

115TH CONGRESS  
1ST SESSION

# H. R. 4532

To create the first Tribally managed national monument, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2017

Mr. CURTIS (for himself, Mr. BISHOP of Utah, Mr. STEWART, and Mrs. LOVE) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To create the first Tribally managed national monument,  
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 “Shash Jáa National  
5 Monument and Indian Creek National Monument Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Withdrawal.
- Sec. 4. Proclamation termination.
- Sec. 5. Authorization of appropriations.

## TITLE I—SHASH JÁA NATIONAL MONUMENT

- Sec. 101. Establishment and purpose.
- Sec. 102. Map and legal description.
- Sec. 103. Administration of Shash Jáa National Monument.
- Sec. 104. General provisions.
- Sec. 105. Shash Jáa Tribal Management Council.
- Sec. 106. Bears Ears Commission.
- Sec. 107. Archaeological resources protection.
- Sec. 108. Enhanced resource protection capabilities in the Shash Jáa National Monument.
- Sec. 109. Scientific research to further purpose of Shash Jáa National Monument.
- Sec. 110. Federal land manager adherence.

## TITLE II—INDIAN CREEK NATIONAL MONUMENT

- Sec. 201. Establishment and purpose.
- Sec. 202. Map and legal description.
- Sec. 203. Administration of Indian Creek National Monument.
- Sec. 204. General provisions.
- Sec. 205. Indian Creek Management Council.
- Sec. 206. Bears Ears Commission.
- Sec. 207. Archaeological resources protection.
- Sec. 208. Enhanced resource protection capabilities in the Indian Creek National Monument.
- Sec. 209. Scientific research to further purpose of Indian Creek National Monument.
- Sec. 210. Federal land manager adherence.

## TITLE III—UTAH PUBLIC SCHOOL TRUST LAND CERTAINTY

- Sec. 301. Definitions.
- Sec. 302. Exchange of land to benefit the Utah Public School Trust.
- Sec. 303. Equal value land exchanges and appraisals.

**1 SEC. 3. WITHDRAWAL.**

2           Subject to valid existing rights, all Federal land and  
 3 interests in land within the exterior boundaries of the  
 4 Bears Ears National Monument declared under Presi-  
 5 dential Proclamation 9558, dated December 28, 2016, is  
 6 withdrawn from—

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

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

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

3 **SEC. 4. PROCLAMATION TERMINATION.**

4           Presidential Proclamation 9558, dated December 28,  
5 2016, and issued under chapter 3203 of title 54, United  
6 States Code, is hereby declared null and void.

7 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

8           There is authorized to be appropriated to carry out  
9 this Act \$1,500,000 for each of fiscal years 2018 through  
10 2024.

11 **TITLE I—SHASH JÁA NATIONAL**  
12 **MONUMENT**

13 **SEC. 101. ESTABLISHMENT AND PURPOSE.**

14           (a) ESTABLISHMENT.—Subject to the valid existing  
15 rights, the Federal land comprising approximately  
16 142,337 acres, identified as “Shash Jáa National Unit”  
17 and generally depicted on the map entitled “Bears Ears  
18 National Monument Boundary Modification”, including  
19 Moon House Ruin and Doll House Ruin, is hereby estab-  
20 lished as the “Shash Jáa National Monument”.

21           (b) PURPOSE.—The purpose of the Shash Jáa Na-  
22 tional Monument shall be to protect, conserve, and en-  
23 hance the unique and nationally important historic, sa-  
24 cred, cultural, scientific, scenic, archaeological, natural,

1 and educational resources of the Shash Jaa National  
2 Monument.

3 **SEC. 102. MAP AND LEGAL DESCRIPTION.**

4 (a) IN GENERAL.—As soon as practicable after the  
5 date of the enactment of this Act, the Secretary of the  
6 Interior and the Secretary of Agriculture shall submit to  
7 the Committee on Natural Resources of the House of Rep-  
8 resentatives and the Committee on Energy and Natural  
9 Resources and the Committee on Agriculture, Nutrition,  
10 and Forestry of the Senate a map and legal description  
11 of the Shash Jaa National Monument established by sec-  
12 tion 101.

13 (b) FORCE AND EFFECT.—The map and legal de-  
14 scription submitted under this section shall have the same  
15 force and effect as if included in this title, except that  
16 the Secretary of the Interior and Secretary of Agriculture  
17 may make minor modifications of any clerical or typo-  
18 graphical errors in the map or legal description provided  
19 these changes are first reported to the State of Utah, San  
20 Juan County, Utah, and the Shash Jaa Tribal Manage-  
21 ment Council.

22 (c) PUBLIC AVAILABILITY.—A copy of the map and  
23 legal description shall be on file and available for public  
24 inspection in the appropriate field offices of the Bureau

1 of Indian Affairs, the Bureau of Land Management, and  
2 the Forest Service.

3 **SEC. 103. ADMINISTRATION OF SHASH JÁA NATIONAL**  
4 **MONUMENT.**

5 (a) IN GENERAL.—In accordance with this title, the  
6 Federal Land Policy and Management Act of 1976 (43  
7 U.S.C. 1701 et seq.), and other applicable laws and regu-  
8 lations, the Shash Jáa Tribal Management Council shall  
9 manage the Shash Jáa National Monument in a manner  
10 that—

11 (1) furthers the purpose of the Monument;

12 (2) encourages cooperative and innovative man-  
13 agement practices between resource managers, pri-  
14 vate landowners, and the public; and

15 (3) recognizes and maintains historic Tribal  
16 uses, including hunting, gathering, wood cutting,  
17 and cultural and religious uses.

18 (b) MANAGEMENT PLAN.—

19 (1) PLAN REQUIRED.—As soon as practicable  
20 after the date of the enactment of this Act, con-  
21 sistent with the purpose of the monument, the  
22 Shash Jáa Tribal Management Council shall develop  
23 a comprehensive plan for the long-term management  
24 of the Shash Jáa National Monument. The plan may  
25 be updated or amended by the Shash Jáa Tribal

1 Management Council in response to changing cir-  
2 cumstances or as determined by the Shash Jáa Trib-  
3 al Management Council.

4 (2) CONSULTATION.—In developing the man-  
5 agement plan, the Shash Jáa Tribal Management  
6 Council shall consult with appropriate State and  
7 local entities, the Bears Ears Commission, affected  
8 Indian Tribes, and the public. In particular, the  
9 Shash Jáa Tribal Management Council shall solicit  
10 information and proposals as needed to integrate  
11 Native American traditional and historical knowl-  
12 edge and special expertise into the management plan  
13 of the Shash Jáa National Monument. Such infor-  
14 mation and proposals may include—

15 (A) protections for and use of sacred sites;

16 (B) cultural and educational programming;

17 (C) identification of plants, animals, and  
18 special resources;

19 (D) identification of traditional uses, such  
20 as gathering firewood; and

21 (E) historical and archaeological resources.

22 (3) REJECTION OF RECOMMENDATIONS.—If the  
23 Shash Jáa Tribal Management Council does not in-  
24 corporate written recommendations submitted by  
25 State or local entities, the Bears Ears Commission,

1 or affected Indian Tribes into the management plan,  
2 the Shash Jáa Tribal Management Council shall  
3 submit a written explanation, not less than 30 days  
4 before the effective date of the management plan, to  
5 the Committee on Natural Resources of the House  
6 of Representatives, the Committee on Energy and  
7 Natural Resources of the Senate, and the Committee  
8 on Agriculture, Nutrition, and Forestry of the Sen-  
9 ate outlining the reasons for rejecting the rec-  
10 ommendations.

