117TH CONGRESS
2D SESSION

H. R. ____

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To establish the Great Bend of the Gila National Conservation Area 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.

4 This Act may be cited as the “Great Bend of the Gila
5 Conservation Act”.

6 SEC. 2. DEFINITIONS.

7 In this Act:
(1) **Conservation Areas.**—The term “Conservation Areas” means the Great Bend of the Gila National Conservation Area and the Palo Verde National Conservation Area established by section 3(a).

(2) **Existing Use.**—The term “existing use”, with respect to the Conservation Areas, means a use that is occurring within the Conservation Areas on the date of the enactment of this Act.

(3) **Indian Tribe.**—The term “Indian Tribe” means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(4) **Interested Indian Tribe.**—The term “interested Indian Tribe” means—

(A) historic, precontact, cultural, or religious connections to lands within the Conservation Areas;

(B) a former reservation located on land within the Conservation Areas; or
(C) treaty rights or other reserved rights associated with on land within the Conservation Areas.


(6) LAND MANAGEMENT PLANS.—The term “land management plans” means each of the land management plans developed pursuant to section 6(a).

(7) NATIVE KNOWLEDGE.—The term “Native knowledge” has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of the enactment of this Act).

(8) NEW USE.—The term “new use”, with respect to the Conservation Areas—

(A) means a use that—

(i) involves surface disturbance and is not occurring in the Conservation Areas on the date of the enactment of this Act; or

(ii) is occurring in the Conservation Areas on the date of the enactment of this Act, but that is being modified so as—
(I) to create a surface disturbance;

(II) to significantly expand or alter impacts of the use on the land, water, air, cultural resources, or wildlife of the Conservation Areas; or

(III) to negatively impact the purposes for which the Conservation Areas are designated under this Act; and

(B) does not include a use that—

(i) is categorically excluded from the requirements of title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(iii) is necessary to maintain a road, trail, structure, or facility within the Conservation Areas that is—

(I) in existence on the date of the enactment of this Act; and

(II) identified in the management planning documents of the applicable
land management agency as a road, trail, structure, or facility intended for continued use; or

(iv) the Secretary determines to be necessary for the control of fire, insects, or diseases, subject to applicable law, including regulations, and such terms and conditions as the Secretary determines appropriate.

(9) PLO 1015 LANDS.—The term “PLO 1015 lands” means those Federal lands withdrawn and reserved by Public Land Order 1015, dated October 1, 1954, (19 Fed. Reg. 6477) for use by the Arizona Game and Fish Commission in connection with the Gila River Waterfowl Area Project.

(10) RESTORATION.—The term “restoration” has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations as in effect on the date of the enactment of this Act.

(11) SACRED SITE.—The term “sacred site” means a specific, discrete, narrowly delineated site on public land that is identified by an Indian Tribe as sacred by virtue of the established religious significance of the site to, or ceremonial or medicinal use of the site by, an Indian Tribe.
(12) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(13) STATE.—The term “State” means the State of Arizona.

(14) SURFACE DISTURBANCE.—The term “surface disturbance” means any new disruption of soil or vegetation that would require restoration to return the soil or vegetation to natural appearance or ecological function.

(15) TRIBAL COMMISSION.—The term “Tribal commission” means each Tribal commission established under section 6(a).

(16) TRIBAL CULTURAL SITE.—The term “Tribal Cultural Site” means—

(A) a historic property (as defined in section 800.16 of title 36, Code of Federal Regulations as in effect on the date of the enactment of this Act; or

(B) a sacred site; or

(C) a landform, landscape, or location that—

(i) is or may be important to the customs, practices, objects, places, religions, or ceremonies of an Indian Tribe;
(ii) is or may be important to an Indian Tribe for the undertaking of religious, cultural, spiritual, traditional subsistence, or other traditional practices;

(iii) contains unique or important traditional Tribal food, medicinal, or material gathering areas; or

(iv) is connected through features, ceremonies, objects, histories, or cultural practices to other sites or to a larger sacred landscape, as determined by an Indian Tribe.

(17) Tribal Organization.—The term “Tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(18) Wilderness Areas.—The term “Wilderness Areas” means the public lands designated as Wilderness by the amendments made by section 4(a).

