

118TH CONGRESS  
1ST SESSION

# H. R. 1660

To establish the Avi Kwa Ame National Monument in the State of Nevada,  
and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2023

Ms. TITUS introduced the following bill; which was referred to the Committee  
on Natural Resources

---

## A BILL

To establish the Avi Kwa Ame National Monument in the  
State of Nevada, 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 “Avi Kwa Ame National  
5 Monument Establishment Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The Federal public lands in southernmost  
9 Nevada comprise a nationally significant cultural  
10 and natural landscape.

1           (2) These lands are considered sacred by nu-  
2           merous Indian Tribes, and the lands are tied to the  
3           Indian Tribes' creation, cosmology, and well-being,  
4           containing numerous cultural sites and objects.

5           (3) Avi Kwa Ame, or Spirit Mountain, located  
6           on the eastern edge of the proposed monument, is  
7           designated a Traditional Cultural Property on the  
8           National Register of Historic Places in recognition  
9           of its religious and cultural importance.

10          (4) The lands showcase the progression of  
11          human history in the Eastern Mojave Desert, a lit-  
12          eral crossroads of the American West. There are sig-  
13          nificant elements of Native American, Western-  
14          American, and Mining History, including the historic  
15          Mojave Trail/Road, originally used by Mojave and  
16          other Native Americans to transport goods from the  
17          southwest to trade with the Chumash and other  
18          coastal Tribes and later used in Western expansion,  
19          as well as the historic Walking Box Ranch which fig-  
20          ures prominently in the history of movie making in  
21          America.

22          (5) The lands contain several prominent geo-  
23          logical features, such as the volcanic Highland  
24          Range within the northern section of the Avi Kwa  
25          Ame landscape, which is about 10 miles long and re-

1       markably rugged and ragged. The multicolored vol-  
2       canic peaks, several thousand feet in elevation, tower  
3       above the surrounding valley and are remarkably  
4       scenic and are a designated Crucial Bighorn Sheep  
5       Habitat area.

6           (6) The lands are a rare biological hotspot that  
7       contain intact ecosystems, Joshua tree forests, out-  
8       standing wildlife habitat, and essential wildlife mi-  
9       gration corridors.

10          (7) The remote nature of the area protects the  
11       ability to enjoy increasingly rare natural quiet and  
12       dark night sky and solitude.

13          (8) The lands provide important recreational  
14       opportunities.

15          (9) Establishing the Federal public lands within  
16       the Avi Kwa Ame landscape as a national monument  
17       will permanently protect these natural and cultural  
18       resources for the benefit and enjoyment of present  
19       and future generations.

20   **SEC. 3. DEFINITIONS.**

21       In this Act:

22          (1) **ADVISORY COUNCIL.**—The term “Advisory  
23       Council” means the Avi Kwa Ame National Monu-  
24       ment Advisory Council established under section  
25       5(a).

1           (2) INDIAN TRIBE.—The term “Indian Tribe”  
 2       has the meaning given in section 4 of the Indian  
 3       Self-Determination and Education Assistance Act  
 4       (25 U.S.C. 5304).

5           (3) MANAGEMENT PLAN.—The term “manage-  
 6       ment plan” means the management plan prepared  
 7       under section 4(d).

8           (4) MAP.—The term “Map” means the map en-  
 9       titled “Avi Kwa Ame National Monument” and  
 10      dated February 1, 2022.

11          (5) MONUMENT.—The term “Monument”  
 12      means the Avi Kwa Ame National Monument estab-  
 13      lished by section 4(a).

14          (6) SECRETARY.—The term “Secretary” means  
 15      the Secretary of the Interior.

16          (7) STATE.—The term “State” means the State  
 17      of Nevada.

18 **SEC. 4. AVI KWA AME NATIONAL MONUMENT.**

19      (a) ESTABLISHMENT.—Subject to valid existing  
 20      rights, there is established the Avi Kwa Ame National  
 21      Monument in the State, consisting of approximately  
 22      445,000 acres of Federal land administered by the Bureau  
 23      of Land Management, as generally depicted on the Map.

24      (b) PURPOSES.—The purpose of the Monument is to  
 25      conserve, protect, and enhance for the benefit and enjoy-

1 ment of present and future generations the cultural, eco-  
2 logical, scenic, wildlife, recreational, dark sky, historical,  
3 natural, educational, and scientific resources of the Monu-  
4 ment.

