

114TH CONGRESS  
1ST SESSION

# H. R. 3882

To designate the Greater Grand Canyon Heritage National Monument in the State of Arizona, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2015

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

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## A BILL

To designate the Greater Grand Canyon Heritage National Monument 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 AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Greater Grand Canyon Heritage National Monument  
6 Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

Sec. 3. Establishment of Greater Grand Canyon Heritage National Monument,  
Arizona.

Sec. 4. Management of Federal lands within the National Monument.

- Sec. 5. Development of management plan.  
Sec. 6. Existing and historical uses of Federal lands included in monument.  
Sec. 7. Acquisition of land.  
Sec. 8. Greater Grand Canyon Heritage National Monument Advisory Council.  
Sec. 9. Water.  
Sec. 10. Withdrawal of Federal land from mining laws.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADVISORY COUNCIL.**—The term “advisory  
4 council” means the Greater Grand Canyon Heritage  
5 National Monument Advisory Council.

6 (2) **GRAND CANYON-ASSOCIATED TRIBES.**—The  
7 term “Grand Canyon-associated tribes” means the  
8 Havasupai Tribe, the Hopi Tribe, Hualapai Indian  
9 Tribe, the Navajo Nation, Kaibab Band of Paiute  
10 Indians, Paiute Indian Tribe of Utah, Las Vegas  
11 Tribe of Paiute, Moapa Band of Paiute Indians, San  
12 Juan Southern Paiute Tribe, Yavapai-Apache Na-  
13 tion, and the Zuni Tribe.

14 (3) **MANAGEMENT PLAN.**—The term “manage-  
15 ment plan” means the plan developed consistent  
16 with section 5.

17 (4) **NATIONAL MONUMENT.**—The term “na-  
18 tional monument” means the Greater Grand Canyon  
19 Heritage National Monument.

20 (5) **SECRETARY.**—The term “Secretary”  
21 means—

1 (A) the Secretary of Agriculture, with re-  
2 spect to those national monument lands under  
3 the jurisdiction of the Secretary of Agriculture;  
4 and

5 (B) the Secretary of the Interior, with re-  
6 spect to those national monument lands under  
7 the jurisdiction of the Secretary of the Interior.

8 (6) SECRETARIES.—The term “Secretaries”  
9 means the Secretary of Agriculture and the Sec-  
10 retary of the Interior acting jointly.

11 **SEC. 3. ESTABLISHMENT OF GREATER GRAND CANYON**  
12 **HERITAGE NATIONAL MONUMENT, ARIZONA.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) The Greater Grand Canyon ecosystem and  
15 watershed contains various tribal sacred sites and  
16 resources, including religious places and burial sites,  
17 with significant ancestral and contemporary values  
18 to the Grand Canyon-associated tribes.

19 (2) The Grand Canyon-associated tribes have a  
20 longstanding historical, cultural and religious con-  
21 nection the Greater Grand Canyon ecosystem and  
22 watershed and should play an integral role, through  
23 collaboration and consultation, in the planning and  
24 ongoing management of the monument.

1           (3) The Grand Canyon-associated tribes have  
2           historically been stewards of the region, with obliga-  
3           tions to care for the land that has provided for them  
4           since time immemorial, including natural and cul-  
5           tural resources such as ancestral sites, sacred places,  
6           plants, wildlife, water sources, and minerals, result-  
7           ing in an accumulated body of traditional ecological  
8           knowledge that holds great potential for contributing  
9           to the sustainable and holistic management of the  
10          unique and fragile landscape.

11          (4) The surface tributaries and interconnected  
12          ground water of the Greater Grand Canyon eco-  
13          system and watershed are the source for Native  
14          American sacred springs and falls, such as  
15          Havasupai Falls.

16          (5) The Greater Grand Canyon ecosystem and  
17          watershed in northern Arizona contains nationally  
18          significant biological, cultural, recreational, geologi-  
19          cal, educational, and scientific values.

20          (6) The Greater Grand Canyon ecosystem and  
21          watershed is integral to Grand Canyon National  
22          Park. The surface tributaries and groundwater  
23          sources within the watershed are interconnected and  
24          contribute significantly to the flow of the Colorado

1 River, and provide a source of drinking water for  
2 millions of American citizens.

3 (7) The Greater Grand Canyon ecosystem and  
4 watershed contains a diverse array of canyons, cliffs,  
5 grasslands, springs, and escarpments that create a  
6 landscape unlike any other within America.