SEC. 3. ESTABLISHMENT OF CONSERVATION AREAS.

(a) Establishment.—

(1) In general.—Subject to valid existing rights, there is established in the State—
(A) the Great Bend of the Gila National Conservation Area; and

(B) the Palo Verde National Conservation Area.

(2) AREA INCLUDED.—

(A) GREAT BEND OF THE GILA NCA.—The Great Bend of the Gila National Conservation Area consists of the approximately 329,310 acres of land administered by the Bureau of Land Management, as generally depicted on the Great Bend of the Gila Map.

(B) P ALO VERDE NCA.—The Palo Verde National Conservation Area consists of the approximately 47,653 acres of land administered by the Bureau of Land Management, as generally depicted on the Great Bend of the Gila Map.

(b) PURPOSES.—The purposes of the Conservation Areas are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the Indigenous ancestral, archaeological, cultural, historic, geological, hydrologic, natural, recreational, educational, and scenic resources of the Conservation Areas.

(c) MANAGEMENT.—
(1) IN GENERAL.—The Secretary shall manage the Conservation Areas—
(A) in a manner that conserves, protects, and enhances the resources of the Conservation Areas;
(B) in a manner that preserves and protects Tribal Cultural Sites;
(C) in consultation with the applicable Tribal commissions;
(D) as components of the National Landscape Conservation System; and
(E) in accordance with—
(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);
(ii) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);
(iii) Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996);
(iv) this Act; and
(v) any other applicable law.

(2) USES.—
(A) IN GENERAL.—In accordance with this Act, the Secretary shall only authorize new or existing uses within the Conservation Areas that the Secretary determines, in consultation with the applicable Tribal commission, are consistent with—

(i) the purposes described in subsection (b);

(ii) the management priorities identified in paragraph (1);

(iii) the preservation of Tribal Cultural Sites within the Conservation Areas; and

(iv) this Act.

(B) NEW USES.—

(i) IN GENERAL.—If the Secretary determines under subparagraph (A) that a new use is consistent with the requirements of clauses (i) through (iv) of that subparagraph, before authorizing the new use, the Secretary shall request agreement from the applicable Tribal commission.

(ii) APPROVAL.—The Secretary shall authorize the new use for which the Sec-
retary requests agreement under clause (i)

if the applicable Tribal commission—

(I) agrees to the new use; or

(II) does not respond to the re-
quest by the date that is 60 days after
the date on which the Secretary
makes the request under clause (i).

(iii) DENIAL.—If the applicable Tribal
commission denies agreement for a new
use on or before the date that is 60 days
after the date on which the Secretary
makes the request under clause (i), the
Secretary shall—

(I) consult with the applicable
Tribal commission to determine spe-
cific measures to eliminate or, to the
extent practicable, mitigate potential
adverse impacts to the Conservation
Areas resulting from the new use; and

(II) authorize the new use, sub-
ject to completion of the measures de-
determined under subclause (I), or deny
the new use if elimination or substan-
tial mitigation of potential adverse im-
pacts is not practicable.
(C) Motorized Vehicles.—

(i) In General.—Except as provided in clauses (ii) and (iii), and as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Areas after the effective date of the land management plans shall be allowed only on roads and trails designated for the use of motor vehicles in the land management plans.

(ii) Resource Protection Area.—

Except as needed for administrative purposes or to respond to an emergency, the use of motor vehicles within the area generally depicted on the Great Bend of the Gila Map as “Proposed Resource Protection Area” shall be prohibited.

(D) New Roads.—Except as provided in section 6(c), no new permanent or temporary roads or other motorized vehicle routes shall be constructed within the Conservation Areas after the date of the enactment of this Act.
SEC. 4. ESTABLISHMENT OF WILDERNESS.

