

**Statement for the Record
U.S. Department of the Interior**

**House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands**

H.R. 8719, Great Bend of the Gila Conservation Act

September 14, 2022

Thank you for the opportunity to provide this statement on H.R. 8719, the Great Bend of the Gila Conservation Act. This bill would create two new National Conservation Areas (NCAs) – the Great Bend of the Gila NCA and the Palo Verde NCA – encompassing nearly 377,000 acres of public lands managed by the Bureau of Land Management (BLM) located southwest of Phoenix, Arizona. The bill also designates over 47,000 acres of BLM-managed public lands as wilderness by establishing the Red Rock Canyon Wilderness and Ringtail Wilderness. H.R. 8719 also renames the existing Woolsey Peak Wilderness as the Gila Bend Wilderness, and adds approximately 9,809 acres of BLM-managed public lands to the newly renamed wilderness.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and ensure balance on public lands and waters. The President’s directive recognizes the opportunities America’s lands and waters offer to be part of the climate solution and outlines a historic and ambitious challenge to the nation to conserve them. The Biden Administration’s America the Beautiful initiative calls for collaborative, locally-led conservation efforts of diverse landscapes that provide habitat for fish and wildlife, and supports Tribally-led conservation and restoration priorities. The Department welcomes the Sponsor’s efforts to support outdoor recreation and wilderness designations to improve conservation and appreciation of our nation’s public lands, and we support H.R. 8719. The Department defers to the Department of Defense (DoD) regarding DoD-managed lands proposed for inclusion in the Great Bend of the Gila NCA.

Background

Located in south-central Arizona, Maricopa County and the City of Phoenix are some of the fastest growing areas in the nation. The region is also known for historic trails and associated landscapes that have national significance as part of a human story about the Indigenous Peoples who have lived in, traveled through, and influenced the area since time immemorial. Traversing this area is the Gila River, which flows nearly 600 miles west from the mountains of southern New Mexico across Arizona before reaching the Colorado River.

The cultural sites along the Gila River tell the story of the Southwest’s Indigenous Peoples. The trails, landscapes and resources inform us about the broader story of southwestern and transcontinental settlement and engagement with Indian Tribes, including portions of the Juan Bautista de Anza National Historic Trail. Other parts of the area provide dispersed habitat for quail, dove, deer, and a variety of other wildlife species and migratory wildlife.

H.R. 8719, Great Bend of the Gila Conservation Act

Establishment of National Conservation Areas & Wilderness

H.R. 8719 establishes the Great Bend of the Gila NCA on approximately 329,310 acres of BLM-managed public lands and the Palo Verde NCA on approximately 47,653 acres of BLM-managed public lands. The bill provides for motorized vehicle access within the NCAs along designated roads and trails, and identifies a resource protection area where vehicles are prohibited within the Great Bend of the Gila NCA. The bill prohibits the construction of new roads within the NCAs, except to provide access to non-Federal land and interests and trust lands. In addition, the bill requires the BLM to develop comprehensive management plans for the NCAs within three years of enactment.

Section 4 of the bill renames the existing BLM-managed Woolsey Peak Wilderness as the Gila Bend Wilderness, and designates an additional 9,809 acres as part of the newly renamed wilderness. The bill also designates approximately 23,464 acres of BLM-managed lands as the Red Rock Canyon Wilderness and approximately 23,712 acres of BLM-managed lands as the Ringtail Wilderness.

The Department supports these designations as they align with the Administration's conservation goals, as well as with additional support for protecting this landscape and its resources. The proposed wilderness designations encompass a variety of geologic features, including volcanic mountains and mesas that serve as habitat and wildlife corridors for a number of big game species such as big horn sheep, javelina and mule deer, as well as habitat essential for maintaining species complexity and diversity. The area also provides habitat for sensitive species, including the Sonoran Desert tortoise, and nesting habitat for a variety of raptor species. The proposed wilderness designations would protect a rich diversity of significant cultural sites including important prehistoric petroglyph, rock shelter, and geoglyph sites. The bill's designations would enhance the BLM's ability to manage and protect the many existing conservation and recreation values within the area, such as BLM-managed portions of the Juan Bautista de Anza National Historic Trail. The Department also welcomes the opportunity to work with the Sponsor on technical modifications regarding the map referenced in the bill, including clarifying proposed boundaries, and the depiction of non-Federal inholdings in the NCAs.

Management of Conservation Areas

Section 6 of H.R. 8719 requires the Secretary to develop a comprehensive management plan for the Great Bend of the Gila and the Palo Verde NCAs within three years of enactment. In addition to describing the appropriate uses and management of the NCAs, the management plans must include comprehensive travel management plans for each NCA. The bill directs the Secretary to ensure Tribes have access to the NCAs for traditional cultural activities that are culturally associated with the area. Section 6 also withdraws all Federal land in the NCAs, including land acquired within the NCAs after enactment, from all forms of entry, appropriation, and disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and all amendments thereto, subject to valid existing rights.