11 (4) RELATIONSHIP WITH BEARS EARS COMMIS-  
12 SION.—In addition to the consultation under para-  
13 graph (2), the Shash Jáa Tribal Management Coun-  
14 cil shall—

15 (A) carefully and fully consider integrating  
16 the traditional and historical knowledge and  
17 special expertise of the Bears Ears Commission  
18 into the management plan of the Shash Jáa  
19 National Monument; and

20 (B) not less than 45 days before the effec-  
21 tive date of the management plan for the Shash  
22 Jáa National Monument, provide the Bears  
23 Ears Commission with a written explanation re-  
24 garding any written recommendations from the  
25 Bears Ears Commission that are not integrated

1           into the management plan for the Shash Jaa  
2           National Monument.

3           (5) ELEMENTS INCLUDED.—The management  
4           plan developed under this subsection shall—

5                   (A) allow only those uses of the Shash Jaa  
6           National Monument that are determined by the  
7           Council to be consistent with the purpose of the  
8           Monument;

9                   (B) be consistent with the Native Amer-  
10          ican Graves Protection and Repatriation Act  
11          (25 U.S.C. 3001 et seq.), the American Indian  
12          Religious Freedom Act (42 U.S.C. 1996 et  
13          seq.), Executive Order 13007, division A of sub-  
14          title III of title 54, United States Code (for-  
15          merly the National Historic Preservation Act),  
16          and the Archaeological Resources Protection  
17          Act of 1979 (16 U.S.C. 470aa et seq.) to pro-  
18          tect and preserve and minimize disturbance to  
19          covered sites and properties, including human  
20          remains;

21                  (C) integrate Native knowledge (as defined  
22          in section 219.19 of title 36, Code of Federal  
23          Regulations) to improve social, economic, and  
24          ecological sustainability in accordance with For-  
25          est Service regulations set forth in section 219



1 of title 36, Code of Federal Regulations, or suc-  
2 cessor regulations;

3 (D) allow for the continued use and access  
4 (including by motorized vehicle) of the Shash  
5 Jaa National Monument—

6 (i) for traditional and cultural cere-  
7 monies;

8 (ii) as a source of traditional plants  
9 and other materials for subsistence and  
10 other uses in accordance with Federal law;  
11 and

12 (iii) for any other activities deemed  
13 appropriate, in consultation with the Shash  
14 Jaa Archaeological Resources Protection  
15 Unit;

16 (E) allow grazing where grazing was estab-  
17 lished before the date of the enactment of this  
18 Act—

19 (i) subject to such reasonable regula-  
20 tions, policies, and practices as the Shash  
21 Jaa Tribal Management Council deems  
22 necessary;

23 (ii) subject to all applicable laws; and

24 (iii) with adjustments only allowed in  
25 the numbers of livestock allowed as a re-

1                   sult of revisions in the normal grazing and  
2                   land management planning and policy set-  
3                   ting process;

4                   (F) allow commercial recreation activities  
5                   within the Shash Jáa National Monument in  
6                   accordance with this title and all other applica-  
7                   ble laws and regulations; and

8                   (G) allow wildland fire operations in the  
9                   Shash Jáa National Monument consistent with  
10                  the purpose of the Shash Jáa National Monu-  
11                  ment.

12           (c) DONATIONS.—The Shash Jáa Tribal Manage-  
13           ment Council may accept, hold, administer, and use gifts,  
14           bequests, donations of funds or real property within the  
15           boundaries of the Shash Jáa National Monument, and de-  
16           vices (including labor and services) to further the purposes  
17           of the Shash Jáa National Monument and to administer  
18           the Monument. Donations accepted under this subsection  
19           shall be considered as a gift or bequest to or for the use  
20           of the United States.

21   **SEC. 104. GENERAL PROVISIONS.**

22           (a) WITHDRAWALS.—Subject to valid existing rights,  
23           all Federal land and interests in land that is acquired by  
24           the United States within the Shash Jáa National Monu-

1 ment after the date of the enactment of this Act, is with-  
2 drawn from—

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

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

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

9 (b) LAND ACQUISITION.—

10 (1) IN GENERAL.—The Secretary of the Inte-  
11 rior or the Secretary of Agriculture, as appropriate,  
12 may acquire lands or interest in lands within the ex-  
13 terior boundaries of the Shash Jáa National Monu-  
14 ment by donation, purchase with donated or appro-  
15 priated funds, exchange, or transfer from a Federal  
16 agency only with the concurrence of the Shash Jáa  
17 Tribal Management Council.

18 (2) NO EMINENT DOMAIN OR CONDEMNATION.—The Secretary of the Interior and the Sec-  
19 retary of Agriculture may not use eminent domain  
20 or condemnation to acquire land or interest in land  
21 within the exterior boundary of the Shash Jáa Na-  
22 tional Monument.

23 (3) INCORPORATION IN NATIONAL MONU-  
24 MENT.—Any land or interest in land located inside  
25

1 the exterior boundary of the Shash Jáa National  
2 Monument that is acquired by the United States  
3 after the date of the enactment of this Act shall be  
4 added to and administered as part of the Shash Jáa  
5 National Monument.

6 (c) EXCLUSION OF NON-FEDERAL LAND.—The  
7 Shash Jáa National Monument includes only Federal land  
8 and interests in Federal land and does not include private  
9 property or other non-Federal land and interests in land.  
10 The management plan developed and implemented under  
11 this title shall not apply to private property or non-Federal  
12 land or interests in land.

13 (d) WATER RIGHTS.—Nothing in this title—

14 (1) affects the use or allocation, in existence on  
15 the date of the 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 the en-  
19 actment of this Act, including any water right held  
20 by the United States;

21 (3) affects any claims or rights to water not yet  
22 asserted or finally determined;

23 (4) affects any interstate water compact in ex-  
24 istence on the date of the 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 of Utah on or before the date of the enactment  
6 of this Act.

7           (e) FISH AND WILDLIFE.—Nothing in this title af-  
8 fects the jurisdiction of the State of Utah with respect  
9 to the management of fish and wildlife in the State.

10          (f) EMERGENCY RESPONSE.—Nothing in this title al-  
11 ters the authority or responsibility of any party with re-  
12 spect to emergency response activities within the Shash  
13 Jaa National Monument, including wildfire response.

14          (g) OVERFLIGHTS.—Nothing in this title shall pre-  
15 clude overflights of military aircraft, the designation of  
16 special-use airspace, or the use or establishment of mili-  
17 tary flight training routes over the Shash Jaa National  
18 Monument.

19          (h) TRIBAL RIGHTS.—Nothing in this title affects the  
20 rights of any federally recognized Indian Tribe or any  
21 treaty right.

22 **SEC. 105. SHASH JAA TRIBAL MANAGEMENT COUNCIL.**

23          (a) DUTIES.—The Shash Jaa Tribal Management  
24 Council shall—

1           (1) develop and implement the comprehensive  
2 management plan required by section 103; and

3           (2) regularly and meaningfully engage with the  
4 Bears Ears Commission regarding the management  
5 of the Shash Jáa National Monument.