(a) DESIGNATION.—Section 101(a) of the Arizona Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101–628) is amended—

(1) in paragraph (15), by striking “1990” and all that follows through the semicolon and inserting “1990, and approximately 9,809 acres, generally depicted as ‘Gila Bend Wilderness’ on the map entitled ‘Proposed Great Bend of the Gila Conservation Act’ and dated August 05, 2021, and which shall be known as the Gila Bend Wilderness;”;

(2) in paragraph (39), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(40) certain lands in Maricopa County, Arizona, which comprise approximately 23,464 acres, as generally depicted as ‘Red Rock Canyon Wilderness’ on the map entitled ‘Proposed Great Bend of the Gila Conservation Act’ and dated August 05, 2021, and which shall be known as the Red Rock Canyon Wilderness; and

“(41) certain lands in Maricopa County, Arizona, which comprise approximately 23,712 acres, generally depicted as ‘Ringtail Wilderness’ on the map entitled ‘Proposed Great Bend of the Gila Con-
servation Act’ and dated August 05, 2021, which
shall be known as the Ringtail Wilderness.”.

(b) APPLICABLE LAW.—For the purposes of admin-
istering the Wilderness Areas—

(1) any reference in the Wilderness Act (16
U.S.C. 1131 et seq.) to the effective date of that Act
shall be considered to be a reference to the date of
the enactment of this Act; and

(2) any reference in section 101 of the Arizona
Wilderness Act of 1990 (16 U.S.C. 1132 note; Pub-
lic Law 101-628) to the effective date of that Act
shall be considered to be a reference to the date of
the enactment of this Act.

(c) REFERENCES.—Any reference in a law, map, reg-
ulation, document, paper, or other record of the United
States to the Woolsey Peak Wilderness, as designated by
section 101(a)(13) of the Arizona Wilderness Act of 1990
(16 U.S.C. 1132 note; Public Law 101-628), as redesig-
nated and amended by subsection (a)(1) of this Act, shall
be considered to be a reference to the Gila Bend Wilder-
ness.

SEC. 5. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the
date of the enactment of this Act, the Secretary shall sub-
mit to the Committee on Energy and Natural Resources
of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each of the Conservation Areas and each of the Wilderness Areas.

(b) Force and Effect.—Each map and legal description submitted under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the maps or legal descriptions.

(c) Availability.—Each map and legal description submitted under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 6. MANAGEMENT OF CONSERVATION AREAS AND WILDERNESS AREAS.

(a) Land Management Plans.—

(1) In General.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall develop a comprehensive management plan for each of the Conservation Areas that provides for the long-term protection and management of the Conservation Areas.

(2) Requirements.—In developing a management plan under paragraph (1), the Secretary shall—
(A) closely collaborate with each applicable Tribal commission in accordance with paragraph (3);

(B) consult with—

(i) interested Indian Tribes;

(ii) appropriate State and local governmental entities; and

(iii) members of the public;

(C) at the request of an interested Indian Tribe, include the interested Indian Tribe as a cooperating agency in the development of the management plan; and

(D) to the maximum extent practicable, incorporate Native knowledge.

(3) INCORPORATION OF RECOMMENDATIONS.—

(A) IN GENERAL.—In developing a management plan under this subsection, the Secretary shall carefully and fully consider incorporating the traditional, historical, and cultural knowledge and Native knowledge of the applicable Tribal commission, if the Tribal commission submits such information to the Secretary as written recommendations.

(B) CONSULTATION.—If the Secretary determines that a specific recommendation sub-
mitted to the Secretary under subparagraph (A) is impracticable, infeasible, or not in the public interest, the Secretary shall consult with the applicable Tribal commission to determine specific measures to modify, or otherwise address, the recommendation.

(C) WRITTEN EXPLANATION.—If, after consultation under subparagraph (B), the Secretary determines not to incorporate a specific recommendation submitted to the Secretary under subparagraph (A), the Secretary shall provide to the Tribal commission a written explanation of the reason for the determination by the date that is 30 days after the date on which the determination is made.

(4) CONTENTS.—The land management plan for each of the relevant Conservation Areas shall—

(A) describe the appropriate uses and management of the relevant Conservation Area;

(B) provide for traditional uses of the Conservation Area by members of Indian Tribes in accordance with subsection (b) and section 7;

(C) provide for the protection and preservation of cultural resources within the relevant Conservation Area;
(D) be developed with extensive public input and government-to-government consultation with interested Indian Tribes;

(E) take into consideration any information developed in studies of the land within the relevant Conservation Area; and

(F) include comprehensive travel management plans for the relevant Conservation Area.

(b) NATIVE AMERICAN USES.—

(1) IN GENERAL.—To the extent practicable, the Secretary shall ensure access to the Conservation Areas for traditional cultural activities by members of Indian Tribes that are culturally associated with the Conservation Areas.