5 (c) MANAGEMENT.—

6 (1) IN GENERAL.—The Secretary shall manage  
7 the Monument—

8 (A) in a manner that conserves, protects,  
9 and enhances the resources of the Monument;

10 (B) in accordance with—

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

14 (ii) this section; and

15 (iii) any other applicable law (includ-  
16 ing regulations); and

17 (C) as a component of the National Land-  
18 scape Conservation System.

19 (2) USES.—The Secretary shall only allow uses  
20 of the Monument that the Secretary determines  
21 would further the purposes described in subsection  
22 (b).

23 (3) NATIVE AMERICAN ACCESS AND USE.—

24 (A) ACCESS.—To the extent practicable,  
25 the Secretary shall ensure access to the Monu-

ment by members of an Indian Tribe for traditional cultural purposes.

(B) USE.—

(i) IN GENERAL.—In implementing this subsection, the Secretary, upon the request of an Indian Tribe, may temporarily close to the general public use of one or more specific portions of the Monument in order to protect the privacy of traditional cultural activities in such areas by members of the Indian Tribe.

(ii) LIMITATION.—Any such closure shall be made to affect the smallest area practicable for the minimum period necessary for such purposes.

(C) AMERICAN INDIAN RELIGIOUS FREEDOM.—The access and use provided under this paragraph shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and, as applicable, the Wilderness Act (16 U.S.C. 1131 et seq.).

(4) MOTORIZED VEHICLES.—

1           (A) IN GENERAL.—Except in cases in  
2           which motorized vehicles are needed for admin-  
3           istrative purposes, or to respond to an emer-  
4           gency, the use of motorized vehicles in the  
5           Monument shall be permitted only on roads  
6           designated by the management plan required by  
7           subsection (d) for the use of motorized vehicles.

8           (B) INTERIM MANAGEMENT.—Until the  
9           completion of the management plan, the use of  
10          motorized vehicles in the Monument shall be  
11          permitted in accordance with the applicable  
12          land use plan.

13          (5) GRAZING.—The grazing of livestock in the  
14          Monument, where established before the date of the  
15          enactment of this Act, shall be permitted to con-  
16          tinue—

17                (A) subject to—

18                   (i) such reasonable regulations, poli-  
19                   cies, and practices as the Secretary con-  
20                   siders necessary; and

21                   (ii) applicable law (including regula-  
22                   tions); and

23                (B) in a manner consistent with the pur-  
24          poses described in subsection (b).

1           (6) WILDLIFE WATER PROJECTS.—The Sec-  
2       retary, in consultation with the State, may authorize  
3       wildlife water projects (including guzzlers) within  
4       the Monument.

5           (7) HUNTING, FISHING AND TRAPPING.—

6           (A) IN GENERAL.—Except as provided in  
7       subparagraph (B), the Secretary shall allow  
8       hunting, fishing, and trapping on land and  
9       water within the Monument in accordance with  
10      applicable Federal and State law.

11          (B) ADMINISTRATIVE EXCEPTIONS.—The  
12      Secretary may designate areas in which, and es-  
13      tablish limited periods during which, no hunt-  
14      ing, fishing, or trapping shall be allowed under  
15      subparagraph (A) for reasons of public safety,  
16      administration, or compliance with applicable  
17      law.

18          (C) AGENCY AGREEMENT.—Except in an  
19      emergency, regulations closing areas within the  
20      Monument to hunting, fishing, or trapping  
21      under this paragraph shall be made in consulta-  
22      tion with the appropriate agency of the State  
23      having responsibility for fish and wildlife ad-  
24      ministration.



1 (D) SAVINGS CLAUSE.—Nothing in this  
2 subsection affects any jurisdiction or responsi-  
3 bility of the State with respect to fish and wild-  
4 life in the Monument.

5 (d) MANAGEMENT PLAN.—

6 (1) IN GENERAL.—Not later than 3 years after  
7 the date of the enactment of this Act and in accord-  
8 ance with paragraph (2), the Secretary shall develop  
9 a comprehensive plan for the long-term management  
10 of the Monument.

11 (2) CONSULTATION.—In developing the man-  
12 agement plan, the Secretary shall consult with—

13 (A) other Federal land management agen-  
14 cies in the area, including the National Park  
15 Service;

16 (B) appropriate State, Tribal, and local  
17 governmental entities; and

18 (C) members of the public.

19 (3) INCORPORATION OF PLANS.—In developing  
20 the management plan, to the extent consistent with  
21 this Act, the Secretary may incorporate any provi-  
22 sion of an applicable land and resource management  
23 plan.