6           (b) MEMBERSHIP.—The Shash Jáa Tribal Manage-  
7 ment Council shall be composed of the following members  
8 appointed not later than 180 days after the date of the  
9 enactment of this Act by the President:

10           (1) One individual from the Department of the  
11 Interior or the Department of Agriculture.

12           (2) Six individuals, in consultation with the  
13 Congressional delegation from the State of Utah,  
14 who shall represent the following:

15           (A) Three who are members of the Navajo  
16 Nation, one of whom must represent the Aneth  
17 Chapter of the Navajo Nation.

18           (B) One who is a member of the White  
19 Mesa Utes of the Ute Mountain Ute Tribe.

20           (C) Two who are members of the San  
21 Juan County, Utah, Board of Commissioners.

22           (c) QUALIFICATIONS.—Of the representatives ap-  
23 pointed by the President under subsection (b)(2)—

24           (1) none shall be employees of the Federal Gov-  
25 ernment;

1           (2) all shall be residents of the State of Utah.

2           (d) TERMS.—The President shall appoint the mem-  
3 bers of the Shash Jáa Tribal Management Council under  
4 subsection (b)(2) for a term of five years, except that the  
5 President shall designate staggered terms for the members  
6 initially appointed to the Shash Jáa Tribal Management  
7 Council. The President may not reappoint a member to  
8 more than three consecutive terms.

9           (e) VACANCIES.—The President shall fill Presi-  
10 dentially appointed vacancies on the Shash Jáa Tribal  
11 Management Council as soon as practicable after the va-  
12 cancy has occurred.

13          (f) COMPENSATION.—Non-Federal members of the  
14 Shash Jáa Tribal Management Council shall serve without  
15 pay, except for reasonable travel expenses, including per  
16 diem in lieu of subsistence, at the rate authorized for em-  
17 ployees of agencies under subchapter I of chapter 57 of  
18 title 5, United States Code, while away from their homes  
19 or regular places of business in the performance of duties  
20 for the Council.

21          (g) CHAIR.—The members of the Shash Jáa Tribal  
22 Management Council shall select the chair of the Shash  
23 Jáa Tribal Management Council from one of the Presi-  
24 dentially appointed representatives under subsection  
25 (b)(2) for a term beginning on the date of selection, and

1 ending in five years or until the member's term of office  
2 expires, whichever occurs first.

3 (h) ANNUAL SHASH JÁA TRIBAL MANAGEMENT  
4 COUNCIL REPORT.—

5 (1) PUBLIC REPORT PUBLICATION.—Not later  
6 than September 30 of each year, the Shash Jáa  
7 Tribal Management Council shall post a public re-  
8 port on the Forest Service, Bureau of Land Manage-  
9 ment, and any Shash Jáa National Monument-affili-  
10 ated websites maintained by the Shash Jáa Tribal  
11 Management Council. If the Shash Jáa Tribal Man-  
12 agement Council cannot meet the September 30  
13 deadline in any year, on September 30 the Chair of  
14 the Shash Jáa Tribal Management Council shall  
15 publicly post on the websites the reasons for such  
16 delay and the date on which the submission of the  
17 report is anticipated.

18 (2) CONTENTS.—The report required by para-  
19 graph (1) shall include—

20 (A) a description of the actions of the  
21 Shash Jáa Tribal Management Council to de-  
22 velop or implement the management plan for  
23 the Shash Jáa National Monument;

24 (B) the recommendations made by the  
25 State, local entities, the Bears Ears Commis-



1           sion, the Shash Jáa Archaeological Resources  
2           Protection Unit, affected Indian Tribes, and the  
3           public to the Shash Jáa Tribal Management  
4           Council during the preceding year and actions  
5           taken by the Shash Jáa Tribal Management  
6           Council as a result of the recommendations;  
7           and

8                   (C) an accounting of the expenses of the  
9           Shash Jáa Tribal Management Council.

10          (i) STAFF ASSISTANCE.—The Shash Jáa Tribal Man-  
11         agement Council may request administrative staff assist-  
12         ance from Federal employees under the jurisdiction of the  
13         Secretary of the Interior or the Secretary of Agriculture.

14          (j) MEETINGS.—

15                 (1) FREQUENCY.—The Shash Jáa Tribal Man-  
16         agement Council shall meet at the call of the Chair  
17         or a majority of the members. Meetings shall be held  
18         no less than once each calendar year. A majority  
19         must be present to constitute a quorum to con-  
20         ducting an official meeting of the Shash Jáa Tribal  
21         Management Council.

22                 (2) ANNOUNCEMENT; OPEN MEETINGS.—All  
23         meetings of the Shash Jáa Tribal Management  
24         Council shall be announced not less than one week

1 in advance in publications of general circulation and  
2 shall be open to the public.

3 **SEC. 106. BEARS EARS COMMISSION.**

4 (a) ESTABLISHMENT.—There is established a Bears  
5 Ears Commission with the same membership, responsibil-  
6 ities, and duties as that established under Presidential  
7 Proclamation 9558, dated December 28, 2016.

8 (b) DUTIES.—In addition to the duties described in  
9 subsection (a), the Bears Ears Commission shall provide  
10 guidance and recommendations to the Shash Jáa Tribal  
11 Management Council and the Shash Jáa Archaeological  
12 Resources Protection Unit regarding the development and  
13 implementation of the management plan required under  
14 section 103(b).

15 **SEC. 107. ARCHAEOLOGICAL RESOURCES PROTECTION.**

16 (a) SHASH JÁA ARCHAEOLOGICAL RESOURCES PRO-  
17 TECTION UNIT.—

18 (1) ESTABLISHMENT.—The Shash Jáa Tribal  
19 Management Council shall establish and maintain a  
20 Shash Jáa Archaeological Resources Protection Unit  
21 to provide technical and other specific assistance to  
22 help protect, conserve, and enhance the unique and  
23 nationally important historic, sacred, cultural, sci-  
24 entific, scenic, archaeological, natural, and edu-

1 cational resources in the Shash Jaa National Monu-  
2 ment.

3 (2) MEMBERSHIP.—Not later than 210 days  
4 after the date of the enactment of this Act, the  
5 Shash Jaa Tribal Management Council shall appoint  
6 9 individuals to the Shash Jaa Archaeological Re-  
7 sources Protection Unit as follows:

8 (A) Five individuals with expertise in pre-  
9 serving Tribal relics, artifacts, or other sacred  
10 Tribal sites and objects.

11 (B) One individual with expertise in the  
12 preservation of archaeological resources in fed-  
13 erally protected areas.

14 (C) One individual with expertise in pro-  
15 tecting scenic and natural resources.

16 (D) One individual representing a scientific  
17 or educational institution in the State of Utah.

18 (E) One individual with historic preserva-  
19 tion expertise in the State of Utah.

