

117TH CONGRESS
2D SESSION

H. R. 6751

To establish the Avi Kwa Ame National Monument in the State of Nevada,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2022

Ms. TITUS introduced the following bill; which was referred to the Committee
on Natural Resources

A BILL

To establish the Avi Kwa Ame National Monument in the
State of Nevada, 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 “Avi Kwa Ame National
5 Monument Establishment Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The Federal public lands in southernmost
9 Nevada comprise a nationally significant cultural
10 and natural landscape.

1 (2) These lands are considered sacred by nu-
2 merous Indian Tribes, and the lands are tied to the
3 Indian Tribes' creation, cosmology, and well-being,
4 containing numerous cultural sites and objects.

5 (3) Avi Kwa Ame, or Spirit Mountain, located
6 on the eastern edge of the proposed monument, is
7 designated a Traditional Cultural Property on the
8 National Register of Historic Places in recognition
9 of its religious and cultural importance.

10 (4) The lands showcase the progression of
11 human history in the Eastern Mojave Desert, a lit-
12 eral crossroads of the American West. There are sig-
13 nificant elements of Native American, Western-
14 American, and Mining History, including the historic
15 Mojave Trail/Road, originally used by Mojave and
16 other Native Americans to transport goods from the
17 southwest to trade with the Chumash and other
18 coastal Tribes and later used in Western expansion,
19 as well as the historic Walking Box Ranch which fig-
20 ures prominently in the history of movie making in
21 America.

22 (5) The lands contain several prominent geo-
23 logical features, such as the volcanic Highland
24 Range within the northern section of the Avi Kwa
25 Ame landscape, which is about 10 miles long and re-

1 markably rugged and ragged. The multicolored vol-
2 canic peaks, several thousand feet in elevation, tower
3 above the surrounding valley and are remarkably
4 scenic and are a designated Crucial Bighorn Sheep
5 Habitat area.

6 (6) The lands are a rare biological hotspot that
7 contain intact ecosystems, Joshua tree forests, out-
8 standing wildlife habitat, and essential wildlife mi-
9 gration corridors.

10 (7) The remote nature of the area protects the
11 ability to enjoy increasingly rare natural quiet and
12 dark night sky and solitude.

13 (8) The lands provide important recreational
14 opportunities.

15 (9) Establishing the Federal public lands within
16 the Avi Kwa Ame landscape as a national monument
17 will permanently protect these natural and cultural
18 resources for the benefit and enjoyment of present
19 and future generations.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) **ADVISORY COUNCIL.**—The term “Advisory
23 Council” means the Avi Kwa Ame National Monu-
24 ment Advisory Council established under section
25 5(a).

1 (2) INDIAN TRIBE.—The term “Indian Tribe”
2 has the meaning given in section 4 of the Indian
3 Self-Determination and Education Assistance Act
4 (25 U.S.C. 5304).

5 (3) MANAGEMENT PLAN.—The term “manage-
6 ment plan” means the management plan prepared
7 under section 4(d).

8 (4) MAP.—The term “Map” means the map en-
9 titled “Avi Kwa Ame National Monument” and
10 dated February 1, 2022.

11 (5) MONUMENT.—The term “Monument”
12 means the Avi Kwa Ame National Monument estab-
13 lished by section 4(a).

14 (6) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (7) STATE.—The term “State” means the State
17 of Nevada.

18 **SEC. 4. AVI KWA AME NATIONAL MONUMENT.**

19 (a) ESTABLISHMENT.—Subject to valid existing
20 rights, there is established the Avi Kwa Ame National
21 Monument in the State, consisting of approximately
22 445,000 acres of Federal land administered by the Bureau
23 of Land Management, as generally depicted on the Map.

24 (b) PURPOSES.—The purpose of the Monument is to
25 conserve, protect, and enhance for the benefit and enjoy-

1 ment of present and future generations the cultural, eco-
2 logical, scenic, wildlife, recreational, dark sky, historical,
3 natural, educational, and scientific resources of the Monu-
4 ment.

5 (c) MANAGEMENT.—

6 (1) IN GENERAL.—The Secretary shall manage
7 the Monument—

8 (A) in a manner that conserves, protects,
9 and enhances the resources of the Monument;

10 (B) in accordance with—

11 (i) the Federal Land Policy and Man-
12 agement Act of 1976 (43 U.S.C. 1701 et
13 seq.);

14 (ii) this section; and

15 (iii) any other applicable law (includ-
16 ing regulations); and

17 (C) as a component of the National Land-
18 scape Conservation System.