7 (8) Wildlife corridors within the Greater Grand  
8 Canyon ecosystem and watershed facilitate the mi-  
9 gration and survival of many native game species  
10 while the rivers, forests, and grasslands provide  
11 habitat for many rare, threatened, and endangered  
12 species.

13 (9) The Greater Grand Canyon ecosystem and  
14 watershed provides a wild and rugged landscape en-  
15 joyed by hunters, campers, hikers, mountain bikers,  
16 equestrians, and other recreationists.

17 (10) Recreational activity within the watershed  
18 is the primary driver of sustainable economic devel-  
19 opment in local communities.

20 (b) ESTABLISHMENT.—Subject to valid existing  
21 rights, there is hereby established the Greater Grand Can-  
22 yon Heritage National Monument in the State of Arizona,  
23 which consists of Federal land and interests in Federal  
24 land in Arizona, as generally depicted on the map entitled

1 “Greater Grand Canyon Heritage National Monument”  
2 and dated September 11, 2015.

3 (c) PURPOSES.—The purposes of the national monu-  
4 ment are—

5 (1) to preserve and, if necessary, restore the na-  
6 tive, cultural, sacred lands, and key tribal resources,  
7 nationally significant biological, ecological, including  
8 wildlife connectivity, cultural, historical, recreational,  
9 geological, hydrological, education, scenic and sci-  
10 entific values found in the Greater Grand Canyon  
11 ecosystem and watershed, including above-ground  
12 tributaries, springs and interconnected groundwater  
13 that contribute significantly to the Colorado River;  
14 and

15 (2) to secure now and for future generations  
16 the opportunity to experience and enjoy the diverse  
17 tribal resources, landscape, wildlife, water flows, and  
18 recreational use of the lands included in the national  
19 monument.

20 (d) LEGAL DESCRIPTIONS; CORRECTIONS OF ER-  
21 RORS.—

22 (1) PREPARATION.—As soon as practical after  
23 the date of the enactment of this Act, but not later  
24 than 2 years after such date, the Secretaries shall  
25 prepare final maps and legal descriptions of the na-

1 tional monument, which shall have the same force  
2 and effect as if included in this Act, except that the  
3 Secretaries may correct clerical and typographical  
4 errors in the maps and legal descriptions.

5 (2) SUBMISSION.—As soon as practicable after  
6 the preparation of the maps and legal descriptions  
7 under paragraph (1), the Secretaries shall submit  
8 the maps and legal descriptions to the Committee on  
9 Natural Resources of the House of Representatives  
10 and to the Committee on Energy and Natural Re-  
11 sources of the Senate.

12 (3) CONFLICT BETWEEN MAP AND LEGAL DE-  
13 SCRIPTION.—In the case of a conflict between the  
14 maps and the legal descriptions, the maps shall con-  
15 trol.

16 (4) PUBLIC AVAILABILITY.—The maps and  
17 legal descriptions prepared pursuant to paragraph  
18 (1) shall be available for public inspection at appro-  
19 priate offices of the Bureau of Land Management  
20 and Forest Service.

21 **SEC. 4. MANAGEMENT OF FEDERAL LANDS WITHIN THE NA-**  
22 **TIONAL MONUMENT.**

23 (a) BASIS OF MANAGEMENT.—

24 (1) APPLICABLE LAWS.—The Secretary shall  
25 manage the national monument in a manner that

1 conserves, protects, and enhances the natural re-  
2 sources and values of the national monument, in ac-  
3 cordance with—

4 (A) this Act;

5 (B) the Federal Land Policy and Manage-  
6 ment Act of 1976 (43 U.S.C. 1701 et seq.) for  
7 lands managed by the Bureau of Land Manage-  
8 ment;

9 (C) the Wilderness Act (16 U.S.C. 1131 et  
10 seq.);

11 (D) the Forest and Rangeland Renewable  
12 Resources Planning Act of 1974 (16 U.S.C.  
13 1600 et seq.) and section 14 of the National  
14 Forest Management Act of 1976 (16 U.S.C.  
15 472a);

16 (E) other laws (including regulations) ap-  
17 plicable to the National Forest System for land  
18 managed by the Forest Service; and

19 (F) other applicable law (including regula-  
20 tions).

21 (2) RESOLUTION OF CONFLICTS.—If there is a  
22 conflict between a provision of this Act and a provi-  
23 sion of another law specified in paragraph (1), the  
24 more restrictive provision shall control.

1 (b) AUTHORIZED USES.—The Secretary shall allow  
2 only such uses of the national monument as the Secretary  
3 determines would further the purposes specified in section  
4 3(c).

