

118TH CONGRESS  
1ST SESSION

# S. 2262

To designate the Baaj Nwaavjo I'tah Kukveni Grand Canyon National Monument in the State of Arizona, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 12, 2023

Ms. SINEMA (for herself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To designate the Baaj Nwaavjo I'tah Kukveni Grand Canyon 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.**

4 This Act may be cited as the “Baaj Nwaavjo I'tah  
5 Kukveni Grand Canyon National Monument Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Grand Canyon ecosystem and water-  
9 shed—

1 (A) is—

2 (i) a nationally significant landscape;

3 (ii) an ancestral homeland for regional

4 Indian Tribes;

5 (iii) an important species migration  
6 corridor;

7 (iv) a fragile ecosystem; and

8 (v) a remote refuge of scientific, cli-  
9 matic, and recreational importance; and

10 (B) urgently requires congressional protec-  
11 tion;

12 (2) the Associated Tribes—

13 (A) have a longstanding historical, cul-  
14 tural, and religious connection to the Grand  
15 Canyon ecosystem and watershed; and

16 (B) have been stewards of the natural and  
17 cultural resources that comprise the landscape  
18 of the Grand Canyon ecosystem, including the  
19 plants, wildlife, and water sources of the land-  
20 scape, since time immemorial;

21 (3) from quarries and campsites to housesites,  
22 pictographs, rock shelters, petroglyphs, storage bins,  
23 caves, seeps, springs, and sacred sites like Red Butte  
24 and Kanab Creek, the landscape of the Grand Can-

1       yon area continues to play a vital role in the cultural  
2       and religious life of the Associated Tribes;

3               (4) through the role of the Associated Tribes as  
4       stewards of the Grand Canyon ecosystem and water-  
5       shed, the Associated Tribes possess deep traditional  
6       ecological and cultural knowledge of the unique and  
7       fragile landscape, which serves a vital role in the  
8       continued management of the land as the land faces  
9       new and growing threats from climate change, bio-  
10      diversity loss, and extreme drought;

11              (5) given the traditional and cultural knowledge  
12      of the Associated Tribes and the sacred importance  
13      of the landscape of the Grand Canyon area, it is es-  
14      sential that the Associated Tribes play an integral  
15      role in the management planning for and ongoing  
16      stewardship of the National Monument;

17              (6) the Grand Canyon ecosystem and watershed  
18      in northern Arizona contains nationally significant  
19      biological, cultural, recreational, geological, edu-  
20      cational, and scientific values;

21              (7) the Grand Canyon ecosystem and watershed  
22      is integral to Grand Canyon National Park;

23              (8) the surface tributaries and groundwater  
24      sources within the Grand Canyon watershed are  
25      interconnected and contribute significantly to the

1 flow of the Colorado River, which provides a source  
2 of drinking water for millions of citizens of the  
3 United States;

4 (9) the Grand Canyon ecosystem and watershed  
5 contains a diverse array of canyons, cliffs, grass-  
6 lands, springs, and escarpments that create a land-  
7 scape unlike any other landscape in the United  
8 States;

9 (10) wildlife corridors within the Grand Canyon  
10 ecosystem and watershed facilitate the migration  
11 and survival of many native game species, while the  
12 rivers, forests, and grasslands provide habitat for  
13 many rare species, threatened species, and endan-  
14 gered species;

15 (11) the Grand Canyon ecosystem and water-  
16 shed provides a wild and rugged landscape enjoyed  
17 by hunters, campers, hikers, mountain bikers, eques-  
18 trians, and other recreationists; and

19 (12) recreational activity within the Grand Can-  
20 yon watershed is the primary driver of sustainable  
21 economic development in local communities in the vi-  
22 cinity of the Grand Canyon watershed.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1           (1) ASSOCIATED TRIBE.—The term “Associated  
2 Tribe” means each of—

3           (A) the Havasupai Tribe;

4           (B) the Hopi Tribe;

5           (C) the Hualapai Indian Tribe;

6           (D) the Navajo Nation;

7           (E) the Kaibab Band of Paiute Indians;

8           (F) the Paiute Indian Tribe of Utah (con-  
9 sisting of the Cedar Band of Paiutes, the  
10 Kanosh Band of Paiutes, the Koosharem Band  
11 of Paiutes, the Indian Peaks Band of Paiutes,  
12 and the Shivwits Band of Paiutes);

13          (G) the Las Vegas Tribe of Paiute;

14          (H) the Moapa Band of Paiute Indians;

15          (I) the San Juan Southern Paiute Tribe;

16          (J) the Yavapai-Apache Nation;

17          (K) the Zuni Tribe; and

18          (L) the Colorado River Indian Tribes.