20 (3) DUTIES.—The Shash Jaa Archaeological  
21 Resources Protection Unit shall—

22 (A) advise the Shash Jaa Tribal Manage-  
23 ment Council on ways to protect, conserve, and  
24 enhance the unique and nationally important  
25 historic, sacred, cultural, scientific, scenic, ar-

1           chaeological, natural, and educational resources  
2           in the Shash Jáa National Monument;

3           (B) recommend educational materials and  
4           signage informing visitors of the unique and na-  
5           tionally important historic, sacred, cultural, sci-  
6           entific, scenic, archaeological, natural, and edu-  
7           cational resources in the Shash Jáa National  
8           Monument;

9           (C) recommend educational materials or  
10          signage to prevent the destruction, degradation,  
11          vandalism, or looting of sites within the Shash  
12          Jáa National Monument; and

13          (D) not later than 60 days after its estab-  
14          lishment under paragraph (2), submit to the  
15          Shash Jáa Tribal Management Council infor-  
16          mation regarding—

17                 (i) sites located within the Shash Jáa  
18                 National Monument at high risk of de-  
19                 struction, degradation, vandalism, or  
20                 looting;

21                 (ii) specific actions to eliminate, pre-  
22                 vent, or minimize destruction, degradation,  
23                 vandalism, and looting within Shash Jáa  
24                 National Monument; and

1 (iii) suggestions for additional admin-  
2 istrative or other actions to help eliminate,  
3 prevent, or minimize destruction, degrada-  
4 tion, vandalism, or looting within Shash  
5 Jáa National Monument.

6 (4) TERMS.—

7 (A) IN GENERAL.—Members of the Shash  
8 Jáa Archaeological Resources Protection Unit  
9 shall serve a term of 5 years beginning on the  
10 date of appointment, except that the Shash Jáa  
11 Tribal Management Council shall designate  
12 staggered terms for the members initially ap-  
13 pointed to Shash Jáa Archaeological Resources  
14 Protection Unit.

15 (B) VACANCIES.—The Shash Jáa Tribal  
16 Management Council shall make appointments  
17 to fill vacancies on the Shash Jáa Archae-  
18 ological Resources Protection Unit as soon as  
19 practicable after the vacancy has occurred.

20 (C) COMPENSATION.—Members of the  
21 Shash Jáa Archaeological Resources Protection  
22 Unit shall serve without pay, except for reason-  
23 able travel expenses, including per diem in lieu  
24 of subsistence, at the rate authorized for em-  
25 ployees of agencies under subchapter I of chap-

1 ter 57 of title 5, United States Code, while  
2 away from their homes or regular places of  
3 business in the performance of duties for the  
4 Unit.

5 (D) STAFF ASSISTANCE.—The Shash Jaa  
6 Archaeological Resources Protection Unit may  
7 request administrative staff assistance from  
8 Federal employees under the jurisdiction of the  
9 Secretary of the Interior or the Secretary of  
10 Agriculture or State employees under the juris-  
11 diction of the State of Utah.

12 (E) MEETINGS.—The Shash Jaa Archae-  
13 ological Resources Protection Unit shall meet at  
14 the call of the Shash Jaa Tribal Management  
15 Council or a majority of its members. Meetings  
16 shall be held not less than once per calendar  
17 year. A majority must be present to constitute  
18 a quorum for the purpose of conducting an offi-  
19 cial meeting of the Shash Jaa Archaeological  
20 Resources Protection Unit.

21 **SEC. 108. ENHANCED RESOURCE PROTECTION CAPABILI-**  
22 **TIES IN THE SHASH JAA NATIONAL MONU-**  
23 **MENT.**

24 (a) ENHANCED ENFORCEMENT CAPABILITY.—

1           (1) ENFORCEMENT.—The Secretary of the In-  
2           terior and the Secretary of Agriculture shall assign  
3           not less than 10 law enforcement personnel to pro-  
4           tect the unique and nationally important historic, sa-  
5           cred, cultural, scientific, scenic, archaeological, nat-  
6           ural, and educational resources of Shash Jáa Na-  
7           tional Monument and its surrounding area, con-  
8           sistent with the management plan developed under  
9           section 103(b).

10           (2) PLAN COMPLIANCE.—The Secretary of the  
11           Interior and the Secretary of Agriculture shall each  
12           ensure the law enforcement personnel perform the  
13           duties under paragraph (1) consistent with the man-  
14           agement plan developed under section 103(b).

15           (b) MEMORANDA OF UNDERSTANDING.—The Sec-  
16           retary of the Interior and the Secretary of Agriculture  
17           shall each enter into memoranda of understanding or co-  
18           operative agreements with local, State, or Tribal law en-  
19           forcement entities to perform the duties described in sub-  
20           section (a)(1).

21   **SEC. 109. SCIENTIFIC RESEARCH TO FURTHER PURPOSE**  
22                                   **OF SHASH JÁA NATIONAL MONUMENT.**

23           The Secretary of the Interior and the Secretary of  
24           Agriculture may enter into memoranda of understanding  
25           or cooperative agreements with educational institutions or

1 other entities with expertise in archaeological, historical,  
2 or natural science fields to conduct scientific research in  
3 the Shash Jaa National Monument to aid in the develop-  
4 ment or implementation of the management plan required  
5 in section 103(b).

6 **SEC. 110. FEDERAL LAND MANAGER ADHERENCE.**

7 Federal land managers employed by the Bureau of  
8 Land Management or the Forest Service and working in  
9 the Shash Jaa National Monument shall adhere to the  
10 management plan created by the Shash Jaa Tribal Man-  
11 agement Council under section 103(b).

12 **TITLE II—INDIAN CREEK**  
13 **NATIONAL MONUMENT**

14 **SEC. 201. ESTABLISHMENT AND PURPOSE.**

15 (a) ESTABLISHMENT.—Subject to valid existing  
16 rights, the Federal land comprising approximately 86,447  
17 acres, identified as “Indian Creek Unit” and generally de-  
18 picted on the map entitled “Bears Ears National Monu-  
19 ment Boundary Modification” is hereby established as the  
20 “Indian Creek National Monument”.

21 (b) PURPOSE.—The purpose of the Indian Creek Na-  
22 tional Monument shall be to protect, conserve, and en-  
23 hance the unique and nationally important recreational,  
24 historic, sacred, cultural, scientific, scenic, archaeological,



1 natural, and educational resources of the Indian Creek  
2 National Monument.

3 **SEC. 202. MAP AND LEGAL DESCRIPTION.**

4 (a) IN GENERAL.—As soon as practicable after the  
5 date of the enactment of this Act, the Secretary of the  
6 Interior and the Secretary of Agriculture shall submit to  
7 the Committee on Natural Resources of the House of Rep-  
8 resentatives and the Committee on Energy and Natural  
9 Resources and the Committee on Agriculture, Nutrition,  
10 and Forestry of the Senate a map and legal description  
11 of the Indian Creek National Monument established by  
12 section 201.

13 (b) FORCE AND EFFECT.—The map and legal de-  
14 scription submitted under this section shall have the same  
15 force and effect as if included in this title, except that  
16 the Secretary of the Interior and Secretary of Agriculture  
17 may make minor modifications of any clerical or typo-  
18 graphical errors in the map or legal description provided  
19 these changes are first reported to the State of Utah, San  
20 Juan County, Utah, and the Indian Creek Management  
21 Council.

22 (c) PUBLIC AVAILABILITY.—A copy of the map and  
23 legal description shall be on file and available for public  
24 inspection in the appropriate field offices of the Bureau

1 of Indian Affairs, the Bureau of Land Management, and  
2 the Forest Service.

