

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-

cluding the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance with section 666 of title 43.

(c) Relinquishment or reduction of rights

Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before October 31, 1994.

(d) Specific reservation

The Federal water rights reserved by this Act are specific to the wilderness area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

(Pub. L. 103-433, title VII, § 706, Oct. 31, 1994, 108 Stat. 4498.)

Editorial Notes

REFERENCES IN TEXT

Section 204 of this Act, referred to in subsec. (a), is section 204 of Pub. L. 103-433, title II, Oct. 31, 1994, 108 Stat. 4485, which is not classified to the Code.

This Act, referred to in subssecs. (a), (c), and (d), 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-77. California State School lands

(a) Negotiations to exchange

(1) In general

The Secretary shall negotiate in good faith to reach an agreement with the California State Lands Commission (referred to in this section as the "Commission") to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School lands or interests therein which are located within the boundaries of one or more of the wilderness areas, national monuments, off-highway vehicle recreation areas, or park system units designated by this Act (hereinafter in this section referred to as "State School lands.").

(2) Agreement

To the maximum extent practicable, not later than 10 years after October 31, 1994, the Secretary shall reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1716].

(b) Preparation of list

Within six months after October 31, 1994, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are lo-

cated within the boundaries of the wilderness areas, national monuments, off-highway vehicle recreation areas, or park system units designated by this Act.

(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority—

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.], has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in the Secretary's discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) Disposal of surplus Federal property

(1) Effective upon October 31, 1994, and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless—

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such land or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the