19           (2) INDIAN LAND.—The term “Indian land”  
20 means land of an Indian Tribe or an individual In-  
21 dian that is—

22           (A) held in trust by the United States; or

23           (B) subject to a restriction against alien-

24           ation imposed by the United States.

1           (3) INDIAN TRIBE.—The term “Indian Tribe”  
2 means the governing body of any Indian or Alaska  
3 Native tribe, band, nation, pueblo, village, commu-  
4 nity, component band, or component reservation in-  
5 dividually identified (including parenthetically) on  
6 the list published by the Secretary of the Interior  
7 under section 104 of the Federally Recognized In-  
8 dian Tribe List Act of 1994 (25 U.S.C. 5131).

9           (4) MANAGEMENT PLAN.—The term “manage-  
10 ment plan” means the plan developed under section  
11 5(b).

12           (5) MAP.—The term “map” means the map en-  
13 titled “Proposed Baaj Nwaavjo I’tah Kukveni Grand  
14 Canyon National Monument” and dated May 25,  
15 2023.

16           (6) NATIONAL MONUMENT.—The term  
17 “National Monument” means the Baaj Nwaavjo  
18 I’tah Kukveni Grand Canyon National Monument  
19 established by section 4(a).

20           (7) PUBLIC LAND.—The term “public land”  
21 means land under the jurisdiction of the Secretary  
22 of the Interior or the Secretary of Agriculture, other  
23 than land held in trust by the United States for the  
24 benefit of an Indian Tribe or an individual Indian.

1           (8) SECRETARIES.—The term “Secretaries”  
2 means the Secretary of Agriculture and the Sec-  
3 retary of the Interior, acting jointly.

4           (9) SECRETARY CONCERNED.—The term “Sec-  
5 retary concerned” means—

6                 (A) the Secretary of Agriculture, with re-  
7 spect to land under the jurisdiction of the Sec-  
8 retary of Agriculture; and

9                 (B) the Secretary of the Interior, with re-  
10 spect to land under the jurisdiction of the Sec-  
11 retary of the Interior.

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

14           (11) TRIBAL COMMISSION.—The term “Tribal  
15 commission” means the commission established  
16 under section 8(a).

17           (12) TRIBAL ORGANIZATION.—The term “Trib-  
18 al organization” has the meaning given the term in  
19 section 4 of the Indian Self-Determination and Edu-  
20 cation Assistance Act (25 U.S.C. 5304).

21           (13) WILDLIFE MANAGEMENT.—The term  
22 “wildlife management” means the use, by the State,  
23 of methods and procedures necessary or desirable to  
24 sustain healthy populations of wildlife, including all  
25 activities associated with scientific resources man-

1       agement, such as research, census, monitoring of  
 2       populations, disease surveillance, law enforcement,  
 3       improvement and management of habitat, live trap-  
 4       ping and transplantation, wildlife damage manage-  
 5       ment, and hunting and fishing.

6   **SEC. 4. ESTABLISHMENT OF THE BAAJ NWAAVJO I'TAH**  
 7                   **KUKVENI GRAND CANYON NATIONAL MONU-**  
 8                   **MENT.**

9       (a) ESTABLISHMENT.—Subject to valid existing  
 10      rights, there is established the Baaj Nwaavjo I'tah  
 11      Kukveni Grand Canyon National Monument in the State,  
 12      to be administered by the Secretaries.