24 (e) INCORPORATION OF ACQUIRED LAND AND INTER-  
25 ESTS.—Any land or interest in land within the boundary

1 of the Monument that is acquired by the United States  
2 shall—

3 (1) become part of the Monument;

4 (2) be withdrawn in accordance with subsection  
5 (f); and

6 (3) be managed in accordance with—

7 (A) the Federal Land Policy and Manage-  
8 ment Act of 1976 (43 U.S.C. 1701 et seq.);

9 (B) this Act; and

10 (C) any other applicable law (including  
11 regulations).

12 (f) WITHDRAWAL.—Subject to valid existing rights,  
13 all Federal land located in the Monument is withdrawn  
14 from—

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

17 (2) location, entry, and patenting under the  
18 mining laws; and

19 (3) operation of the mineral leasing, mineral  
20 materials, and geothermal leasing laws.

21 (g) EASEMENTS AND RIGHTS-OF-WAY.—

22 (1) IN GENERAL.—No new easements or rights-  
23 of-way shall be conveyed on Federal lands within the  
24 Monument after the date of the enactment of this  
25 Act.

1           (2) EFFECT.—Nothing in this section precludes  
2           the Secretary from renewing easements or rights-of-  
3           way in existence on the date of the enactment of this  
4           Act within the Monument in accordance with this  
5           Act and applicable law (including regulations).

6           (h) MILITARY, LAW ENFORCEMENT, AND EMER-  
7           GENCY OVERFLIGHTS.—Nothing in this section pre-  
8           cludes—

9                   (1) low-level overflights of military, law enforce-  
10           ment, or emergency medical services aircraft over  
11           the Monument;

12                   (2) flight testing and evaluation; and

13                   (3) the use or establishment of military, law en-  
14           forcement, or emergency medical services flight  
15           training routes over the Monument.

16           (i) NATIVE AMERICAN RIGHTS AND USES.—

17                   (1) IN GENERAL.—Nothing in this section al-  
18           ters, modifies, enlarges, diminishes, or abrogates the  
19           treaty rights of any Indian Tribe, including off-res-  
20           ervation reserved rights.

21                   (2) CONSULTATION.—The Secretary shall con-  
22           sult with interested Indian Tribes—

23                           (A) in developing and carrying out the  
24           management plan;

1 (B) providing access under subsection  
2 (c)(3); and

3 (C) to determine whether to charter an ad-  
4 visory committee or otherwise formalize govern-  
5 ment-to-government collaboration on the man-  
6 agement of the Monument.

7 (j) MAP; LEGAL DESCRIPTION.—

8 (1) IN GENERAL.—As soon as practicable after  
9 the date of the enactment of this Act, the Secretary  
10 shall prepare a map and legal description of the  
11 Monument.

12 (2) CORRECTIONS.—The map and legal descrip-  
13 tion submitted under paragraph (1) shall have the  
14 same force and effect as if included in this subtitle,  
15 except that the Secretary may correct any clerical or  
16 typographical errors in the legal description and the  
17 map.

18 (3) CONFLICT BETWEEN MAP AND LEGAL DE-  
19SCRIPTION.—In the case of a conflict between the  
20 map and the legal description, the map shall control.

21 (4) AVAILABILITY OF MAP AND LEGAL DE-  
22SCRIPTION.—Copies of the map and legal description  
23 shall be on file and available for public inspection in  
24 the appropriate offices of the Bureau of Land Man-  
25 agement.

1 **SEC. 5. AVI KWA AME NATIONAL MONUMENT ADVISORY**  
2 **COUNCIL.**

3 (a) ESTABLISHMENT.—Not later than 180 days after  
4 the date of the enactment of this Act, the Secretary shall  
5 establish an advisory council to be known as the “Avi Kwa  
6 Ame National Monument Advisory Council”.

7 (b) DUTIES.—The Advisory Council shall advise the  
8 Secretary with respect to the preparation and implementa-  
9 tion of the management plan.

10 (c) APPLICABLE LAW.—The Advisory Council shall  
11 be subject to—

12 (1) the Federal Advisory Committee Act (5  
13 U.S.C. App.); and

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

16 (d) MEMBERS.—

17 (1) IN GENERAL.—The Advisory Council shall  
18 include 11 members to be appointed by the Sec-  
19 retary, of whom, to the extent practicable—

20 (A) 1 member shall be appointed after con-  
21 sidering the recommendations of the Boulder  
22 City, Nevada, City Council;

23 (B) 1 member shall be appointed after con-  
24 sidering the recommendations of the Search-  
25 light, Nevada, Town Advisory Board;

1 (C) 1 member shall be appointed after con-  
2 sidering the recommendations of the Laughlin,  
3 Nevada, Town Advisory Board;

4 (D) 6 members shall be appointed to rep-  
5 resent Indian Tribes with a historical connec-  
6 tion to the land within the Monument; and

7 (E) 2 at-large members from the County  
8 shall be appointed after considering the rec-  
9 ommendations of the County Commission.

