

114TH CONGRESS
2D SESSION

H. R. 5556

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2016

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 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Great Bend of the Gila National Monument Establish-
6 ment Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Establishment of Great Bend of the Gila National Monument, Arizona.
- Sec. 3. Management of national monument.
- Sec. 4. Management plan.
- Sec. 5. Tribal use of national monument.

Sec. 6. Off-road use of motorized and mechanized vehicles.
 Sec. 7. No military airspace restrictions.
 Sec. 8. Research, education, and visitor services.
 Sec. 9. Fish and wildlife.
 Sec. 10. Land acquisition.
 Sec. 11. Withdrawal.
 Sec. 12. Effect on existing facilities and rights-of-way.
 Sec. 13. Water rights.
 Sec. 14. Advisory council.

1 **SEC. 2. ESTABLISHMENT OF GREAT BEND OF THE GILA NA-**
 2 **TIONAL MONUMENT, ARIZONA.**

3 (a) ESTABLISHMENT.—There is established in the
 4 State of Arizona the Great Bend of the Gila National
 5 Monument (in this Act referred to as the “national monu-
 6 ment”).

7 (b) PURPOSE.—The purpose of the national monu-
 8 ment is—

9 (1) to preserve, protect, and restore the archae-
 10 ological, cultural, historic, geologic, hydrologic, nat-
 11 ural, educational, and scenic resources of the Great
 12 Bend of the Gila (Gila River in Western Maricopa
 13 County, Arizona) and adjacent land; and

14 (2) to provide for public interpretation and
 15 recreation consistent with the resources described in
 16 paragraph (1).

17 (c) BOUNDARIES.—

18 (1) IN GENERAL.—The national monument con-
 19 sists of approximately 84,296 acres of public lands
 20 and interests in land administered by the Secretary
 21 of the Interior through the Bureau of Land Manage-

1 ment, as generally depicted on the map entitled
2 “Great Bend of the Gila National Monument” and
3 dated March 6, 2013.

4 (2) MINOR ADJUSTMENTS.—The Secretary may
5 make minor adjustments to the boundaries of the
6 national monument to reflect the inclusion of signifi-
7 cant archaeological resources discovered after the
8 date of enactment of this Act on public lands adja-
9 cent to the national monument.

10 (3) AVAILABILITY OF MAP.—The map described
11 in paragraph (1) and the legal description of any ad-
12 justments made under paragraph (2) shall be on file
13 and available for public inspection in the appropriate
14 offices of the Bureau of Land Management.

15 (d) ADJACENT USES.—Nothing in this Act—

16 (1) creates a protective perimeter or buffer zone
17 around the national monument; or

18 (2) affects private property outside of the
19 boundaries of the national monument.

20 **SEC. 3. MANAGEMENT OF NATIONAL MONUMENT.**

21 (a) NATIONAL LANDSCAPE CONSERVATION SYS-
22 TEM.—The Secretary of the Interior shall manage the na-
23 tional monument as part of the National Landscape Con-
24 servation System—

1 (1) to allow only such uses of the national
2 monument as to further the purposes for which the
3 monument was established; and

4 (2) in accordance with this Act and other laws
5 generally applicable to the national monument, in-
6 cluding the Native American Graves Protection and
7 Repatriation Act (25 U.S.C. 3001 et seq.) and the
8 policy described in Public Law 95–341 (commonly
9 known as the American Indian Religious Freedom
10 Act; 42 U.S.C. 1996).

11 (b) MANAGEMENT OBJECTIVES.—In managing the
12 national monument, the Secretary of the Interior shall—

13 (1) maintain the undeveloped character of the
14 national monument to the maximum extent prac-
15 ticable; and

16 (2) protect and restore cultural resources, spe-
17 cies, and ecosystems of the national monument.

18 (c) VEGETATION MANAGEMENT.—

19 (1) IN GENERAL.—The Secretary of the Inte-
20 rior—

21 (A) shall conduct an inventory of invasive
22 plant species in the national monument;

23 (B) may carry out vegetation management
24 treatments, including efforts to control salt

1 cedar and other invasive plant species, in the
2 national monument; and

3 (C) shall coordinate vegetation manage-
4 ment within the national monument boundaries
5 with ongoing efforts to eradicate invasive spe-
6 cies by the Flood Control District of Maricopa
7 County and neighboring communities.

8 (2) USE OF NATIVE PLANT SPECIES.—The Sec-
9 retary shall utilize native plant species in planning
10 for restoration projects to be conducted in the na-
11 tional monument.