13      (b) PURPOSE.—The purpose of the National Monu-  
 14      ment is to protect, conserve, and enhance the unique and  
 15      nationally important historic, cultural, archaeological, nat-  
 16      ural, scenic, dark-sky, wildlife, biological, ecological, sci-  
 17      entific, geological, hydrological, educational, and rec-  
 18      reational resources of the National Monument.

19      (c) AREA INCLUDED.—

20           (1) IN GENERAL.—The National Monument  
 21      shall consist of approximately 1,069,970 acres of  
 22      public land in the State, as generally depicted on the  
 23      map.

24           (2) AVAILABILITY OF MAP.—The map shall be  
 25      on file and available for public inspection in the ap-

1       appropriate offices of the Bureau of Land Management  
2       and the Forest Service.

3 **SEC. 5. MANAGEMENT OF THE NATIONAL MONUMENT.**

4       (a) IN GENERAL.—The Secretaries shall administer  
5 the National Monument—

6           (1) in a manner that conserves, protects, and  
7       enhances the resources of the National Monument;

8           (2) in accordance with—

9               (A) this Act;

10               (B) the Federal Land Policy and Manage-  
11       ment Act of 1976 (43 U.S.C. 1701 et seq.); and

12               (C) any other applicable laws; and

13           (3) in the case of National Monument land  
14       under the jurisdiction of the Secretary of the Inte-  
15       rior, as a component of the National Landscape  
16       Conservation System.

17       (b) MANAGEMENT PLAN.—

18           (1) IN GENERAL.—Not later than 2 years after  
19       the date of enactment of this Act, the Secretaries  
20       shall develop a comprehensive management plan for  
21       the long-term management of the National Monu-  
22       ment.

23           (2) CONSULTATION; ACCESS.—The Secretaries  
24       shall—

1 (A) in developing the management plan,  
2 consult with—

3 (i) appropriate entities of the Federal  
4 Government and Tribal, State, and local  
5 governments;

6 (ii) the Tribal commission; and

7 (iii) members of the public; and

8 (B) allow for continued access for wildlife  
9 management within the National Monument by  
10 the State during the development of the man-  
11 agement plan.

12 (3) REQUIREMENTS.—The management plan  
13 shall—

14 (A) describe the appropriate uses of the  
15 National Monument;

16 (B) to the maximum extent practicable,  
17 provide for the careful and full incorporation of  
18 the traditional and historical knowledge and  
19 special expertise of the Associated Tribes in the  
20 management plan;

21 (C) identify opportunities for Associated  
22 Tribes to participate in the co-stewardship of  
23 resources within the National Monument;

24 (D) identify opportunities to protect and  
25 preserve Indian sacred sites (as defined in sec-

1 tion 1(b) of Executive Order 13007 (42 U.S.C.  
2 1996 note; relating to Indian sacred sites)) and  
3 traditional and cultural sites and ensure access  
4 to those sites for Tribal activities, including for  
5 spiritual purposes, cultural purposes, and tradi-  
6 tional plant-based food and plant-based medi-  
7 cine-gathering purposes, by members of the As-  
8 sociated Tribes;

9 (E)(i) identify short-term and long-term  
10 management actions; and

11 (ii) prioritize the management actions  
12 identified under clause (i) based on the pro-  
13 jected availability of resources;

14 (F) authorize the appropriate use of mo-  
15 torized and mechanized vehicles in the National  
16 Monument, including providing for the mainte-  
17 nance of appropriate roads, in accordance with  
18 the protection of resources within the National  
19 Monument;

20 (G) provide for continued recreational uses  
21 of the National Monument, including hunting,  
22 fishing, hiking, camping, mountain biking,  
23 birding, and horseback riding, to the extent  
24 that those uses are consistent with this Act and  
25 applicable law; and

1           (H) incorporate any provision of an appli-  
2           cable land and resource management plan that  
3           the Secretaries consider to be appropriate, in  
4           consultation with the Associated Tribes.

5           (4) REVIEW.—Not less frequently than annu-  
6           ally, the Secretaries shall review the management  
7           plan to ensure the management plan is meeting the  
8           requirements of this Act.

9           (c) USES.—The Secretaries shall allow only those  
10          uses of the National Monument that the Secretaries deter-  
11          mine would further the purpose of the National Monu-  
12          ment.