10 (2) SPECIAL APPOINTMENT CONSIDER-  
11 ATIONS.—The at-large members appointed under  
12 paragraph (1)(E) shall have backgrounds that re-  
13 flect—

14 (A) the purposes for which the Monument  
15 was established; and

16 (B) the interests of persons affected by the  
17 planning and management of the Monument.

18 (3) REPRESENTATION.—The Secretary shall en-  
19 sure that the membership of the Advisory Council is  
20 fairly balanced in terms of the points of view rep-  
21 resented and the functions to be performed by the  
22 Advisory Council.

23 (4) INITIAL APPOINTMENT.—Not later than  
24 180 days after the date of the enactment of this Act,  
25 the Secretary shall appoint the initial members of

1 the Advisory Council in accordance with paragraph  
2 (1).

3 (e) DUTIES OF THE ADVISORY COUNCIL.—The Advi-  
4 sory Council shall advise the Secretary with respect to the  
5 preparation and implementation of the management plan,  
6 including budgetary matters relating to the Monument.

7 (f) COMPENSATION.—Members of the Advisory Coun-  
8 cil shall receive no compensation for serving on the Advi-  
9 sory Council.

10 (g) CHAIRPERSON.—

11 (1) IN GENERAL.—The Advisory Council shall  
12 elect a Chairperson from among the members of the  
13 Advisory Council.

14 (2) TERM.—The term of the Chairperson shall  
15 be 3 years.

16 (h) TERM OF MEMBERS.—

17 (1) IN GENERAL.—The term of a member of  
18 the Advisory Council shall be 3 years.

19 (2) SUCCESSORS.—Notwithstanding the expira-  
20 tion of a 3-year term of a member of the Advisory  
21 Council, a member may continue to serve on the Ad-  
22 visory Council until a successor is appointed.

23 (i) VACANCIES.—

1 (1) IN GENERAL.—A vacancy on the Advisory  
 2 Council shall be filled in the same manner in which  
 3 the original appointment was made.

4 (2) APPOINTMENT FOR REMAINDER OF  
 5 TERM.—A member appointed to fill a vacancy on the  
 6 Advisory Council shall serve for the remainder of the  
 7 term for which the predecessor was appointed.

8 (j) TERMINATION.—The Advisory Council shall ter-  
 9 minate not later than 3 years after the date on which the  
 10 final version of the management plan is published.

11 **SEC. 6. RELATIONSHIP TO CLARK COUNTY MULTI-SPECIES**  
 12 **HABITAT CONSERVATION PLAN.**

13 (a) IN GENERAL.—Nothing in this Act limits, alters,  
 14 modifies, or amends the Clark County Multi-Species Habi-  
 15 tat Conservation Plan with respect to the Monument.

16 (b) CONSERVATION MANAGEMENT AREAS.—The Sec-  
 17 retary may, in accordance with the Clark County Multi-  
 18 Species Habitat Conservation Plan (including amend-  
 19 ments to the plan) and applicable law, credit the acreage  
 20 of Federal land within the Monument as Conservation  
 21 Management Areas under the plan.

22 (c) MANAGEMENT PLAN.—In developing the manage-  
 23 ment plan, to the extent consistent with this section, the  
 24 Secretary may incorporate any provision of the Clark  
 25 County Multi-Species Habitat Conservation Plan.



1 **SEC. 7. TRANSFER OF BUREAU OF RECLAMATION PARCELS.**

2 (a) TRANSFER OF PARCELS.—The Secretary shall  
3 transfer administrative jurisdiction of any Bureau of Rec-  
4 lamation land within the Monument to the Bureau of  
5 Land Management.

6 (b) MAP AND LEGAL DESCRIPTION.—

7 (1) IN GENERAL.—As soon as practicable after  
8 the date of the enactment of this Act, the Secretary  
9 shall finalize the legal description of the land being  
10 transferred to the Bureau of Land Management  
11 under subsection (a).

12 (2) MINOR ERRORS.—The Secretary may cor-  
13 rect any minor error in—

14 (A) the Map; or

15 (B) the legal description.

16 (3) AVAILABILITY.—The Map and legal descrip-  
17 tion shall be on file and available for public inspec-  
18 tion in the appropriate offices of the Bureau of  
19 Land Management and the Bureau of Reclamation.

○