12 (d) GRAZING.—The Secretary shall permit grazing in
13 the national monument, where grazing was established be-
14 fore the date of enactment of this Act—

15 (1) subject to all applicable laws; and

16 (2) consistent with the purposes for which the
17 national monument is established.

18 (e) BACKCOUNTRY ACTIVITIES.—Management of the
19 national monument shall support backcountry hunting
20 and other non-motorized recreation in the national monu-
21 ment.

22 **SEC. 4. MANAGEMENT PLAN.**

23 (a) MANAGEMENT PLAN REQUIRED.—Not later than
24 three years after the date of enactment of this Act, the
25 Secretary of the Interior shall develop a management plan

1 for the national monument that addresses the actions nec-
2 essary to protect the resources described in section
3 2(b)(1). The management plan shall include a transpor-
4 tation plan, including travel restrictions and road closures.

5 (b) CONSULTATION.—In addition to the period of
6 public comment required by subsection (b), the Secretary
7 of the Interior shall prepare the management plan in gov-
8 ernment-to-government consultation with Indian tribes
9 with a cultural or historic tie to the Great Bend of the
10 Gila.

11 **SEC. 5. TRIBAL USE OF NATIONAL MONUMENT.**

12 (a) TRADITIONAL USES.—The Secretary of the Inte-
13 rior shall allow for the continued use of the national monu-
14 ment by members of Indian tribes—

15 (1) for traditional ceremonies; and

16 (2) as a source of traditional plants and other
17 materials.

18 (b) TERMS AND CONDITIONS.—Tribal use of the na-
19 tional monument under subsection (a) shall be—

20 (1) subject to any terms and conditions the
21 Secretary of the Interior determines to be necessary
22 to further the purposes for which the national monu-
23 ment is established; and

24 (2) in accordance with applicable law.

25 (c) TRIBAL RIGHTS.—Nothing in this Act affects—

1 (1) the rights of any Indian tribe on Indian
2 land;

3 (2) any individually held trust land or Indian
4 allotment; or

5 (3) any treaty rights providing for nonexclusive
6 access to or in the national monument by members
7 of Indian tribes for traditional and cultural pur-
8 poses.

9 **SEC. 6. OFF-ROAD USE OF MOTORIZED AND MECHANIZED**
10 **VEHICLES.**

11 Except as needed for administrative purposes or to
12 respond to an emergency, the use of motorized and mecha-
13 nized vehicles in the national monument is limited to roads
14 and trails designated for their use.

15 **SEC. 7. NO MILITARY AIRSPACE RESTRICTIONS.**

16 Establishment of the national monument shall not be
17 construed to impact or impose any altitude, flight, or other
18 airspace restrictions on current or future military oper-
19 ations or missions. Should the Armed Forces require addi-
20 tional or modified airspace after the date of the enactment
21 of this Act, Congress does not intend for the establishment
22 of the national monument to impede the Secretary of De-
23 fense from petitioning the Federal Aviation Administra-
24 tion to change or expand restricted military airspace.

1 **SEC. 8. RESEARCH, EDUCATION, AND VISITOR SERVICES.**

2 (a) EDUCATION AND INTERPRETATION.—The Sec-
3 retary of the Interior shall provide such minimal facilities
4 within the national monument for education and interpre-
5 tation, such as signage or other interpretive kiosks, as the
6 Secretary considers necessary for visitor enjoyment of the
7 national monument, while ensuring the protection of
8 monument resources.

9 (b) VISITOR CENTER.—Any visitor center for the na-
10 tional monument shall be sited in a community in the vi-
11 cinity of the national monument, rather than within the
12 boundaries of the national monument.

13 (c) RESEARCH AUTHORIZED.—

14 (1) IN GENERAL.—The Secretary of the Inte-
15 rior shall allow scientific research to be conducted in
16 the national monument, including research to iden-
17 tify, protect, and preserve the historic and cultural
18 resources of the monument.

19 (2) CLIMATE CHANGE RESEARCH.—The Sec-
20 retary may conduct, or authorize other persons to
21 conduct, research regarding the effects of climate
22 change on monument resources to develop manage-
23 ment techniques to boost resiliency and facilitate ad-
24 aptation to human-caused climate change.

1 **SEC. 9. FISH AND WILDLIFE.**

2 Nothing in this Act affects the jurisdiction of the
3 State of Arizona with respect to the management of fish
4 and wildlife on public lands in the State.