3 **SEC. 203. ADMINISTRATION OF INDIAN CREEK NATIONAL**  
4 **MONUMENT.**

5 (a) IN GENERAL.—In accordance with this title, the  
6 Federal Land Policy and Management Act of 1976 (43  
7 U.S.C. 1701 et seq.), and other applicable laws and regu-  
8 lations, the Indian Creek Management Council shall man-  
9 age the Indian Creek National Monument in a manner  
10 that—

11 (1) furthers the purpose of the Monument;

12 (2) encourages cooperative and innovative man-  
13 agement practices between resource managers, pri-  
14 vate landowners, and the public; and

15 (3) recognizes and maintains historic uses, in-  
16 cluding recreation, hunting, gathering, wood cutting,  
17 and cultural and religious uses.

18 (b) MANAGEMENT PLAN.—

19 (1) PLAN REQUIRED.—As soon as practicable  
20 after the date of the enactment of this Act, con-  
21 sistent with the purpose of the monument, the In-  
22 dian Creek Management Council shall develop a  
23 comprehensive plan for the long-term management  
24 of the Indian Creek National Monument. The plan  
25 may be updated or amended by the Indian Creek

1 Management Council in response to changing cir-  
2 cumstances or as determined by the Indian Creek  
3 Management Council.

4 (2) CONSULTATION.—In developing the man-  
5 agement plan, the Indian Creek Management Coun-  
6 cil shall consult with appropriate State and local en-  
7 tities, the Bears Ears Commission, affected Indian  
8 Tribes, and the public. In particular, the Indian  
9 Creek Management Council shall solicit information  
10 and proposals as needed to integrate Native Amer-  
11 ican traditional and historical knowledge and special  
12 expertise into the management plan of the Indian  
13 Creek National Monument. Such information and  
14 proposals may include—

15 (A) protections for and use of sacred sites;

16 (B) cultural and educational programming;

17 (C) identification of plants, animals, and  
18 special resources;

19 (D) identification of traditional uses, such  
20 as gathering firewood; and

21 (E) historical and archaeological resources.

22 (3) REJECTION OF RECOMMENDATIONS.—If the  
23 Indian Creek Management Council does not incor-  
24 porate written recommendations submitted by State  
25 or local entities, the Bears Ears Commission, or af-

1       affected Indian Tribes into the management plan, the  
2       Indian Creek Management Council shall submit a  
3       written explanation, not less than 30 days before the  
4       effective date of the management plan, to the Com-  
5       mittee on Natural Resources of the House of Rep-  
6       resentatives, the Committee on Energy and Natural  
7       Resources of the Senate, and the Committee on Ag-  
8       riculture, Nutrition, and Forestry of the Senate out-  
9       lining the reasons for rejecting the recommenda-  
10      tions.

11           (4) RELATIONSHIP WITH BEARS EARS COMMIS-  
12      SION.—In addition to the consultation under para-  
13      graph (2), the Indian Creek Management Council  
14      shall—

15           (A) carefully and fully consider integrating  
16           the traditional and historical knowledge and  
17           special expertise of the Bears Ears Commission  
18           into the management plan of the Indian Creek  
19           National Monument; and

20           (B) not less than 45 days before the effec-  
21           tive date of the management plan for the In-  
22           dian Creek National Monument, provide the  
23           Bears Ears Commission with a written expla-  
24           nation regarding any written recommendations  
25           from the Bears Ears Commission that are not

1 integrated into the management plan for the  
2 Indian Creek National Monument.

3 (5) ELEMENTS INCLUDED.—The management  
4 plan developed under this subsection shall—

5 (A) allow only those uses of the Indian  
6 Creek National Monument that are determined  
7 by the Council to be consistent with the purpose  
8 of the Monument;

9 (B) be consistent with the Native Amer-  
10 ican Graves Protection and Repatriation Act  
11 (25 U.S.C. 3001 et seq.), the American Indian  
12 Religious Freedom Act (42 U.S.C. 1996 et  
13 seq.), Executive Order 13007, division A of sub-  
14 title III of title 54, United States Code (for-  
15 merly the National Historic Preservation Act),  
16 and the Archaeological Resources Protection  
17 Act of 1979 (16 U.S.C. 470aa et seq.) to pro-  
18 tect and preserve and minimize disturbance to  
19 covered sites and properties, including human  
20 remains;

21 (C) integrate Native knowledge (as defined  
22 in section 219.19 of title 36, Code of Federal  
23 Regulations) to improve social, economic, and  
24 ecological sustainability in accordance with For-  
25 est Service regulations set forth in section 219

1 of title 36, Code of Federal Regulations, or suc-  
2 cessor regulations;

3 (D) allow for the continued use and access  
4 (including by motorized vehicle) of the Indian  
5 Creek National Monument—

6 (i) for traditional and cultural cere-  
7 monies;

8 (ii) as a source of traditional plants  
9 and other materials for subsistence and  
10 other uses in accordance with Federal law;

11 (iii) for recreational access; and

12 (iv) for any other activities deemed  
13 appropriate, in consultation with the In-  
14 dian Creek Archaeological Resources Pro-  
15 tection Unit;

16 (E) allow grazing where grazing was estab-  
17 lished before the date of the enactment of this  
18 Act—

19 (i) subject to such reasonable regula-  
20 tions, policies, and practices as the Indian  
21 Creek Management Council deems nec-  
22 essary;

23 (ii) subject to all applicable laws; and

24 (iii) with adjustments only allowed in  
25 the numbers of livestock allowed as a re-

1                   sult of revisions in the normal grazing and  
2                   land management planning and policy set-  
3                   ting process;

4                   (F) allow commercial recreation activities  
5                   within the Indian Creek National Monument in  
6                   accordance with this title and all other applica-  
7                   ble laws and regulations; and

8                   (G) allow wildland fire operations in the  
9                   Indian Creek National Monument consistent  
10                  with the purpose of the Indian Creek National  
11                  Monument.

12           (c) DONATIONS.—The Indian Creek Management  
13   Council may accept, hold, administer, and use gifts, be-  
14   quests, donations of funds or real property within the  
15   boundaries of the Indian Creek National Monument, and  
16   devices (including labor and services) to further the pur-  
17   poses of the Indian Creek National Monument and to ad-  
18   minister the Monument. Donations accepted under this  
19   subsection shall be considered as a gift or bequest to or  
20   for the use of the United States.

21   **SEC. 204. GENERAL PROVISIONS.**

22           (a) WITHDRAWALS.—Subject to valid existing rights,  
23   all Federal land and interests in land within the Indian  
24   Creek National Monument that is acquired by the United

1 States within the Indian Creek National Monument after  
2 the date of the enactment of this Act, is withdrawn from—

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

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

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

9 (b) LAND ACQUISITION.—

10 (1) IN GENERAL.—The Secretary of the Inte-  
11 rior or the Secretary of Agriculture, as appropriate,  
12 may acquire lands or interest in lands within the ex-  
13 terior boundaries of the Indian Creek National  
14 Monument by donation, purchase with donated or  
15 appropriated funds, exchange, or transfer from a  
16 Federal agency only with the concurrence of the In-  
17 dian Creek Management Council.

18 (2) NO EMINENT DOMAIN OR CONDEMNATION.—The Secretary of the Interior and the Sec-  
19 retary of Agriculture may not use eminent domain  
20 or condemnation to acquire land or interest in land  
21 within the exterior boundary of the Indian Creek  
22 National Monument.

