

The Clean Air Act, referred to in text, is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

CODIFICATION

In text, “section 100903 of title 54” substituted for “16 U.S.C. 460l-22(c)” and “section 1865(b) of title 18, subchapter III of chapter 1007 of title 54” substituted for “the Mining in the Parks Act (16 U.S.C. 1901 et seq.)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

PART D—MISCELLANEOUS PROVISIONS

§ 410aaa-71. Transfer of lands to Red Rock Canyon State Park

On October 31, 1994, the Secretary shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled “Red Rock Canyon State Park Additions 1” and “Red Rock Canyon State Park Additions 2”, dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of California Desert Conservation Area to provide maximum protection for the area’s scenic and scientific values.

(Pub. L. 103-433, title VII, §701, Oct. 31, 1994, 108 Stat. 4497.)

§ 410aaa-72. Land tenure adjustments

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

(Pub. L. 103-433, title VII, §702, Oct. 31, 1994, 108 Stat. 4497.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 3 of Pub. L. 103-433, which is set out as a Definitions note under section 410aaa of this title.

§ 410aaa-73. Land disposal

Except as provided in section 410aaa-26 of this title, none of the lands within the boundaries of the wilderness or park areas designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District or any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar Acts.

(Pub. L. 103-433, title VII, §703, Oct. 31, 1994, 108 Stat. 4497.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 3 of Pub. L. 103-433, which is set out as a Definitions note under section 410aaa of this title.

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, which is classified generally to subchapter I (§617 et seq.) of chapter 12A of Title 43, Public Lands. For complete classification of this Act to the Code, see section 617t of Title 43 and Tables.

§ 410aaa-74. Management of newly acquired lands

Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government, shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

(Pub. L. 103-433, title VII, §704, Oct. 31, 1994, 108 Stat. 4497.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 3 of Pub. L. 103-433, which is set out as a Definitions note under section 410aaa of this title.

§ 410aaa-75. Native American uses and interests

(a) Access

The Secretary shall ensure access to areas designated under this Act by members of Indian Tribes for traditional cultural and religious purposes, consistent with applicable law, including Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 [, 1996a]).

(b) Temporary closure

(1) In general

In accordance with applicable law, including Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 [, 1996a]), and subject to paragraph (2), the Secretary, on request of an Indian Tribe or Indian religious community, shall temporarily close to general public use any portion of an area designated as a national monument, special management area, wild and scenic river, area of critical environmental concern, or National Park System unit under this Act (referred to in this subsection as a “designated area”) to protect the privacy of traditional cultural and religious activities in the designated area by members of the Indian Tribe or Indian religious community.

(2) Limitation

In closing a portion of a designated area under paragraph (1), the Secretary shall limit the closure to the smallest practicable area for the minimum period necessary for the traditional cultural and religious activities.

(c) Study

(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the

availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in part A of this subchapter.

(2) Not later than 1 year after October 31, 1994, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the United States Senate, and the Committee on Natural Resources of the United States House of Representatives on the results of the study conducted under paragraph (1).

(d) Tribal cultural resources management plan

(1) In general

Not later than 2 years after March 12, 2019, the Secretary shall develop and implement a Tribal cultural resources management plan to identify, protect, and conserve cultural resources of Indian Tribes associated with the Xam Kwatchan Trail network extending from Avikwaame (Spirit Mountain, Nevada) to Avikwial (Pilot Knob, California).

(2) Consultation

The Secretary shall consult on the development and implementation of the Tribal cultural resources management plan under paragraph (1) with—

(A) each of—

- (i) the Chemehuevi Indian Tribe;
- (ii) the Hualapai Tribal Nation;
- (iii) the Fort Mojave Indian Tribe;
- (iv) the Colorado River Indian Tribes;
- (v) the Quechan Indian Tribe; and
- (vi) the Cocopah Indian Tribe;

(B) the Advisory Council on Historic Preservation; and

(C) the State Historic Preservation Offices of Nevada, Arizona, and California.

(3) Resource protection

The Tribal cultural resources management plan developed under paragraph (1) shall—

(A) be based on a completed Tribal cultural resources survey; and

(B) include procedures for identifying, protecting, and preserving petroglyphs, ancient trails, intaglios, sleeping circles, artifacts, and other resources of cultural, archaeological, or historical significance in accordance with all applicable laws and policies, including—

- (i) chapter 2003 of title 54;
- (ii) Public Law 95–341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 [, 1996a]);
- (iii) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);
- (iv) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and
- (v) Public Law 103–141 (commonly known as the “Religious Freedom Restoration Act of 1993”) (42 U.S.C. 2000bb et seq.).

(e) Withdrawal

Subject to valid existing rights, all Federal land within the area administratively with-

drawn and known as the “Indian Pass Withdrawal Area” is permanently withdrawn from—

- (1) all forms of entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) right-of-way leasing and disposition under all laws relating to minerals or solar, wind, or geothermal energy.

(Pub. L. 103–433, title VII, §705, Oct. 31, 1994, 108 Stat. 4498; Pub. L. 116–9, title I, §1454, Mar. 12, 2019, 133 Stat. 714.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b)(1), is defined in section 3 of Pub. L. 103–433, which is set out as a Definitions note under section 410aaa of this title.

The American Indian Religious Freedom Act, referred to in subsecs. (a), (b)(1), and (d)(3)(B)(ii), is Pub. L. 95–341, Aug. 11, 1978, 92 Stat. 469, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

The Archaeological Resources Protection Act of 1979, referred to in subsec. (d)(3)(B)(iii), is Pub. L. 96–95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of this title and Tables.

The Native American Graves Protection and Repatriation Act, referred to in subsec. (d)(3)(B)(iv), is Pub. L. 101–601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 25 and Tables.

The Religious Freedom Restoration Act of 1993, referred to in subsec. (d)(3)(B)(v), is Pub. L. 103–141, Nov. 16, 1993, 107 Stat. 1488, which is classified principally to chapter 21B (§2000bb et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000bb of Title 42 and Tables.

AMENDMENTS

2019—Pub. L. 116–9 added subsecs. (a), (b), (d), and (e), redesignated former subsec. (b) as (c), and struck out former subsec. (a) which related to access to park system units and wilderness areas by Indian people for traditional cultural and religious purposes.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Section 103 of Pub. L. 103–433 provided in part that in this subchapter “Secretary” means the Secretary of the Interior.

§ 410aaa–76. Federal reserved water rights

(a) Reservation of sufficient water

Except as otherwise provided in section 204 of this Act, with respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be October 31, 1994.

(b) Protection of rights reserved

The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, in-