

118TH CONGRESS
2D SESSION

S. 4828

To establish the Bahsahwahbee National Monument in the State of Nevada,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2024

Ms. CORTEZ MASTO introduced the following bill; which was read twice and
referred to the Committee on Energy and Natural Resources

A BILL

To establish the Bahsahwahbee 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 “Bahsahwahbee Na-
5 tional Monument Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the term “Newe”—

9 (A) is used by the Western Shoshone peo-

10 ple to refer to themselves; and

1 (B) refers to the members of—

2 (i) the Confederated Tribes of the
3 Goshute Reservation;

4 (ii) the Duckwater Shoshone Tribe;
5 and

6 (iii) the Ely Shoshone Tribe;

7 (2) in the Newe language, the term
8 “Bahsahwahbee” means Sacred Water Valley;

9 (3) certain Federal public land in Spring Val-
10 ley, White Pine County, Nevada, known as
11 “Bahsahwahbee”—

12 (A) is a nationally significant cultural and
13 natural landscape;

14 (B) has been a significant religious gath-
15 ering area for indigenous people in the Great
16 Basin since time immemorial;

17 (C) was the site of three 19th century
18 massacres of the Newe people that had gath-
19 ered in the area for religious ceremonies, in-
20 cluding 1 of the largest recorded massacres of
21 Native Americans in United States history,
22 which resulted in the death of approximately
23 525 to 700 men, women, and children;

24 (D) continues to have historical, cultural,
25 traditional, and spiritual significance for the

Newe people and other federally recognized Indian Tribes with a historical connection to the area;

(E) contains archaeological and cultural resources that provide a historical record of significance, including evidence of—

(i) Newe—

(I) cultural history;

(II) trade systems and regional contacts;

(III) population and economic change; and

(IV) residence since time immemorial; and

(ii) Euro-American exploration and settlement of the western United States, including—

(I) the Pony Express Route;

(II) Simpson's Route; and

(III) Cleveland Ranch;

(F) contains remarkable scenic values providing sweeping views of some of the highest mountains in the State of Nevada, including—

(i) Mount Wheeler at 13,060 feet;

(ii) Doso Doyabi at 12,775 feet; and

1 (iii) North Schell Peak at 11,880 feet;

2 (G) contains intact ecosystems and unique
3 species, including the largest of 3 known occur-
4 rences of a valley bottom ecotype of Rocky
5 Mountain juniper, locally known as the swamp
6 cedar trees, an exceedingly rare plant commu-
7 nity, particularly in the high desert environment
8 of northeastern Nevada that relies on shallow
9 groundwater to survive; and

10 (H) due to the remote nature of the area,
11 preserves the opportunity to enjoy natural
12 quiet, dark night skies, and solitude;

13 (4) the Newe and other federally recognized In-
14 dian Tribes with historic ties to the area known as
15 “Bahsahwahbee”—

16 (A) possess distinct and irreplaceable tra-
17 ditional cultural knowledge of the nationally
18 unique area, including the groundwater-depend-
19 ent springs and swamp cedar trees on the Fed-
20 eral land that are vital for Newe ceremonies;

21 (B) possess traditional ecological and his-
22 torical knowledge that is critical for informing
23 Federal land management decisions affecting
24 the area;

25 (C) continue to use the area—

1 (i) to hold religious and ceremonial
2 gatherings;

3 (ii) to pass down traditional knowl-
4 edge; and

5 (iii) to honor and mourn their ances-
6 tors who were murdered and mutilated
7 during serial massacres; and

8 (D) consider the grove of swamp cedar
9 trees to be sacred and embody the spirits of the
10 Indigenous Newe people who were killed during
11 the 19th century massacres; and

12 (5) establishing the Federal public land within
13 the Bahsahwahbee landscape as a national monu-
14 ment would permanently protect the natural and cul-
15 tural resources of the area for the benefit and enjoy-
16 ment of present and future generations.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) **ADVISORY COMMITTEE.**—The term “advi-
20 sory committee” means the advisory committee es-
21 tablished under section 5(c)(1).

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

1 (3) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan for the Na-
3 tional Monument developed under section 5(b).