23 (3) INCORPORATION IN NATIONAL MONU-  
24 MENT.—Any land or interest in land located inside  
25



1 the exterior boundary of the Indian Creek National  
2 Monument that is acquired by the United States  
3 after the date of the enactment of this Act shall be  
4 added to and administered as part of the Indian  
5 Creek National Monument.

6 (c) EXCLUSION OF NON-FEDERAL LAND.—The In-  
7 dian Creek National Monument includes only Federal land  
8 and interests in Federal land and does not include private  
9 property or other non-Federal land and interests in land.  
10 The management plan developed and implemented under  
11 this title shall not apply to private property or non-Federal  
12 land or interests in land.

13 (d) WATER RIGHTS.—Nothing in this title—

14 (1) affects the use or allocation, in existence on  
15 the date of the 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 the en-  
19 actment of this Act, including any water right held  
20 by the United States;

21 (3) affects any claims or rights to water not yet  
22 asserted or finally determined;

23 (4) affects any interstate water compact in ex-  
24 istence on the date of the 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 of Utah on or before the date of the enactment  
6       of this Act.

7       (e) FISH AND WILDLIFE.—Nothing in this title af-  
8       fects the jurisdiction of the State of Utah with respect  
9       to the management of fish and wildlife in the State.

10       (f) EMERGENCY RESPONSE.—Nothing in this title al-  
11       ters the authority or responsibility of any party with re-  
12       spect to emergency response activities within the Indian  
13       Creek National Monument, including wildfire response.

14       (g) OVERFLIGHTS.—Nothing in this title shall pre-  
15       clude overflights of military aircraft, the designation of  
16       special-use airspace, or the use or establishment of mili-  
17       tary flight training routes over the Indian Creek National  
18       Monument.

19       (h) TRIBAL RIGHTS.—Nothing in this title affects the  
20       rights of any federally recognized Indian Tribe or any  
21       treaty right.

22       **SEC. 205. INDIAN CREEK MANAGEMENT COUNCIL.**

23       (a) DUTIES.—The Indian Creek Management Coun-  
24       cil shall—

1           (1) develop and implement the comprehensive  
2 management plan required by section 203; and

3           (2) regularly and meaningfully engage with the  
4 Bears Ears Commission regarding the management  
5 of the Indian Creek National Monument.

6           (b) MEMBERSHIP.—The Indian Creek Management  
7 Council shall be composed of the following members ap-  
8 pointed not later than 180 days after the date of the en-  
9 actment of this Act by the President:

10           (1) One individual from the Department of the  
11 Interior or the Department of Agriculture.

12           (2) Four individuals, in consultation with the  
13 Congressional delegation from the State of Utah,  
14 who shall represent the following:

15           (A) Two who are members of the San  
16 Juan County, Utah, Board of Commissioners.

17           (B) One who is a representative of the ex-  
18 ecutive branch of the State of Utah with rel-  
19 evant expertise in the purposes of the Indian  
20 Creek National Monument.

21           (C) One who is a member of a federally  
22 recognized Indian Tribe in the State of Utah.

23           (c) QUALIFICATIONS.—Of the representatives ap-  
24 pointed by the President under subsection (b)(2)—

1           (1) none shall be employees of the Federal Gov-  
2           ernment;

3           (2) all shall be residents of the State of Utah.

4           (d) TERMS.—The President shall appoint the mem-  
5           bers of the Indian Creek Management Council under sub-  
6           section (b)(2) for a term of five years, except that the  
7           President shall designate staggered terms for the members  
8           initially appointed to the Indian Creek Management Coun-  
9           cil. The President may not reappoint a member to more  
10          than three consecutive terms.

11          (e) VACANCIES.—The President shall fill Presi-  
12          dentially appointed vacancies on the Indian Creek Man-  
13          agement Council as soon as practicable after the vacancy  
14          has occurred.

15          (f) COMPENSATION.—Non-Federal members of the  
16          Indian Creek Management Council shall serve without  
17          pay, except for reasonable travel expenses, including per  
18          diem in lieu of subsistence, at the rate authorized for em-  
19          ployees of agencies under subchapter I of chapter 57 of  
20          title 5, United States Code, while away from their homes  
21          or regular places of business in the performance of duties  
22          for the Council.

23          (g) CHAIR.—The members of the Indian Creek Man-  
24          agement Council shall select the chair of the Indian Creek  
25          Management Council from one of the Presidentially ap-

1 pointed representatives under subsection (b)(2) for a term  
2 beginning on the date of selection, and ending in five years  
3 or until the member's term of office expires, whichever oc-  
4 curs first.

5 (h) ANNUAL INDIAN CREEK MANAGEMENT COUNCIL  
6 REPORT.—

7 (1) PUBLIC REPORT PUBLICATION.—Not later  
8 than September 30 of each year, the Indian Creek  
9 Management Council shall post a public report on  
10 the Forest Service, Bureau of Land Management,  
11 and any Indian Creek National Monument-affiliated  
12 websites maintained by the Indian Creek Manage-  
13 ment Council. If the Indian Creek Management  
14 Council cannot meet the September 30 deadline in  
15 any year, on September 30 the Chair of the Indian  
16 Creek Management Council shall publicly post on  
17 the websites the reasons for such delay and the date  
18 on which the submission of the report is anticipated.

19 (2) CONTENTS.—The report required by para-  
20 graph (1) shall include—

21 (A) a description of the actions of the In-  
22 dian Creek Management Council to develop or  
23 implement the management plan for the Indian  
24 Creek National Monument;

1           (B) the recommendations made by the  
2           State, local entities, the Bears Ears Commis-  
3           sion, the Indian Creek Archaeological Resources  
4           Protection Unit, affected Indian Tribes, and the  
5           public to the Indian Creek Management Council  
6           during the preceding year and actions taken by  
7           the Indian Creek Management Council as a re-  
8           sult of the recommendations; and

9           (C) an accounting of the expenses of the  
10          Indian Creek Management Council.

11          (i) STAFF ASSISTANCE.—The Indian Creek Manage-  
12          ment Council may request administrative staff assistance  
13          from Federal employees under the jurisdiction of the Sec-  
14          retary of the Interior or the Secretary of Agriculture.

15          (j) MEETINGS.—

16           (1) FREQUENCY.—The Indian Creek Manage-  
17          ment Council shall meet at the call of the Chair or  
18          a majority of the members. Meetings shall be held  
19          no less than once each calendar year. A majority  
20          must be present to constitute a quorum to con-  
21          ducting an official meeting of the Indian Creek Man-  
22          agement Council.

23           (2) ANNOUNCEMENT; OPEN MEETINGS.—All  
24          meetings of the Indian Creek Management Council  
25          shall be announced not less than one week in ad-

1 vance in publications of general circulation and shall  
2 be open to the public.

3 **SEC. 206. BEARS EARS COMMISSION.**

4 In addition to its duties under title I, the Bears Ears  
5 Commission established under section 106 shall advise the  
6 Indian Creek Management Council as provided in this  
7 title.

8 **SEC. 207. ARCHAEOLOGICAL RESOURCES PROTECTION.**

9 (a) INDIAN CREEK ARCHAEOLOGICAL RESOURCES  
10 PROTECTION UNIT.—

11 (1) ESTABLISHMENT.—The Indian Creek Man-  
12 agement Council shall establish and maintain a In-  
13 dian Creek Archaeological Resources Protection Unit  
14 (which may be the same Unit as authorized under  
15 section 107) to provide technical and other specific  
16 assistance to help protect, conserve, and enhance the  
17 unique and nationally important historic, sacred,  
18 cultural, scientific, scenic, archaeological, natural,  
19 and educational resources in the Indian Creek Na-  
20 tional Monument.