19 (2) USES.—The Secretary shall only allow uses
20 of the Monument that the Secretary determines
21 would further the purposes described in subsection
22 (b).

23 (3) NATIVE AMERICAN ACCESS AND USE.—

24 (A) ACCESS.—To the extent practicable,
25 the Secretary shall ensure access to the Monu-

1 ment by members of an Indian Tribe for tradi-
2 tional cultural purposes.

3 (B) USE.—

4 (i) IN GENERAL.—In implementing
5 this subsection, the Secretary, upon the re-
6 quest of an Indian Tribe, may temporarily
7 close to the general public use of one or
8 more specific portions of the Monument in
9 order to protect the privacy of traditional
10 cultural activities in such areas by mem-
11 bers of the Indian Tribe.

12 (ii) LIMITATION.—Any such closure
13 shall be made to affect the smallest area
14 practicable for the minimum period nec-
15 essary for such purposes.

16 (C) AMERICAN INDIAN RELIGIOUS FREE-
17 DOM.—The access and use provided under this
18 paragraph shall be consistent with the purpose
19 and intent of Public Law 95–341 (42 U.S.C.
20 1996), commonly referred to as the American
21 Indian Religious Freedom Act, and, as applica-
22 ble, the Wilderness Act (16 U.S.C. 1131 et
23 seq.).

24 (4) MOTORIZED VEHICLES.—

1 (A) IN GENERAL.—Except in cases in
2 which motorized vehicles are needed for admin-
3 istrative purposes, or to respond to an emer-
4 gency, the use of motorized vehicles in the
5 Monument shall be permitted only on roads
6 designated by the management plan required by
7 subsection (d) for the use of motorized vehicles.

8 (B) INTERIM MANAGEMENT.—Until the
9 completion of the management plan, the use of
10 motorized vehicles in the Monument shall be
11 permitted in accordance with the applicable
12 land use plan.

13 (5) GRAZING.—The grazing of livestock in the
14 Monument, where established before the date of the
15 enactment of this Act, shall be permitted to con-
16 tinue—

17 (A) subject to—

18 (i) such reasonable regulations, poli-
19 cies, and practices as the Secretary con-
20 siders necessary; and

21 (ii) applicable law (including regula-
22 tions); and

23 (B) in a manner consistent with the pur-
24 poses described in subsection (b).

1 (6) WILDLIFE WATER PROJECTS.—The Sec-
2 retary, in consultation with the State, may authorize
3 wildlife water projects (including guzzlers) within
4 the Monument.

5 (7) HUNTING, FISHING AND TRAPPING.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B), the Secretary shall allow
8 hunting, fishing, and trapping on land and
9 water within the Monument in accordance with
10 applicable Federal and State law.

11 (B) ADMINISTRATIVE EXCEPTIONS.—The
12 Secretary may designate areas in which, and es-
13 tablish limited periods during which, no hunt-
14 ing, fishing, or trapping shall be allowed under
15 subparagraph (A) for reasons of public safety,
16 administration, or compliance with applicable
17 law.

18 (C) AGENCY AGREEMENT.—Except in an
19 emergency, regulations closing areas within the
20 Monument to hunting, fishing, or trapping
21 under this paragraph shall be made in consulta-
22 tion with the appropriate agency of the State
23 having responsibility for fish and wildlife ad-
24 ministration.

1 (D) SAVINGS CLAUSE.—Nothing in this
2 subsection affects any jurisdiction or responsi-
3 bility of the State with respect to fish and wild-
4 life in the Monument.

5 (d) MANAGEMENT PLAN.—

6 (1) IN GENERAL.—Not later than 3 years after
7 the date of the enactment of this Act and in accord-
8 ance with paragraph (2), the Secretary shall develop
9 a comprehensive plan for the long-term management
10 of the Monument.

11 (2) CONSULTATION.—In developing the man-
12 agement plan, the Secretary shall consult with—

13 (A) other Federal land management agen-
14 cies in the area, including the National Park
15 Service;

16 (B) appropriate State, Tribal, and local
17 governmental entities; and

18 (C) members of the public.

19 (3) INCORPORATION OF PLANS.—In developing
20 the management plan, to the extent consistent with
21 this Act, the Secretary may incorporate any provi-
22 sion of an applicable land and resource management
23 plan.