5 (c) PROTECTION OF RESERVATION, STATE, AND PRI-  
6 VATE LANDS AND INTERESTS.—The establishment of the  
7 national monument shall not—

8 (1) affect the property rights related to any In-  
9 dian reservation, individually held trust land, other  
10 Indian allotments, lands or interests in lands held by  
11 the State of Arizona or any of its political subdivi-  
12 sions, or any private property rights within the  
13 boundaries of the national monument; or

14 (2) grant the Secretary of the Interior or the  
15 Secretary of Agriculture any new authority not al-  
16 ready provided by law on or over non-Federal lands.

17 (d) SCOPE.—The authority of the Secretary of the  
18 Interior and the Secretary of Agriculture under this Act  
19 shall extend only to Federal lands and Federal interests  
20 in lands included in the national monument.

21 (e) NON-FEDERAL LANDS AND INTERESTS.—Noth-  
22 ing in this Act—

23 (1) requires a non-Federal property owner to  
24 allow public access to private property; or

1           (2) modifies any provision of Federal, State, or  
2           local law with respect to use of non-Federal land.

3 **SEC. 5. DEVELOPMENT OF MANAGEMENT PLAN.**

4           (a) **MANAGEMENT PLAN.**—

5           (1) **IN GENERAL.**—Not later than 3 years after  
6           the date of the enactment of this Act, the Secre-  
7           taries, collaborating at regular periods, shall—

8                   (A) develop, in accordance with the Na-  
9                   tional Environmental Policy Act of 1969 (42  
10                   U.S.C. 4321 et seq.) and in collaboration with  
11                   the advisory council, a comprehensive plan for  
12                   the protection and management of the national  
13                   monument to fulfill the purposes of the national  
14                   monument; and

15                   (B) submit the management plan to Con-  
16                   gress before making it available to the public.

17           (2) **CONTENTS.**—The management plan devel-  
18           oped under this section shall—

19                   (A) describe the appropriate uses and  
20                   management of the national monument;

21                   (B) identify short-term and long-term  
22                   management actions and prioritize the manage-  
23                   ment actions based on projected availability of  
24                   resources;

1           (C) protect and preserve Indian sacred  
2 sites (as defined in section 1(b) of Executive  
3 Order 13007 of May 24, 1996) and allow for  
4 Indian tribal members to access those sites for  
5 traditional, cultural, spiritual, and tree and for-  
6 est product, food, and medicine-gathering pur-  
7 poses;

8           (D) include appropriate transportation  
9 planning that addresses the actions, including  
10 road closures or travel restrictions, necessary to  
11 protect the objects of the national monument  
12 and to further the purposes of the American In-  
13 dian Religious Freedom Act (42 U.S.C. 1996 et  
14 seq.);

15           (E) provide for the development and imple-  
16 mentation of credible science-based ecological  
17 restoration projects that provide for the reten-  
18 tion of old growth and large diameter trees, de-  
19 veloped in coordination with the advisory coun-  
20 cil, with the intent of restoring natural fire re-  
21 gimes, enhancing old growth forest characteris-  
22 tics, and assisting in the recovery and maintain-  
23 ing the viability of at-risk, threatened, and en-  
24 dangered species;

1 (F) evaluate the naturally dark time condi-  
2 tions and propose goals and management direc-  
3 tives to retain current characteristics; and

4 (G) provide for continued recreational use  
5 of the national monument, including hunting,  
6 hiking, camping, mountain biking, birding, and  
7 horse-back riding, to the extent such rec-  
8 reational use is consistent with this Act and ap-  
9 plicable law.

10 (3) PUBLIC PARTICIPATION AND SPECIAL CON-  
11 siderations.—In developing and implementing the  
12 management plan, and to the extent consistent with  
13 this section, the Secretaries—

14 (A) shall solicit extensive public input;

15 (B) shall take into consideration any infor-  
16 mation developed in studies of the land within  
17 the national monument;

18 (C) shall assess available climate change  
19 information pertinent to the national monument  
20 and include standards and practices to ensure  
21 the preservation of wildlife corridors and facili-  
22 tate species migration;

23 (D) shall identify opportunities to promote  
24 voluntary cooperative conservation projects with  
25 tribal, State, local, and private interests;

1           (E) shall take into consideration land uses  
2           (including tribal treaty and statutory rights) on  
3           the Federal lands within the national monu-  
4           ment on the day before the date of the enact-  
5           ment of this Act; and

6           (F) may incorporate any provision from a  
7           resource management plan, land and resource  
8           management plan, or any other plan applicable  
9           to the national monument.