13          (d) COOPERATIVE AGREEMENTS.—In carrying out  
14          this Act, the Secretaries shall, to the maximum extent  
15          practicable, make grants to, or enter into cooperative  
16          agreements or shared management arrangements with,  
17          the Associated Tribes to further the purpose of the Na-  
18          tional Monument.

19          (e) SELF-DETERMINATION CONTRACTS.—

20                 (1) IN GENERAL.—In carrying out this Act, the  
21          Secretaries may contract with 1 or more Associated  
22          Tribes or Tribal organizations to perform adminis-  
23          trative or management functions within the National  
24          Monument through contracts entered into under the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 5301 et seq.).

3 (2) TRIBAL ASSISTANCE.—The Secretaries may  
4 provide technical and financial assistance to an As-  
5 sociated Tribe in accordance with section 103 of the  
6 Indian Self-Determination and Education Assistance  
7 Act (25 U.S.C. 5322) to improve the capacity of the  
8 Indian Tribe to develop, enter into, and carry out  
9 activities under a contract entered into under para-  
10 graph (1).

11 (f) APPROVAL OF FUNDING AGREEMENTS.—The  
12 Secretary of the Interior may approve funding agreements  
13 under title IV of the Indian Self-Determination and Edu-  
14 cation Assistance Act (25 U.S.C. 5361 et seq.) for the  
15 management of programs and functions relating to the  
16 management and protection of traditional cultural prop-  
17 erties and other culturally significant programming associ-  
18 ated with the National Monument.

19 (g) TEMPORARY CLOSURES.—

20 (1) IN GENERAL.—The Secretaries may tempo-  
21 rarily close to the general public the use of 1 or  
22 more specific portions of the National Monument to  
23 protect the privacy of cultural, religious, and gath-  
24 ering activities by members of an Associated Tribe.

25 (2) REQUIREMENTS.—

1 (A) IN GENERAL.—Any closure under  
2 paragraph (1)—

3 (i) shall be made so as to affect the  
4 smallest practicable area for the minimum  
5 period of time necessary; and

6 (ii) may not be made permanent.

7 (B) ACCESS.—Access by members of an  
8 Associated Tribe to a portion of the National  
9 Monument closed under paragraph (1) shall be  
10 consistent with the purpose and intent of Public  
11 Law 95–341 (commonly known as the “Amer-  
12 ican Indian Religious Freedom Act”; 42 U.S.C.  
13 1996 et seq.).

14 (h) MOTORIZED AND MECHANIZED VEHICLES.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graph (2), the use of motorized or mechanized vehi-  
17 cles on land within the National Monument shall be  
18 permitted only on roads and trails designated for the  
19 use of motorized or mechanized vehicles by the man-  
20 agement plan.

21 (2) EXCEPTION.—The use of motorized or  
22 mechanized vehicles shall be permitted in the Na-  
23 tional Monument on roads and trails not designated  
24 by the management plan for the use of motorized or

1 mechanized vehicles in cases in which the use is nec-  
2 essary—

3 (A) for administrative purposes;

4 (B) for wildlife management;

5 (C) to respond to an emergency; or

6 (D) to hunt and fish in accordance with all  
7 applicable laws (including regulations) and poli-  
8 cies, including the guidelines detailed in the  
9 “Arizona Off-Highway Vehicle Guide” pub-  
10 lished by the Arizona Game and Fish Depart-  
11 ment.

12 (i) GRAZING.—The grazing of livestock in the Na-  
13 tional Monument, if established or permitted before the  
14 date of enactment of this Act, shall be allowed to continue  
15 subject to all applicable laws (including regulations).

16 (j) COMMERCIAL RECREATION ACTIVITIES.—The  
17 Secretary concerned shall allow commercial recreation ac-  
18 tivities within the National Monument in accordance  
19 with—

20 (1) this Act; and

21 (2) other applicable laws (including regula-  
22 tions).

23 (k) LAW ENFORCEMENT.—The Secretaries, in con-  
24 sultation with Associated Tribes, shall ensure adequate  
25 law enforcement presence with respect to law enforcement

1 matters under the jurisdiction of the Secretaries to further  
2 the purpose and protect the resources of the National  
3 Monument.

