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To provide for the withdrawal and protection of certain Federal land in the State of New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Luján (for himself and Mr. Heinrich) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chaco Cultural Heritage Area Protection Act of 2023”.

SEC. 2. FINDINGS.

Congress finds that—

(1) there are archeological, sacred, and historic resources located throughout the Greater Chaco re-
region, which spans the States of New Mexico, Arizona, Utah, and Colorado;

(2) the Chaco Culture National Historical Park, a unit of the National Park System and a United Nations Educational, Scientific and Cultural Organization World Heritage Site, is known around the world—

(A) for multi-story buildings constructed by the Chacoan people that are still standing; and

(B) as the nerve center of a culture that spread throughout and dominated the Four Corners area during the 9th, 10th, and 11th centuries;

(3) the Chacoan people built hundreds of miles of roads and a network of villages, shrines, and communications sites, many of which are still visible;

(4) many Pueblos and Indian Tribes in the Four Corners area claim cultural affiliation with, and are descended from, the Chacoan people;

(5) the landscape around the Chaco Culture National Historical Park includes hundreds of internationally and nationally significant cultural resources, including prehistoric roads, communities, and shrines—
(A) many of which are related to the resources found in the Chaco Culture National Historical Park, including the resources recognized by the amendment made by section 3 of the Chacoan Outliers Protection Act of 1995 (16 U.S.C. 410ii note; Public Law 104–11) providing for additional Chaco Culture Archeological Protection Sites;

(B) a significant number of which are concentrated within the immediate area surrounding the Chaco Culture National Historical Park; and

(C) that are commonly recognized by archeologists;

(6) long considered one of the best places for stargazing in the world, Chaco Culture National Historical Park—

(A) in 1991, established a night skies protection initiative and interpretive program to protect the night sky in the area of the Chaco Culture National Historical Park; and

(B) in 2013, was certified as an International Dark Sky Park;
(7) the Greater Chaco region extends beyond Chaco Culture National Historical Park and encompasses—

   (A) local communities, including the Pueblo Indian Tribes, Navajo Nation, Hopi Tribe, and other Indian Tribes; and

   (B) public and private land, which includes additional cultural resources and sacred sites;

(8) for over 110 years, the Federal Government has recognized the importance of the area in which the Chacoan people lived and has acted to protect historic and sacred sites in the area, including—

   (A) Chaco Canyon, which was designated as a National Monument in 1907 and as the Chaco Culture National Historical Park in 1980;

   (B) the Aztec Ruins, which was designated as a National Monument in 1923 and expanded in each of 1928, 1930, 1948, and 1988; and

   (C) the 39 Chaco Culture Archeological Protection Sites designated in 1995;

(9) recognizes that the standard for Tribal consultation is outlined in Executive Order No. 13175 (25 U.S.C. 5301 note; relating to consultation and coordination with Indian Tribal governments);
(10) extensive natural gas development has occurred in the Greater Chaco region that affect the health, safety, economies, and quality of life of local communities;

(11) renewed interest in oil exploration and production within the Mancos/Gallup Shale play has increased the potential for—

(A) significant impacts on cultural and other resources, the holistic experience of the sacred landscape, and visitor experiences at the Chaco Culture National Historical Park; and

(B) additional impacts on local communities in the Greater Chaco region, including the Pueblo Indian Tribes, Navajo Nation, Hopi Tribe, and other Indian Tribes;

(12) a mineral withdrawal in the landscape around the Chaco Culture National Historical Park would prevent leasing and development on Federal land and of Federal minerals in the immediate area surrounding the Chaco Culture National Historical Park, which would protect resources and visitor experiences at the Chaco Culture National Historical Park;

(13) additional studies and protective measures should be undertaken to address health, safety, and
environmental impacts on communities and interests
of the Pueblo Indian Tribes, Navajo Nation, Hopi
Tribe, and other Indian Tribes in the Greater Chaco
region; and

(14) the Greater Chaco region continues to be
used for ceremonial and cultural purposes by the
Pueblo Indian Tribes, Navajo Nation, Hopi Tribe,
and other Indian Tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED LEASE.—The term “covered
lease” means any oil and gas lease for Federal
land—

(A) on which drilling operations have not
been commenced before the end of the primary
term of the applicable lease;

(B) that is not producing oil or gas in pay-
ing quantities; and

(C) that is not subject to a valid coopera-
tive or unit plan of development or operation
certified by the Secretary to be necessary.

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal
land” means—
(i) any Federal land or interest in Federal land that is within the boundaries of the Chaco Cultural Heritage Withdrawal Area, as depicted on the Withdrawal Map; and

(ii) any land or interest in land located within the boundaries of the Chaco Cultural Heritage Withdrawal Area, as depicted on the Withdrawal Map, that is acquired by the Federal Government after the date of enactment of this Act.

(B) EXCLUSION.—The term “Federal land” does not include trust land (as defined in section 3765 of title 38, United States Code).

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

(4) WITHDRAWAL MAP.—The term “Withdrawal Map” means the map prepared by the Bureau of Land Management entitled “Proposed Withdrawal Chaco Culture National Historic Park Surrounding Area” and dated January 6, 2022, as referred to in the notice of the Secretary entitled “Notice of Proposed Withdrawal and Public Meetings; San Juan County, NM” (87 Fed. Reg. 785 (January 6, 2022)).
SEC. 4. WITHDRAWAL OF CERTAIN FEDERAL LAND IN THE
STATE OF NEW MEXICO.

(a) IN GENERAL.—Subject to any valid existing rights, the Federal land is withdrawn from—

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

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

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

(b) AVAILABILITY OF WITHDRAWAL MAP.—The Withdrawal Map shall be made available for inspection at each appropriate office of the Bureau of Land Management.

(c) CONVEYANCE OF FEDERAL LAND TO INDIAN TRIBES.—Notwithstanding subsection (a), the Secretary may convey the Federal land to, or exchange the Federal land with, an Indian Tribe in accordance with a resource management plan that is approved as of the date of enactment of this Act, as subsequently developed, amended, or revised in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and any other applicable law.

(d) OIL AND GAS LEASE MANAGEMENT.—

(1) TERMINATION OF NON-PRODUCING LEASES.—A covered lease—
(A) shall automatically terminate by operation of law pursuant to section 17(e) of the Mineral Leasing Act (30 U.S.C. 226(e)) and subpart 3108 of title 43, Code of Federal Regulations (or successor regulations); and

(B) may not be extended by the Secretary.

(2) **WITHDRAWAL OF TERMINATED, RELINQUISHED, OR ACQUIRED LEASES.**—Any portion of the Federal land subject to a covered lease terminated under paragraph (1) or otherwise or relinquished or acquired by the United States on or after the date of enactment of this Act is withdrawn from—

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

(B) location, entry, and patent under mining laws; and

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

(e) **EFFECT.**—Nothing in this section—

(1) affects the mineral rights of an Indian Tribe or a member of the Navajo Nation or any other Indian Tribe to trust land or allotment land; or
(2) precludes improvements to, or rights-of-way for water, power, utility, or road development on, the Federal land to assist communities adjacent to or in the vicinity of the Federal land.