21 (2) MEMBERSHIP.—Not later than 210 days  
22 after the date of the enactment of this Act, the In-  
23 dian Creek Management Council shall appoint 9 in-  
24 dividuals to the Indian Creek Archaeological Re-  
25 sources Protection Unit as follows:

1 (A) Five individuals with expertise in pre-  
2 serving Tribal relics, artifacts, or other sacred  
3 Tribal sites and objects.

4 (B) One individual with expertise in the  
5 preservation of archaeological resources in fed-  
6 erally protected areas.

7 (C) One individual with expertise in pro-  
8 tecting scenic and natural resources.

9 (D) One individual representing a scientific  
10 or educational institution in the State of Utah.

11 (E) One individual with historic preserva-  
12 tion expertise in the State of Utah.

13 (3) DUTIES.—The Indian Creek Archaeological  
14 Resources Protection Unit shall—

15 (A) advise the Indian Creek Management  
16 Council on ways to protect, conserve, and en-  
17 hance the unique and nationally important rec-  
18 reational, historic, sacred, cultural, scientific,  
19 scenic, archaeological, natural, and educational  
20 resources in the Indian Creek National Monu-  
21 ment;

22 (B) recommend educational materials and  
23 signage informing visitors of the unique and na-  
24 tionally important recreational, historic, sacred,  
25 cultural, scientific, scenic, archaeological, nat-



1           ural, and educational resources in the Indian  
2           Creek National Monument;

3           (C) recommend educational materials or  
4           signage to prevent the destruction, degradation,  
5           vandalism, or looting of sites within the Indian  
6           Creek National Monument; and

7           (D) not later than 60 days after its estab-  
8           lishment under paragraph (2), submit to the In-  
9           dian Creek Management Council information  
10          regarding—

11           (i) sites located within the Indian  
12           Creek National Monument at high risk of  
13           destruction, degradation, vandalism, or  
14           looting;

15           (ii) specific actions to eliminate, pre-  
16           vent, or minimize destruction, degradation,  
17           vandalism, and looting within Indian Creek  
18           National Monument; and

19           (iii) suggestions for additional admin-  
20           istrative or other actions to help eliminate,  
21           prevent, or minimize destruction, degrada-  
22           tion, vandalism, or looting within Indian  
23           Creek National Monument.

24          (4) TERMS.—

1 (A) IN GENERAL.—Members of the Indian  
2 Creek Archaeological Resources Protection Unit  
3 shall serve a term of 5 years beginning on the  
4 date of appointment, except that the Indian  
5 Creek Management Council shall designate  
6 staggered terms for the members initially ap-  
7 pointed to Indian Creek Archaeological Re-  
8 sources Protection Unit.

9 (B) VACANCIES.—The Indian Creek Man-  
10 agement Council shall make appointments to fill  
11 vacancies on the Indian Creek Archaeological  
12 Resources Protection Unit as soon as prac-  
13 ticable after the vacancy has occurred.

14 (C) COMPENSATION.—Members of the In-  
15 dian Creek Archaeological Resources Protection  
16 Unit shall serve without pay, except for reason-  
17 able travel expenses, including per diem in lieu  
18 of subsistence, at the rate authorized for em-  
19 ployees of agencies under subchapter I of chap-  
20 ter 57 of title 5, United States Code, while  
21 away from their homes or regular places of  
22 business in the performance of duties for the  
23 Unit.

24 (D) STAFF ASSISTANCE.—The Indian  
25 Creek Archaeological Resources Protection Unit

1           may request administrative staff assistance  
2           from Federal employees under the jurisdiction  
3           of the Secretary of the Interior or the Secretary  
4           of Agriculture or State employees under the ju-  
5           risdiction of the State of Utah.

6           (E) MEETINGS.—The Indian Creek Ar-  
7           chaeological Resources Protection Unit shall  
8           meet at the call of the Indian Creek Manage-  
9           ment Council or a majority of its members.  
10          Meetings shall be held not less than once per  
11          calendar year. A majority must be present to  
12          constitute a quorum for the purpose of con-  
13          ducting an official meeting of the Indian Creek  
14          Archaeological Resources Protection Unit.

15 **SEC. 208. ENHANCED RESOURCE PROTECTION CAPABILI-**  
16 **TIES IN THE INDIAN CREEK NATIONAL MONU-**  
17 **MENT.**

18          (a) ENHANCED ENFORCEMENT CAPABILITY.—

19           (1) ENFORCEMENT.—The Secretary of the In-  
20          terior and the Secretary of Agriculture shall assign  
21          not less than 10 law enforcement personnel to pro-  
22          tect the unique and nationally important rec-  
23          reational, historic, sacred, cultural, scientific, scenic,  
24          archaeological, natural, and educational resources of  
25          Indian Creek National Monument and its sur-

1 rounding area, consistent with the management plan  
2 developed under section 203(b).

3 (2) PLAN COMPLIANCE.—The Secretary of the  
4 Interior and the Secretary of Agriculture shall each  
5 ensure the law enforcement personnel perform the  
6 duties under paragraph (1) consistent with the man-  
7 agement plan developed under section 203(b).

8 (b) MEMORANDA OF UNDERSTANDING.—The Sec-  
9 retary of the Interior and the Secretary of Agriculture  
10 shall each enter into memoranda of understanding or co-  
11 operative agreements with local or State law enforcement  
12 entities to perform the duties described in subsection  
13 (a)(1).

14 **SEC. 209. SCIENTIFIC RESEARCH TO FURTHER PURPOSE**  
15 **OF INDIAN CREEK NATIONAL MONUMENT.**

16 The Secretary of the Interior and the Secretary of  
17 Agriculture may enter into memoranda of understanding  
18 or cooperative agreements with educational institutions or  
19 other entities with expertise in archaeological, historical,  
20 or natural science fields to conduct scientific research in  
21 the Indian Creek National Monument to aid in the devel-  
22 opment or implementation of the management plan re-  
23 quired in section 203(b).

1 **SEC. 210. FEDERAL LAND MANAGER ADHERENCE.**

2 Federal land managers employed by the Bureau of  
3 Land Management or the Forest Service and working in  
4 the Indian Creek National Monument shall adhere to the  
5 management plan created by the Indian Creek Manage-  
6 ment Council under section 203(b).

7 **TITLE III—UTAH PUBLIC**  
8 **SCHOOL TRUST LAND CER-**  
9 **TAINTY**

10 **SEC. 301. DEFINITIONS.**

11 In this title:

12 (1) **FEDERAL LAND.**—The term “Federal land”  
13 means the lands identified on the Map as “Federal  
14 Land Proposed to Transfer to SITLA” administered  
15 by the Bureau of Land Management.

16 (2) **MAP.**—The term “Map” means the map  
17 prepared by the Bureau of Land Management enti-  
18 tled “State and Federal Land Exchange Map” dated  
19 \_\_\_\_\_.

20 (3) **NON-FEDERAL LAND.**—The term “non-Fed-  
21 eral land” means the lands identified on the Map as  
22 “State Trust Land Proposed for Transfer to United  
23 States” in San Juan County, Utah, as generally de-  
24 picted on the Map.

