

115TH CONGRESS
1ST SESSION

H. R. 360

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2017

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

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 to 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 aboveground
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 horseback 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 the Sec-
5 retary of Agriculture;

6 (4) a representative of environmental non-
7 governmental organizations engaged in activities re-
8 lated to the Greater Grand Canyon ecosystem and
9 watershed located within Arizona;

10 (5) a representative of environmental non-
11 governmental organizations engaged in activities re-
12 lated to the Greater Grand Canyon ecosystem and
13 watershed located anywhere in the Nation;

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

18 (7) a representative of recreational advocacy or-
19 ganizations engaged in promoting opportunities for
20 recreation other than hunting and fishing within Ar-
21 izona;

22 (8) a representative of the Arizona Game and
23 Fish Department; and

24 (9) a representative with expertise in the field
25 of natural resource management, wildlife, or con-

1 servation biology selected from a regional college or
2 university.

3 (e) TERMS.—

4 (1) STAGGERED TERMS.—Members of the advi-
5 sory council shall be appointed for terms of 3 years,
6 except that, of the members first appointed, 5 of the
7 members shall be appointed for a term of 1 year and
8 5 of the members shall be appointed for a term of
9 2 years.

10 (2) REAPPOINTMENT.—A member may be re-
11 appointed to serve on the advisory council upon the
12 expiration of the member's current term.

13 (3) VACANCY.—A vacancy on the advisory
14 council shall be filled in the same manner as the
15 original appointment.

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

20 (g) PROCEDURES.—The advisory council shall estab-
21 lish such rules and procedures as it deems necessary or
22 desirable.

23 **SEC. 9. WATER.**

24 Nothing in this Act—

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

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

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

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

12 (5) authorizes or imposes any new reserved
13 Federal water rights; or

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

18 **SEC. 10. WITHDRAWAL OF FEDERAL LAND FROM MINING**

19 **LAWS.**

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

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

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

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

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

○