24 (e) INCORPORATION OF ACQUIRED LAND AND INTER-
25 ESTS.—Any land or interest in land within the boundary

1 of the Monument that is acquired by the United States
2 shall—

3 (1) become part of the Monument;

4 (2) be withdrawn in accordance with subsection
5 (f); and

6 (3) be managed in accordance with—

7 (A) the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. 1701 et seq.);

9 (B) this Act; and

10 (C) any other applicable law (including
11 regulations).

12 (f) WITHDRAWAL.—Subject to valid existing rights,
13 all Federal land located in the Monument is withdrawn
14 from—

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

17 (2) location, entry, and patenting under the
18 mining laws; and

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

21 (g) EASEMENTS AND RIGHTS-OF-WAY.—

22 (1) IN GENERAL.—No new easements or rights-
23 of-way shall be conveyed on Federal lands within the
24 Monument after the date of the enactment of this
25 Act.

1 (2) EFFECT.—Nothing in this section precludes
2 the Secretary from renewing easements or rights-of-
3 way in existence on the date of the enactment of this
4 Act within the Monument in accordance with this
5 Act and applicable law (including regulations).

6 (h) MILITARY, LAW ENFORCEMENT, AND EMER-
7 GENCY OVERFLIGHTS.—Nothing in this section pre-
8 cludes—

9 (1) low-level overflights of military, law enforce-
10 ment, or emergency medical services aircraft over
11 the Monument;

12 (2) flight testing and evaluation; and

13 (3) the use or establishment of military, law en-
14 forcement, or emergency medical services flight
15 training routes over the Monument.

16 (i) NATIVE AMERICAN RIGHTS AND USES.—

17 (1) IN GENERAL.—Nothing in this section al-
18 ters, modifies, enlarges, diminishes, or abrogates the
19 treaty rights of any Indian Tribe, including off-res-
20 ervation reserved rights.

21 (2) CONSULTATION.—The Secretary shall con-
22 sult with interested Indian Tribes—

23 (A) in developing and carrying out the
24 management plan;

1 (B) providing access under subsection
2 (c)(3); and

3 (C) to determine whether to charter an ad-
4 visory committee or otherwise formalize govern-
5 ment-to-government collaboration on the man-
6 agement of the Monument.

7 (j) MAP; LEGAL DESCRIPTION.—

8 (1) IN GENERAL.—As soon as practicable after
9 the date of the enactment of this Act, the Secretary
10 shall prepare a map and legal description of the
11 Monument.

12 (2) CORRECTIONS.—The map and legal descrip-
13 tion submitted under paragraph (1) shall have the
14 same force and effect as if included in this subtitle,
15 except that the Secretary may correct any clerical or
16 typographical errors in the legal description and the
17 map.

18 (3) CONFLICT BETWEEN MAP AND LEGAL DE-
19 SCRPTION.—In the case of a conflict between the
20 map and the legal description, the map shall control.

21 (4) AVAILABILITY OF MAP AND LEGAL DE-
22 SCRPTION.—Copies of the map and legal description
23 shall be on file and available for public inspection in
24 the appropriate offices of the Bureau of Land Man-
25 agement.

1 **SEC. 5. AVI KWA AME NATIONAL MONUMENT ADVISORY**
2 **COUNCIL.**

3 (a) **ESTABLISHMENT.**—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary shall
5 establish an advisory council to be known as the “Avi Kwa
6 Ame National Monument Advisory Council”.

7 (b) **DUTIES.**—The Advisory Council shall advise the
8 Secretary with respect to the preparation and implementa-
9 tion of the management plan.

10 (c) **APPLICABLE LAW.**—The Advisory Council shall
11 be subject to—

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

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

16 (d) **MEMBERS.**—

17 (1) **IN GENERAL.**—The Advisory Council shall
18 include 11 members to be appointed by the Sec-
19 retary, of whom, to the extent practicable—

20 (A) 1 member shall be appointed after con-
21 sidering the recommendations of the Boulder
22 City, Nevada, City Council;

23 (B) 1 member shall be appointed after con-
24 sidering the recommendations of the Search-
25 light, Nevada, Town Advisory Board;

1 (C) 1 member shall be appointed after con-
2 sidering the recommendations of the Laughlin,
3 Nevada, Town Advisory Board;

4 (D) 6 members shall be appointed to rep-
5 resent Indian Tribes with a historical connec-
6 tion to the land within the Monument; and

7 (E) 2 at-large members from the County
8 shall be appointed after considering the rec-
9 ommendations of the County Commission.