25 (4) **PERMITTED EXISTING USES.**—The term  
26 “permitted existing uses” means any use authorized

1 under the applicable Bureau of Land Management  
2 Resource Management Plan.

3 (5) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 (6) STATE.—The term “State” means the State  
6 of Utah, acting as trustee under the Utah State  
7 School and Institutional Trust Lands Management  
8 Act (Utah Code Ann. 53C–1–101 et seq.) through  
9 the Utah School and Institutional Trust Lands Ad-  
10 ministration.

11 **SEC. 302. EXCHANGE OF LAND TO BENEFIT THE UTAH PUB-**  
12 **LIC SCHOOL TRUST.**

13 (a) IN GENERAL.—If the State offers to convey to  
14 the Secretary all right, title, and interest of the State in  
15 and to all or part of the non-Federal land, the Secretary  
16 shall—

17 (1) accept the offer; and

18 (2) on receipt of all right, title, and interest in  
19 and to the non-Federal land, convey to the State (or  
20 a designee) all right, title, and interest of the United  
21 States in and to all or part of the Federal land on  
22 an equal value basis.

23 (b) APPLICABLE LAW.—

24 (1) IN GENERAL.—The land exchange shall be  
25 subject to section 206 of the Federal Land Policy

1 and Management Act of 1976 (43 U.S.C. 1716) and  
2 other applicable law.

3 (2) LAND USE PLANNING.—The Secretary shall  
4 not be required to undertake any additional land use  
5 planning under section 202 of the Federal Land Pol-  
6 icy and Management Act of 1976 (43 U.S.C. 1712)  
7 before the conveyance of the Federal land under this  
8 title.

9 (c) JOINT SELECTION REQUIRED.—The Secretary  
10 and State shall jointly select which parcels of Federal land  
11 to exchange under subsection (a).

12 (d) VALID EXISTING RIGHTS.—The exchange au-  
13 thorized under subsection (a) shall be subject to valid ex-  
14 isting rights and permitted existing uses.

15 (e) TITLE APPROVAL.—Title to the Federal land and  
16 non-Federal land to be exchanged under this title shall  
17 be in a format acceptable to the Secretary and the State.

18 (f) CONSULTATION WITH TRIBES.—The Secretary  
19 shall consult with any federally recognized Indian Tribe  
20 in the vicinity of the Federal land and the non-Federal  
21 land to be exchanged under this title before the completion  
22 of the land exchange.

23 (g) MAP AND LEGAL DESCRIPTIONS.—As soon as  
24 practicable after the date of the enactment of this Act,  
25 the Secretary shall finalize a map and legal descriptions

1 of all land to be conveyed under this Act. The Secretary  
2 may correct any minor errors in the map or in the legal  
3 descriptions. The map and legal descriptions shall be on  
4 file and available for public inspection in appropriate field  
5 offices of the Bureau of Land Management.

6 (h) COSTS OF CONVEYANCE.—Except as provided in  
7 section 303(a)(5), as a condition of conveyance, any costs  
8 related to the exchanges shall be allocated in accordance  
9 with section 206(f)(2)(B) of the Federal Land Policy and  
10 Management Act of 1976 (43 U.S.C. 1716(f)(2)(B)).

11 (i) ADMINISTRATION.—Subject to valid existing  
12 rights and permitted existing uses, at the completion of  
13 each exchange of Federal land and non-Federal land  
14 under this title the non-Federal land shall be—

15 (1) added to the Shash Jáa National Monument  
16 or the Indian Creek National Monument, as appro-  
17 priate, if located within the exterior boundary of the  
18 Shash Jáa National Monument or the Indian Creek  
19 National Monument; and

20 (2) administered in accordance with—

21 (A) this Act;

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

24 (C) other applicable laws and regulations.



1 (j) DEADLINE.—The land exchange under this title  
2 shall be completed as expeditiously as possible.

3 **SEC. 303. EQUAL VALUE LAND EXCHANGES AND APPRAIS-**

4 **ALS.**

5 (a) APPRAISALS.—

6 (1) IN GENERAL.—The values of the lands to  
7 be exchanged under this title shall be determined by  
8 appraisals conducted by one or more independent  
9 and qualified appraisers.

10 (2) STATE APPRAISER.—The Secretary and the  
11 State may agree to use an independent and qualified  
12 appraiser retained by the State, with the consent of  
13 the Secretary.

14 (3) APPLICABLE LAW.—The appraisals shall be  
15 conducted in accordance with nationally recognized  
16 appraisal standards, including, as appropriate, the  
17 Uniform Appraisal Standards for Federal Land Ac-  
18 quisitions and the Uniform Standards of Profes-  
19 sional Appraisal Practice.

20 (4) APPROVAL.—An appraisal conducted under  
21 this title shall be submitted to the Secretary and the  
22 State for approval.

23 (5) COST OF APPRAISAL.—The cost of an ap-  
24 praisal conducted under this title shall be paid in  
25 equal shares by the Secretary and the State. If the

1 State retains an appraiser under paragraph (2), the  
2 Secretary shall reimburse the State 50 percent of  
3 the costs incurred by the State.

4 (6) MINERALS.—

5 (A) MINERAL REPORTS.—The appraisals  
6 required under paragraph (1) may take into ac-  
7 count mineral and technical reports provided by  
8 the Secretary and the State in the evaluation of  
9 minerals in the Federal land and non-Federal  
10 land.

11 (B) MINING CLAIMS.—Federal land that is  
12 encumbered by a mining or millsite claim lo-  
13 cated under sections 2318 through 2352 of the  
14 Revised Statutes (commonly known as the “Min-  
15 ing Law of 1872”; 30 U.S.C. 21 et seq.) shall  
16 be appraised in accordance with standard ap-  
17 praisal practices, including, as appropriate, the  
18 Uniform Appraisal Standards for Federal Land  
19 Acquisition.

20 (7) DURATION.—An appraisal conducted under  
21 paragraph (1) shall remain valid for 3 years after  
22 the date on which the appraisal is approved by the  
23 Secretary and the State.

24 (b) EQUALIZATION.—

1           (1) SURPLUS OF FEDERAL LAND.—If the final  
2           appraised value of the Federal land exceeds the final  
3           appraised value of the non-Federal land to be ex-  
4           changed under this title, the value of the Federal  
5           land and non-Federal land shall be equalized—

6                   (A) by conveying additional non-Federal  
7           land in the State to the Secretary, subject to  
8           the approval of the Secretary; or

9                   (B) by using a combination of the methods  
10          described in paragraphs (2) and (3).

11          (2) SURPLUS OF NON-FEDERAL LAND.—If the  
12          final appraised value of the non-Federal land ex-  
13          ceeds the final appraised value of the Federal land  
14          to be exchanged under this title, the value of the  
15          Federal land and non-Federal land shall be equal-  
16          ized by the State adjusting the acreage of the non-  
17          Federal land to be conveyed

18          (3) AMOUNT OF PAYMENT.—Notwithstanding  
19          section 206(b) of the Federal Land Policy and Man-  
20          agement Act of 1976 (43 U.S.C. 1716(b)), the Sec-  
21          retary may accept a payment under paragraph (1)  
22          in excess of 25 percent of the value of the Federal  
23          land conveyed.

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