4 (4) MAP.—The term “map” means the map en-
5 titled “Proposed Bahsahwahbee National Monu-
6 ment” and dated June 18, 2024.

7 (5) NATIONAL MONUMENT.—The term “Na-
8 tional Monument” means the Bahsahwahbee Na-
9 tional Monument established by section 4(a).

10 (6) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (7) STATE.—The term “State” means the State
13 of Nevada.

14 **SEC. 4. ESTABLISHMENT OF BAHSAHWAHBEE NATIONAL**
15 **MONUMENT, NEVADA.**

16 (a) ESTABLISHMENT.—Subject to valid existing
17 rights, there is established the Bahsahwahbee National
18 Monument in the State.

19 (b) PURPOSE.—The purpose of the National Monu-
20 ment is to conserve, protect, interpret, and enhance for
21 the benefit and enjoyment of present and future genera-
22 tions the cultural, historical, natural, ecological, edu-
23 cational, and scientific resources of the National Monu-
24 ment.

1 (c) AREA INCLUDED.—The National Monument shall
2 consist of approximately 25,000 acres of Federal land in
3 White Pine County, Nevada, generally depicted as “Pro-
4 posed Bahsahwahbee National Monument” on the map.

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

6 (a) IN GENERAL.—The Secretary shall manage the
7 National Monument in a manner that conserves, protects,
8 and enhances the resources of the National Monument.

9 (b) MANAGEMENT PLAN.—

10 (1) IN GENERAL.—Not later than 3 years after
11 the date of enactment of this Act, the Secretary
12 shall develop a comprehensive plan for the protection
13 and management of the National Monument, con-
14 sistent with this Act.

15 (2) CONSULTATION; TRADITIONAL KNOWL-
16 EDGE.—In developing the management plan, the
17 Secretary shall—

18 (A) consult with—

19 (i) the advisory committee;

20 (ii) appropriate entities of the Federal
21 Government and State, Tribal, and local
22 governments;

23 (iii) grazing permittees within the
24 boundary of the National Monument; and

1 (iv) members of the public in the vi-
2 cinity of the National Monument;

3 (B) incorporate the traditional ecological
4 knowledge of members of Indian Tribes; and

5 (C) provide for the commemoration of the
6 Tribal history and culture of the Newe people.

7 (c) ADVISORY COMMITTEE.—

8 (1) ESTABLISHMENT.—The Secretary shall es-
9 tablish and maintain an advisory committee under
10 chapter 10 of title 5, United States Code (commonly
11 referred to as the “Federal Advisory Committee
12 Act”), to provide information and advice to the Sec-
13 retary with respect to—

14 (A) the development of the management
15 plan; and

16 (B) the management of the National
17 Monument.

18 (2) MEMBERSHIP.—In appointing members to
19 the advisory committee, the Secretary shall ensure
20 that—

21 (A) there is a fair and balanced represen-
22 tation of interested stakeholders;

23 (B) a majority of members are members of
24 Indian Tribes with a historical connection to
25 the land within the National Monument, includ-

ing members from each of the Duckwater Shoshone Tribe, the Confederated Tribes of the Goshute, and the Ely Shoshone Tribe; and

(C) the remaining members represent local governmental entities, grazing permittees within the National Monument, owners of private land, recreational users, conservation organizations, wildlife or hunting organizations, the scientific community, business owners, and local citizens.

(d) NATIVE AMERICAN ACCESS AND USE.—

(1) ACCESS.—To the extent practicable, the Secretary shall ensure access to the National Monument by members of an Indian Tribe for traditional cultural purposes.

(2) TEMPORARY CLOSURE.—

(A) IN GENERAL.—The Secretary, on the request of an Indian Tribe, may temporarily close to the general public use of 1 or more specific portions of the National Monument in order to protect the privacy of traditional cultural activities in the temporarily closed portion by members of the Indian Tribe.

(B) LIMITATION.—Any closure under subparagraph (A) shall be made so as to affect the

1 smallest area practicable for the minimum pe-
2 riod necessary.