10           (4) COLLABORATION WITH NATIVE AMERICAN  
11           TRIBES.—The Secretary of the Interior, in coopera-  
12           tion with the Secretary of Agriculture, shall formally  
13           collaborate with the Grand Canyon-associated tribes  
14           in the development of the management plan and in  
15           the ongoing management of the national monument.

16           (5) COOPERATIVE AGREEMENTS.—In carrying  
17           out this Act, the Secretaries may make grants to, or  
18           enter into cooperative agreements and shared man-  
19           agement arrangements with, federally recognized In-  
20           dian tribes, with special emphasis on collaboration  
21           with the Grand Canyon-associated tribes, to conduct  
22           research, develop scientific analyses, and carry out  
23           any other initiative relating to the restoration, con-  
24           servation, or management of the national monument.



1 (c) GRAZING.—Livestock grazing within the national  
2 monument, where established or planned before the date  
3 of the enactment of this Act, shall be allowed to continue  
4 subject to all applicable laws and regulations.

5 (d) WILDLAND FIRE OPERATIONS.—In cooperation  
6 with other Federal, State, tribal, and local agencies, as  
7 appropriate, the Secretary shall conduct wildland fire op-  
8 erations in the national monument consistent with the  
9 purposes specified in section 3(e).

10 (e) COMMERCIAL RECREATION ACTIVITIES.—The  
11 Secretary shall allow commercial recreation activities with-  
12 in the national monument in accordance with—

13 (1) this Act;

14 (2) the Wilderness Act (16 U.S.C. 1133 et  
15 seq.); and

16 (3) all other applicable laws and regulations.

17 (f) HUNTING, TRAPPING, FISHING, AND GATH-  
18 ERING.—The Secretary shall allow hunting, trapping, fish-  
19 ing, and gathering within the national monument in ac-  
20 cordance with applicable laws and regulations of the  
21 United States and the State of Arizona.

22 (g) COMMERCIAL HARVEST OF TIMBER.—The Sec-  
23 retary may allow cutting, sale, or removal of timber and  
24 other vegetative material within the national monument  
25 to the extent consistent with the purposes of the Act and

1 as part of an authorized restoration project under section  
2 5.

3 **SEC. 7. ACQUISITION OF LAND.**

4 (a) ACQUISITION AUTHORIZED; METHODS.—Non-  
5 Federal held land or interests in land within the bound-  
6 aries of the national monument may be acquired for man-  
7 agement as part of the national monument only by—

8 (1) donation;

9 (2) exchange with a willing party; or

10 (3) purchase from a willing seller.

11 (b) USE OF EASEMENTS.—To the extent practicable,  
12 and if preferred by a willing landowner, the Secretary shall  
13 use permanent conservation easements to acquire interests  
14 in land in the national monument instead of acquiring  
15 land in fee simple.

16 (c) VALUATION OF PRIVATE PROPERTY.—The  
17 United States shall offer the fair market value for any  
18 interests or partial interests in land acquired under this  
19 section.

20 (d) INCORPORATION OF ACQUIRED LANDS AND IN-  
21 TERESTS.—Any land or interest in land within the bound-  
22 aries of the national monument that is acquired by the  
23 United States after the date of the enactment of this Act  
24 shall be added to and administered as part of the national  
25 monument.

1 (e) LIMITED CONVEYANCE AUTHORITY.—The Sec-  
2 retary may authorize the conveyance of Federal land with-  
3 in the national monument if—

4 (1) the purpose for which the land is to be con-  
5 veyed is consistent with the purposes specified in  
6 section 3(c);

7 (2) the conveyance would benefit the national  
8 monument and is in the public interest, as deter-  
9 mined by the Secretaries; and

10 (3) the conveyance is made in accordance with  
11 applicable law (including regulations).

12 **SEC. 8. GREATER GRAND CANYON HERITAGE NATIONAL**  
13 **MONUMENT ADVISORY COUNCIL.**

14 (a) ESTABLISHMENT.—Not more than 180 days after  
15 the date of the enactment of this Act, the Secretaries shall  
16 establish an advisory council to be known as the “Greater  
17 Grand Canyon Heritage National Monument Advisory  
18 Council”.

19 (b) DUTIES.—The advisory council shall—

20 (1) collaborate with the Secretaries with respect  
21 to the preparation and implementation of the man-  
22 agement plan;

23 (2) oversee and collaborate on the management  
24 of tribal sites, artifacts, ancient trails, burial sites,

1 and resources within the boundaries of the national  
2 monument; and

3 (3) oversee and provide consultation on adapt-  
4 ive management of natural resources within the  
5 boundaries of the national monument, including for-  
6 est restoration and wildlife resources.