4 (l) SAND AND GRAVEL OPERATIONS.—The Secretary  
5 concerned may permit sand and gravel operations within  
6 the National Monument in accordance with—

7 (1) this Act; and

8 (2) other applicable laws (including regula-  
9 tions).

10 (m) HUNTING AND FISHING.—

11 (1) IN GENERAL.—Hunting and fishing shall be  
12 authorized within the National Monument in accord-  
13 ance with—

14 (A) State law;

15 (B) treaty obligations of the United States;

16 and

17 (C) any other applicable laws (including  
18 regulations).

19 (2) NO CONFLICT WITH PURPOSES.—The hunt-  
20 ing, fishing, or other taking of wildlife within the  
21 National Monument shall not be considered to con-  
22 flict with the purposes of the National Monument or  
23 this Act.

1 (n) HABITAT AND ECOLOGICAL RESTORATION.—In  
 2 accordance with any applicable laws (including regula-  
 3 tions), the Secretaries shall—

4 (1) provide for the development and implemen-  
 5 tation of credible science-based habitat and ecologi-  
 6 cal restoration projects within the National Monu-  
 7 ment; and

8 (2) collaborate with the State on wildlife man-  
 9 agement within the National Monument, including  
 10 through the development of new, or continuation of  
 11 existing, memoranda of understanding with the Ari-  
 12 zona Game and Fish Department.

13 **SEC. 6. WITHDRAWAL OF FEDERAL LAND FROM MINING**  
 14 **LAWS.**

15 (a) WITHDRAWAL.—Subject to valid existing rights,  
 16 the public land and interests in public land within the Na-  
 17 tional Monument are withdrawn from—

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

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

22 (3) operation of the mineral leasing and geo-  
 23 thermal leasing laws.

24 (b) RELINQUISHMENT AND LATER ACQUISITION.—If  
 25 a valid existing right described in subsection (a) is relin-

1 quished or otherwise acquired by the United States after  
2 the date of enactment of this Act, the land that was sub-  
3 ject to that right shall be immediately withdrawn in ac-  
4 cordance with that subsection.

5 (c) **ADDITIONAL LAND.**—If the Secretaries acquire  
6 mineral or other interests in a parcel of land within the  
7 National Monument after the date of enactment of this  
8 Act, the parcel is withdrawn from operation of the laws  
9 referred to in subsection (a) on the date of acquisition of  
10 the parcel or interest.

11 **SEC. 7. EXEMPTION FROM DISCLOSURE UNDER FREEDOM**  
12 **OF INFORMATION ACT.**

13 (a) **IN GENERAL.**—Except as provided in subsection  
14 (b), any information relating to the nature and specific  
15 location of a cultural resource located at the National  
16 Monument shall not be disclosed by the Secretaries and  
17 shall be exempt from the disclosure under section 552 of  
18 title 5, United States Code (commonly known as the  
19 “Freedom of Information Act”).

20 (b) **EXCEPTION.**—The Secretaries, in consultation  
21 with Associated Tribes, may disclose information de-  
22 scribed in subsection (a) if the Secretaries determine that  
23 the disclosure—

24 (1) would—

1 (A) further the purposes of the National  
2 Monument or this Act; and

3 (B) be in accordance with other applicable  
4 laws; and

5 (2) would not create an undue risk of harm to  
6 or theft or destruction of the cultural resource or the  
7 site at which the cultural resource is located.

8 **SEC. 8. TRIBAL COMMISSION.**

9 (a) IN GENERAL.—To ensure that the management  
10 of the National Monument reflects the expertise and tradi-  
11 tional, cultural, ecological, historical, and Native knowl-  
12 edge of Associated Tribes, not later than 180 days after  
13 the date of enactment of this Act, the Secretaries shall  
14 establish for the National Monument a Tribal commission.

15 (b) DUTIES.—The Tribal commission shall provide  
16 guidance and recommendations on the development and  
17 implementation of the management plan for, and policies  
18 of, the National Monument.