(2) PURPOSE AND INTENT.—Access provided under paragraph (1) 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.

(3) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In implementing this subsection, the Secretary, upon the request of an interested Indian Tribe, may temporarily close to general public use of portions of the Conservation Areas to protect the privacy of
traditional cultural activities in such areas by members of the interested Indian Tribe.

(B) LIMITATION.—Any closure pursuant to subparagraph (A) shall be made to affect the smallest practicable area for the minimum period of time necessary for such purposes.

c) ACCESS.—The Secretary shall allow access, in accordance with applicable law, to—

(1) non-Federal land and interests in non-Federal land within the Conservation Areas; and

(2) trust or restricted lands or a trust or restricted interest in land (as defined by section 201(4) of the Indian Land Consolidation Act (25 U.S.C. 2201(4))) within the Conservation Areas.

d) COORDINATION AND INTERPRETATION.—

(1) IN GENERAL.—The Secretary shall, in consultation with each applicable Tribal Commission, seek to coordinate conservation, protection, restoration, and scientific management of the lands within the Great Bend of the Gila National Conservation Area with similar activities carried out on PLO 1015 lands.

(2) INTERPRETATION.—The Secretary shall seek to ensure that the following areas are inter-
preted for the public as an overall complex linked by natural and cultural history and resources:


(B) The Gila Bend Wilderness.

(C) The Red Rock Canyon Wilderness.

(D) PLO 1015 lands.

(e) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the Conservation Areas (including any land acquired by the Secretary within the Conservation Areas after the date of the enactment of this Act) is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

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

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

(f) ACQUISITION AND INCORPORATION.—

(1) IN GENERAL.—The Secretary may acquire land or an interest in land within the boundaries of the Conservation Areas by purchase from a willing seller, donation, or exchange.

(2) STATE LANDS.—The Secretary, in collabor-
shall seek to acquire by exchange or purchase from a willing seller those lands generally depicted on the Great Bend of the Gila Map as “Lands Identified for Potential Acquisition”.

(3) INCORPORATION IN CONSERVATION AREAS.—Land acquired under paragraph (1) or paragraph (2) shall—

(A) become part of the appropriate Conservation Area and, if within the Wilderness Areas, the appropriate wilderness area; and

(B) be managed in accordance with this Act and any other applicable laws.

(4) PLO 1015.—If the Secretary determines that the lands withdrawn by PLO 1015 and utilized by the Arizona Fish and Game Commission are no longer necessary for the purposes for which they were withdrawn, such lands shall—

(A) become part of the Great Bend of the Gila National Conservation Area; and

(B) be managed by the United States Fish and Wildlife Service in accordance with this Act and any other applicable laws.

(g) GRAZING.—The grazing of livestock in the Conservation Areas and the Wilderness Areas, where established before the date of the enactment of this Act, shall
be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(1) applicable law (including regulations);

(2) the purposes of the Conservation Areas; and

(3) if within the Wilderness Areas, in accordance with the section 101(f) of the Arizona Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101–628) and section 4(b)(2).

(h) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction of the State with respect to the management of fish and wildlife in the State.

(i) WATER RIGHTS.—Nothing in this Act—

(1) shall constitute either an express or implied reservation by the United States of any water rights for the Conservation Areas;

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

(3) affects any interstate water compact in existence on the date of the enactment of this section; or

(4) shall be considered to be a relinquishment or reduction of any water rights reserved or appro-
priated by the United States in the State on or be-
fore the date of the enactment of this Act.

(j) INVASIVE SPECIES.—

(1) IN GENERAL.—The Secretary may prescribe
such measures to control or eradicate nonnative
invasive plants within the Conservation Areas and
the Wilderness Areas in accordance with—

(A) the purposes of the Conservation Areas
described in section 3(b);

(B) the land management plans for each of
the Conservation Areas;

(C) applicable law (including regulations);

and

(D) if within the Wilderness Areas, in ac-
cordance with section 4 of the Wilderness Act
(16 U.S.C. 1133(d)(4)).

(2) INVENTORY.—Not later than 3 years after
the date of the enactment of this Act, and every 5
years thereafter, the Secretary shall conduct an in-
ventory of nonnative invasive plant species in the
Conservation Areas.