10 (2) SPECIAL APPOINTMENT CONSIDER-
11 ATIONS.—The at-large members appointed under
12 paragraph (1)(E) shall have backgrounds that re-
13 flect—

14 (A) the purposes for which the Monument
15 was established; and

16 (B) the interests of persons affected by the
17 planning and management of the Monument.

18 (3) REPRESENTATION.—The Secretary shall en-
19 sure that the membership of the Advisory Council is
20 fairly balanced in terms of the points of view rep-
21 resented and the functions to be performed by the
22 Advisory Council.

23 (4) INITIAL APPOINTMENT.—Not later than
24 180 days after the date of the enactment of this Act,
25 the Secretary shall appoint the initial members of

1 the Advisory Council in accordance with paragraph
2 (1).

3 (e) DUTIES OF THE ADVISORY COUNCIL.—The Advi-
4 sory Council shall advise the Secretary with respect to the
5 preparation and implementation of the management plan,
6 including budgetary matters relating to the Monument.

7 (f) COMPENSATION.—Members of the Advisory Coun-
8 cil shall receive no compensation for serving on the Advi-
9 sory Council.

10 (g) CHAIRPERSON.—

11 (1) IN GENERAL.—The Advisory Council shall
12 elect a Chairperson from among the members of the
13 Advisory Council.

14 (2) TERM.—The term of the Chairperson shall
15 be 3 years.

16 (h) TERM OF MEMBERS.—

17 (1) IN GENERAL.—The term of a member of
18 the Advisory Council shall be 3 years.

19 (2) SUCCESSORS.—Notwithstanding the expira-
20 tion of a 3-year term of a member of the Advisory
21 Council, a member may continue to serve on the Ad-
22 visory Council until a successor is appointed.

23 (i) VACANCIES.—

1 (1) IN GENERAL.—A vacancy on the Advisory
2 Council shall be filled in the same manner in which
3 the original appointment was made.

4 (2) APPOINTMENT FOR REMAINDER OF
5 TERM.—A member appointed to fill a vacancy on the
6 Advisory Council shall serve for the remainder of the
7 term for which the predecessor was appointed.

8 (j) TERMINATION.—The Advisory Council shall ter-
9 minate not later than 3 years after the date on which the
10 final version of the management plan is published.

11 **SEC. 6. RELATIONSHIP TO CLARK COUNTY MULTI-SPECIES**

12 **HABITAT CONSERVATION PLAN.**

13 (a) IN GENERAL.—Nothing in this Act limits, alters,
14 modifies, or amends the Clark County Multi-Species Habi-
15 tat Conservation Plan with respect to the Monument.

16 (b) CONSERVATION MANAGEMENT AREAS.—The Sec-
17 retary may, in accordance with the Clark County Multi-
18 Species Habitat Conservation Plan (including amend-
19 ments to the plan) and applicable law, credit the acreage
20 of Federal land within the Monument as Conservation
21 Management Areas under the plan.

22 (c) MANAGEMENT PLAN.—In developing the manage-
23 ment plan, to the extent consistent with this section, the
24 Secretary may incorporate any provision of the Clark
25 County Multi-Species Habitat Conservation Plan.

1 **SEC. 7. TRANSFER OF BUREAU OF RECLAMATION PARCELS.**

2 (a) TRANSFER OF PARCELS.—The Secretary shall
3 transfer administrative jurisdiction of any Bureau of Rec-
4 lamation land within the Monument to the Bureau of
5 Land Management.

6 (b) MAP AND LEGAL DESCRIPTION.—

7 (1) IN GENERAL.—As soon as practicable after
8 the date of the enactment of this Act, the Secretary
9 shall finalize the legal description of the land being
10 transferred to the Bureau of Land Management
11 under subsection (a).

12 (2) MINOR ERRORS.—The Secretary may cor-
13 rect any minor error in—

14 (A) the Map; or

15 (B) the legal description.

16 (3) AVAILABILITY.—The Map and legal descrip-
17 tion shall be on file and available for public inspec-
18 tion in the appropriate offices of the Bureau of
19 Land Management and the Bureau of Reclamation.

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