In addition, the bill provides for future additions to the NCAs by permitting the Secretary to acquire land or interests in land within the boundaries of the NCAs by purchase from a willing seller, donation, or exchange. The Secretary is also directed to seek acquisition of certain lands managed by the Arizona State Land Department for inclusion in the NCAs.

Lastly, Section 6 addresses Federal lands withdrawn and reserved in 1954 for use by the U.S. Fish and Wildlife Service (FWS) by Public Land Order (PLO) 1015. Currently, the PLO 1015 lands are managed by the Arizona Game and Fish Department (AZGFD) in connection with the Gila River Waterfowl Area project, per a longstanding cooperative management agreement with FWS. In the event that the cooperative agreement is terminated, the withdrawn lands would remain under FWS's management as part of the National Wildlife Refuge System (Refuge System). Under the bill, if the Secretary were to determine that the lands withdrawn and reserved by PLO 1015 are no longer necessary for the purposes for which they were withdrawn, the lands would be included in the Great Bend of the Gila NCA and managed by FWS.

The Department supports these provisions that would facilitate the development of comprehensive management plans for the proposed NCAs. Regarding the PLO 1015 lands, the BLM notes that only a portion are depicted on the map referenced in the legislation. The BLM would appreciate the opportunity to work with the Sponsor to clarify their intent to include all of the PLO 1015 lands in the Great Bend of the Gila NCA, if the conditions laid out by the bill are met.

The FWS supports the intent to ensure that the PLO 1015 lands remain in conservation status indefinitely. However, NCAs and Refuge System lands are managed by BLM and FWS, respectively, under different statutory authorities and for distinct purposes. Adding the PLO 1015 withdrawn lands to the Great Bend of the Gila NCA would require a revocation of the withdrawal to transfer jurisdiction of the lands from the Refuge System to the BLM and necessitate BLM management of the lands. FWS would welcome the opportunity to work with the Sponsor to discuss options for possible future management of these withdrawn lands. FWS also suggests that additional clarification be provided in Section 6(d) regarding the coordination of conservation and interpretation activities between the Great Bend of the Gila NCA and the PLO 1015 withdrawn lands.

Tribal Commission & Co-Management

Section 7 of the bill provides that none of the provisions alter or diminish the treaty rights of any Tribe, or the hunting, fishing, and gathering rights of the Tohono O'odham Nation. It also requires that the Secretary consult with interested Tribes on carrying out land management plans, providing access to the areas designated under the bill, and to determine whether to charter an advisory committee to provide advice on the management of the NCAs designated by the bill.

Section 8 further directs the Secretary, within 180 days of enactment, to establish a Tribal commission that provides guidance and recommendations on the development and implementation of the management plan for the NCAs designated by the bill. Members of the Tribal commission would consist of a representative designated by each interested Tribe with a historical association with the land within the boundaries of the NCAs. Section 8 also requires

the Secretary to conduct government-to-government consultation with each interested Tribe to determine whether the Tribe may designate a representative to serve on the Tribal commission.

Section 9 of the bill permits the Secretary to contract with one or more Tribes to perform administrative or management functions within the NCAs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5301, et seq.). However, per the bill, this would not apply to decisions under the National Environmental Policy Act of 1969 (NEPA), as the Secretary would be required to make those decisions. The bill further states that nothing in this section authorizes the waiver of any necessary environmental analysis required under applicable Federal law. In addition, Section 9 allows the Secretary to provide technical and financial assistance to a Tribe to improve the capacity of the Tribe to develop, enter into, and carry out activities under a contract to perform administrative or management functions within the NCAs.

The Department supports these provisions, as they align with the Administration's efforts to strengthen opportunities for Tribal engagement in the management of Federal lands. In January 2021, President Biden established his commitment to strengthen nation-to-nation relationships in his Presidential *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships*. Consultation and collaboration are essential for Tribal governments to shape decisions for the protection of sacred sites and traditional cultural properties, conservation of native plants and wildlife, recreation, and other uses and values.

Furthermore, President Biden built upon this commitment in announcing that the Departments of the Interior and Agriculture created the "Tribal Homelands Initiative." Through joint Secretarial Order 3403, *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*, the two Departments codified a policy to facilitate agreements with Tribes to collaborate in the co-stewardship of Federal lands and waters. Moreover, the Departments have also entered into a multi-agency memorandum of understanding which will increase collaboration with Tribes to ensure stewardship and access to sites, and incorporate Indigenous Knowledge into management, treatment, and protection procedures. The Administration recognizes and affirms that the United States' trust and treaty obligations are an integral part of each Department's responsibilities for managing Federal lands.

Conclusion

Thank you for the opportunity to provide this statement in support of H.R. 8719. The BLM supports the conservation efforts and Tribal collaboration aspects of the bill, which align with the Administration's priorities, and we look forward to working with the Sponsor and the Subcommittee on this legislation.