7 (c) APPLICABLE LAW.—The advisory council shall be  
8 subject to—

9 (1) the Federal Advisory Committee Act (5  
10 U.S.C. App.);

11 (2) the Federal Land Policy and Management  
12 Act of 1976 (43 U.S.C. 1701 et seq.); and

13 (3) all other applicable law.

14 (d) REPRESENTATION.—The advisory council to be  
15 appointed by the Secretaries, and, to the extent prac-  
16 ticable, shall be comprised of—

17 (1) a representative designated by each tribal  
18 community with a historical relationship to the re-  
19 gion that wishes to participate in the management  
20 of the national monument;

21 (2) a representative that is a natural or cultural  
22 resource officer designated by each tribal community  
23 with a historical relationship to the region that wish-  
24 es to participate in the management of the national  
25 monument;

1           (3) a representative with expertise in the field  
2 of anthropology, archaeology, and/or cultural studies  
3 from an accredited university or museum, as deter-  
4 mined by the Secretary of the Interior and Secretary  
5 of Agriculture;

6           (4) a representative of environmental non-gov-  
7 ernmental organizations engaged in activities related  
8 to the Greater Grand Canyon ecosystem and water-  
9 shed located within Arizona;

10          (5) a representative of environmental non-gov-  
11 ernmental organizations engaged in activities related  
12 to the Greater Grand Canyon ecosystem and water-  
13 shed located anywhere in the Nation;

14          (6) a representative of recreational non-govern-  
15 mental organizations engaged in promoting opportu-  
16 nities for recreational hunting and fishing within Ar-  
17 izona;

18          (7) a representative of the Arizona Game and  
19 Fish Department; and

20          (8) a representative with expertise in the field  
21 of natural resource management, wildlife, or con-  
22 servation biology selected from a regional college or  
23 university.

24          (e) TERMS.—

1           (1) STAGGERED TERMS.—Members of the advi-  
2           sory council shall be appointed for terms of 3 years,  
3           except that, of the members first appointed, 5 of the  
4           members shall be appointed for a term of 1 year and  
5           5 of the members shall be appointed for a term of  
6           2 years.

7           (2) REAPPOINTMENT.—A member may be re-  
8           appointed to serve on the advisory council upon the  
9           expiration of the member’s current term.

10          (3) VACANCY.—A vacancy on the advisory  
11          council shall be filled in the same manner as the  
12          original appointment.

13          (f) QUORUM.—A quorum shall be 8 members of the  
14          advisory council. The operations of the advisory council  
15          shall not be impaired by the fact that a member has not  
16          yet been appointed as long as a quorum has been attained.

17          (g) PROCEDURES.—The advisory council shall estab-  
18          lish such rules and procedures as it deems necessary or  
19          desirable.

20       **SEC. 9. WATER.**

21           Nothing in this Act—

22           (1) affects the use or allocation, in existence on  
23           the date of the enactment of this Act, of any water,  
24           water right, or interest in water;

1           (2) affects any vested absolute or decreed condi-  
2           tional water right in existence on the date of the en-  
3           actment of this Act, including any water right held  
4           by the United States;

5           (3) affects any claims or rights to water not yet  
6           asserted or finally determined;

7           (4) affects any interstate water compact in ex-  
8           istence on the date of the enactment of this Act;

9           (5) authorizes or imposes any new reserved  
10          Federal water rights; or

11          (6) relinquishes or reduces any water rights re-  
12          served or appropriated by the United States in the  
13          State of Arizona on or before the date of the enact-  
14          ment of this Act.

15 **SEC. 10. WITHDRAWAL OF FEDERAL LAND FROM MINING**  
16 **LAWS.**

17          (a) **WITHDRAWAL.**—Subject to valid existing rights  
18 as provided in section 3(b), the Federal lands and inter-  
19 ests in lands included within the National Monument are  
20 hereby withdrawn from—

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

23           (2) location, entry, and patent under the mining  
24           laws; and

1           (3) operation of the mineral leasing and geo-  
2           thermal leasing laws and mineral materials laws.

3           (b) TREATMENT OF EXISTING RIGHTS.—The with-  
4           drawal under subsection (a) is subject to valid, existing  
5           rights. If such rights are relinquished or otherwise ac-  
6           quired by the United States after the date of the enact-  
7           ment of this Act, the land that was subject to the rights  
8           shall be immediately withdrawn in accordance with sub-  
9           section (a).

○