the Indian Self-Determination and Education Assistance
15 Act (25 U.S.C. 5301 et seq.).

16 (b) ENVIRONMENTAL AND OTHER REQUIRE-
17 MENTS.—

18 (1) EFFECT.—Nothing in this section alters or
19 abridges the application of—

20 (A) the Endangered Species Act of 1973
21 (16 U.S.C. 1531 et seq.);

22 (B) the Federal Water Pollution Control
23 Act (33 U.S.C. 1251 et seq.);

24 (C) the National Environmental Policy Act
25 of 1969 (42 U.S.C. 4321 et seq.);

1 (D) any other applicable Federal environ-
2 mental law (including regulations); or

3 (E) the Wilderness Act (16 U.S.C. 1131 et
4 seq.).

5 (2) ENVIRONMENTAL ANALYSES.—Nothing in
6 this section authorizes the Secretary, an Indian
7 Tribe, or a Tribal organization to waive completion
8 of any necessary environmental analysis under appli-
9 cable Federal law.

10 (3) RETENTION OF NEPA RESPONSIBILITIES.—
11 The Secretary shall make any decision required to
12 be made under the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.) or other appli-
14 cable Federal law (including regulations) with re-
15 spect to any activity to be carried out on public land
16 under the jurisdiction of the Bureau of Land Man-
17 agement and Fish and Wildlife Service under this
18 Act.

19 (4) APPLICABILITY OF THE ADMINISTRATIVE
20 PROCEDURE ACT.—Nothing in this section alters or
21 abridges the application of subchapter II of chapter
22 5, or chapter 7, of title 5, United States Code (com-
23 monly known as the “Administrative Procedure
24 Act”), to this Act.

1 (c) TRIBAL ASSISTANCE.—The Secretary may pro-
2 vide technical and financial assistance to an Indian Tribe
3 in accordance with section 103 of the Indian Self-Deter-
4 mination and Education Assistance Act (25 U.S.C. 5322)
5 to improve the capacity of the Indian Tribe to develop,
6 enter into, and carry out activities under a contract under
7 subsection (a).

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