19 (c) MEMBERSHIP.—The Tribal commission shall con-  
20 sist of the representatives designated by each Associated  
21 Tribe, with a maximum of 1 representative per Associated  
22 Tribe.

23 (d) NEW MEMBERS.—

24 (1) IN GENERAL.—In coordination with the  
25 Tribal commission, the Secretaries may offer mem-

1       bership on the Tribal commission to any Indian  
2       Tribe that, in the determination of the Secretaries,  
3       is a successor of an Associated Tribe.

4               (2) REPRESENTATION.—An Indian Tribe made  
5       a member of the Tribal commission under paragraph  
6       (1) shall be considered to be an Associated Tribe for  
7       purposes of subsection (c).

8               (e) EXEMPTION.—Chapter 10 of title 5, United  
9       States Code (commonly referred to as the “Federal Advi-  
10      sory Committee Act”), shall not apply to the Tribal com-  
11      mission.

12   **SEC. 9. EFFECT.**

13       (a) WATER.—Nothing in this Act—

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

17               (2) affects any vested absolute or decreed condi-  
18       tional water right in existence on the date of enact-  
19       ment of this Act, including any water right held by  
20       the United States;

21               (3) affects any claims or right to water not as-  
22       serted or finally determined as of the date of enact-  
23       ment of this Act;

24               (4) affects any interstate water compact in ex-  
25       istence on the date of enactment of this Act;

1           (5) authorizes or imposes any new reserved  
2 Federal water rights; or

3           (6) relinquishes or reduces any water rights re-  
4 served or appropriated by the United States in the  
5 State on or before the date of enactment of this Act.

6 (b) FISH AND WILDLIFE.—Nothing in this Act—

7           (1) affects the authority, jurisdiction, or respon-  
8 sibility of the State to manage, control, or regulate  
9 fish and wildlife under State law (including regula-  
10 tions), including the regulation of hunting, fishing,  
11 trapping, and recreational shooting on public land  
12 within the National Monument, and the exercise of  
13 State authority shall not be construed as conflicting  
14 with the purposes of the National Monument or this  
15 Act;

16           (2) limits access for hunting, fishing, trapping,  
17 or recreational shooting; or

18           (3) limits, under the authority of and in coordi-  
19 nation with the Arizona Game and Fish Depart-  
20 ment, the ability of Associated Tribes to conduct  
21 ceremonial hunts.

22 (c) TRIBAL TREATY RIGHTS; TRIBAL RIGHTS.—  
23 Nothing in this Act—

24           (1) alters, modifies, enlarges, abrogates, or di-  
25 minishes rights secured by treaty, statute, Executive

1 order, or other Federal law of any Indian Tribe, in-  
2 cluding off-reservation reserved rights; or

3 (2) affects any Indian land.

4 (d) PUBLIC ACCESS.—Except as otherwise provided  
5 in this Act, nothing in this Act affects public access to  
6 land within the National Monument.

7 (e) NON-FEDERAL LAND.—Nothing in this Act modi-  
8 fies any provision of Federal, State, or local law with re-  
9 spect to use of non-Federal land.

10 (f) UTILITY AND TRANSMISSION FACILITIES.—

11 (1) IN GENERAL.—Nothing in this Act pre-  
12 cludes the renewal or assignment of, or interferes  
13 with the operation, maintenance, replacement, modi-  
14 fication, upgrade, or access to, within or adjacent to  
15 the boundary of the National Monument—

16 (A) existing flood control, utility, pipeline,  
17 and telecommunications facilities;

18 (B) roads or highway corridors;

19 (C) seismic monitoring facilities; or

20 (D) other water infrastructure, including  
21 wildlife water developments or water district fa-  
22 cilities.

23 (2) EXPANSION; CONSTRUCTION OF NEW FA-  
24 CILITIES.—Any existing facility within or adjacent to  
25 the boundary of the National Monument described

1 in subparagraph (A), (C), or (D) of paragraph (1)  
2 may be expanded and any new facility described in  
3 those subparagraphs may be constructed, to the ex-  
4 tent consistent with—

5 (A) section 5(a); and

6 (B) other applicable law.

○