(3) COORDINATION.—The Secretary shall co-
ordinate the management of nonnative invasive spe-
cies within the Conservation Areas with the Flood
Control District of Maricopa County and neighboring communities.

(k) RESEARCH AND INTERPRETIVE MANAGEMENT.—The Secretary shall, in consultation with each applicable Tribal Commission, allow scientific research to be conducted in the Conservation Areas and the Wilderness Areas, including research to identify, protect, and preserve the historic and cultural resources of the Conservation Areas and the Wilderness Areas, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(1) applicable law (including regulations);
(2) the purposes of the Conservation Areas;
(3) if within the Wilderness Areas, in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133(d)(4)); and
(4) this Act.

(l) MILITARY OVERFLIGHTS.—Nothing in this Act restricts or precludes—

(1) low-level overflights of military aircraft over the Conservation Areas, including military overflights that can be seen or heard within the Conservation Areas;
(2) flight testing and evaluation; or
(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over the Conservation Areas.

(m) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this Act shall be construed to create a protective perimeter or buffer zone around the Conservation Areas.

(2) ACTIVITIES AND USES.—The fact that activities or uses can be seen or heard from areas within the Conservation Areas shall not preclude the conduct of the activities or uses outside the boundary of the Conservation Areas.

SEC. 7. NATIVE AMERICAN RIGHTS AND USES.

(a) TRIBAL RIGHTS.—Nothing in this Act alters or diminishes—

(1) the treaty rights of any Indian Tribe; or

(2) the hunting, fishing, and gathering rights of the Tohono O’odham Nation recognized by section 4(b) of the Gila Bend Indian Reservation Lands Replacement Act (Public Law 99–503).

(b) CONSULTATION.—The Secretary shall consult with interested Indian Tribes—

(1) in carrying out the land management plans; and

(2) providing access under section 6(b); and
(3) to determine whether to charter an advisory committee to provide advice on the management of the Conservation Areas.

SEC. 8. TRIBAL COMMISSION.

(a) In General.—To ensure that the management of the Conservation Areas reflects the expertise and traditional, cultural, ecological, and historical knowledge and Native knowledge of members of interested Indian Tribes, not later than 180 days after the date of the enactment of this Act, the Secretary shall establish for the Conservation Areas a Tribal commission.

(b) Duties.—The Tribal commission shall provide guidance and recommendations on the development and implementation of the management plan for, and policies of, the Conservation Area.

(c) Membership.—

(1) Composition.—The Tribal commission shall consist of the representatives designated by each interested Indian Tribe with a historical association with the land within the boundaries of the Conservation Areas, with a maximum of 1 representative per interested Indian Tribe.

(2) Process.—The Secretary shall conduct government-to-government consultation with each interested Indian Tribe with a historical association
with the land within the boundaries of the Conservation Areas to determine whether the interested Indian Tribe may designate a representative to be a member of the Tribal commission under paragraph (1).

(d) Exemption.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Tribal commission.

SEC. 9. SELF-DETERMINATION CONTRACTS.

(a) In General.—The Secretary may contract with 1 or more Indian Tribes or Tribal organizations to perform administrative or management functions within the Conservation Areas through contracts entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

(b) Environmental and Other Requirements.—

(1) Effect.—Nothing in this section alters or abridges the application of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(D) any other applicable Federal environmental law (including regulations); or

(E) the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) ENVIRONMENTAL ANALYSES.—Nothing in this section authorizes the Secretary, an Indian Tribe, or a Tribal organization to waive completion of any necessary environmental analysis under applicable Federal law.

(3) RETENTION OF NEPA RESPONSIBILITIES.—The Secretary shall make any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable Federal law (including regulations) with respect to any activity to be carried out on public land under the jurisdiction of the Bureau of Land Management and Fish and Wildlife Service under this Act.

(4) APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT.—Nothing in this section alters or abridges the application of subchapter II of chapter 5, or chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), to this Act.
(c) Tribal Assistance.—The Secretary may provide technical and financial assistance to an Indian Tribe in accordance with section 103 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5322) to improve the capacity of the Indian Tribe to develop, enter into, and carry out activities under a contract under subsection (a).