5 **SEC. 10. LAND ACQUISITION.**

6 (a) ACQUISITION AUTHORITY.—The Secretary of the
7 Interior may acquire land and any interest in land, State
8 and private, within or adjacent to the boundaries of the
9 national monument—

10 (1) by purchase from willing sellers with do-
11 nated or appropriated funds;

12 (2) by donation; or

13 (3) by exchange.

14 (b) TREATMENT OF ACQUIRED LAND.—Land and in-
15 terests in land acquired under the authority of subsection
16 (a) shall automatically become part of the national monu-
17 ment.

18 **SEC. 11. WITHDRAWAL.**

19 (a) IN GENERAL.—Subject to valid existing rights,
20 all Federal land within the national monument (including
21 any land or interest in land acquired after the date of en-
22 actment of this Act) is withdrawn from—

23 (1) entry, appropriation, or disposal under the
24 public land laws;

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

1 (3) operation of the mineral leasing, mineral
2 materials, and geothermal leasing laws.

3 (b) RENEWABLE ENERGY PROJECTS.—Subject to
4 valid and existing rights, renewable energy and trans-
5 mission development is prohibited in the national monu-
6 ment.

7 **SEC. 12. EFFECT ON EXISTING FACILITIES AND RIGHTS-OF-**
8 **WAY.**

9 Nothing in this Act terminates or limits any valid
10 right-of-way within the Monument in existence on the date
11 of the enactment of this Act (including the customary op-
12 eration, maintenance, repair, relocation within an existing
13 right-of-way, or replacement of energy transport facilities
14 within an existing right-of-way), or other authorized right-
15 of-way.

16 **SEC. 13. WATER RIGHTS.**

17 (a) IN GENERAL.—Nothing in this shall affect, alter,
18 or diminish the water rights, or claims or entitlements to
19 water of the United States, the State of Arizona, or any
20 irrigation or conservation district, canal company, entity
21 or individual to the Gila River or any tributary thereto.

22 (b) RESERVED WATER RIGHTS.—The designation of
23 the national monument does not imply or create a Federal
24 reserved water right to the appropriable waters of the Gila
25 River or any tributary thereto.

1 **SEC. 14. ADVISORY COUNCIL.**

2 (a) ESTABLISHMENT.—Not later than 180 days after
3 the date of enactment of this Act, the Secretary shall es-
4 tablish an advisory council, to be known as the “Great
5 Bend of the Gila National Monument Advisory Council”.

6 (b) DUTIES.—

7 (1) The Council shall advise the Secretary with
8 respect to the preparation and implementation of the
9 management plan.

10 (2) The Council shall advise, or create a sub-
11 committee to advise, on salt cedar/tamarisk removal
12 within the monument.

13 (c) APPLICABLE LAW.—The Council shall be subject
14 to—

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

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

19 (d) MEMBERS.—The Council shall include members
20 to be appointed by the Secretary. To the extent prac-
21 ticable, the Secretary shall appoint not more than 13
22 members from Category One and an additional 13 mem-
23 bers, in the aggregate, from Category Two, Category
24 Three, and Category Four, who will represent the pur-
25 poses for which the national monument was established
26 and stakeholders who may have an interest in the planning

1 and management of the national monument. The cat-
2 egories referred to in this subsection are the following:

3 (1) CATEGORY ONE.—Representatives of affili-
4 ated tribes.

5 (2) CATEGORY TWO.—Public land ranchers, ir-
6 rigation districts, and representatives of organiza-
7 tions associated with agriculture, energy and mineral
8 development, transportation or rights-of-way, off-
9 highway vehicle use, and commercial recreation.

10 (3) CATEGORY THREE.—Representatives of na-
11 tionally or regionally recognized environmental orga-
12 nizations, archaeological and historical organiza-
13 tions, and dispersed recreation activities.

14 (4) CATEGORY FOUR.—

15 (A) Representatives of State, county, or
16 local elected office.

17 (B) Representatives and employees of a
18 State agency responsible for the management of
19 natural resources.

20 (C) Representatives and employees of aca-
21 demic institutions who are involved in natural
22 sciences.

23 (D) The public-at-large.

24 (e) REPRESENTATION.—The Secretary shall ensure
25 that the membership of the Council is fairly balanced in

1 terms of the points of view represented and the functions
2 to be performed by the Council.

3 (f) DURATION.—The Council shall terminate on the
4 date that is one year from the date on which the manage-
5 ment plan is adopted by the Secretary.