3 (3) APPLICABLE LAW.—Access and use by
4 members of an Indian Tribe under this subsection
5 shall be consistent with the purpose and intent of
6 Public Law 95–341 (commonly known as the
7 “American Indian Religious Freedom Act”) (42
8 U.S.C. 1996 et seq.) and other applicable law.

9 (e) GRAZING.—The Secretary shall permit the graz-
10 ing of livestock (including the maintenance and replace-
11 ment of fencing and related grazing infrastructure) in the
12 National Monument, as established as of the date of enact-
13 ment of this Act, to continue, subject to such reasonable
14 regulations, policies, and practices as the Secretary deter-
15 mines to be necessary.

16 (f) MOTORIZED VEHICLES.—

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

22 (2) EXCEPTIONS.—Notwithstanding paragraph
23 (1), the use of motorized vehicles within the Na-
24 tional Monument is allowed, if the use is nec-
25 essary—

- 1 (A) for administrative purposes;
- 2 (B) to respond to an emergency; or
- 3 (C) to allow for continued access to private
- 4 inholdings and other authorized uses within the
- 5 National Monument.

6 (g) ACQUISITION AND INCORPORATION OF LAND AND
7 INTERESTS IN LAND.—

8 (1) AUTHORITY.—The Secretary may acquire
9 non-Federal land (including interests in non-Federal
10 land) within the boundary of the National Monu-
11 ment by—

12 (A) exchange, if the exchange furthers the
13 purposes of the National Monument, as deter-
14 mined by the Secretary;

15 (B) donation; or

16 (C) purchase from a willing seller with do-
17 nated or appropriated funds.

18 (2) MANAGEMENT.—Any non-Federal land or
19 interest in non-Federal land that is acquired by the
20 United States under paragraph (1) shall—

21 (A) become part of the National Monu-
22 ment;

23 (B) be withdrawn in accordance with sub-
24 section (h); and

1 (C) be managed in accordance with this
2 Act.

3 (h) WITHDRAWAL.—Subject to valid existing rights,
4 the Federal land and interests in Federal land within the
5 National Monument are withdrawn from—

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

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

10 (3) operation of the mineral leasing and geo-
11 thermal leasing laws.

12 (i) MILITARY OVERFLIGHTS.—Nothing in this Act
13 restricts or precludes—

14 (1) low-level overflights of military aircraft over
15 the National Monument, including military over-
16 flights that can be seen, heard, or detected within
17 the National Monument;

18 (2) flight testing and evaluation over the Na-
19 tional Monument;

20 (3) the designation or creation of new units of
21 special use airspace over the National Monument; or

22 (4) the establishment of military flight training
23 routes over the National Monument.

24 (j) WATER RIGHTS.—Nothing in this Act affects—

1 (1) any water rights in the State existing on the
2 date of enactment of this Act, including any water
3 rights held by the United States; or

4 (2) the use or allocation of any water right.

5 (k) FISH AND WILDLIFE.—Nothing in this Act af-
6 fects or diminishes the jurisdiction of the State with re-
7 spect to fish and wildlife management within the National
8 Monument.

9 (l) NO EFFECT ON RIGHTS OF INDIAN TRIBES.—
10 Nothing in this Act affects the treaty rights or jurisdiction
11 of any Indian Tribe.

12 (m) EFFECT ON DESIGNATED CORRIDORS.—Nothing
13 in this Act—

14 (1) affects the designated transmission right-of-
15 way or corridor for Nevada State Highway 50;

16 (2) affects the existence, use, operation, access,
17 maintenance, upgrade, repair, construction, reconfig-
18 uration, expansion, inspection, renewal, reconstruc-
19 tion, alteration, addition, relocation improvement
20 funding, removal, or replacement of any water facil-
21 ity or utility facility within an existing right-of-way
22 or designated transportation or utility corridor
23 issued before the date of enactment of this Act with-
24 in the National Monument; or

1 (3) prohibits access to, or the repair or replace-
2 ment of, a transmission or fiber optic line within a
3 right-of-way within the boundary of the National
4 Monument issued before the date of enactment of
5 this Act.

6 (n) NO BUFFER ZONES.—

7 (1) IN GENERAL.—Nothing in this Act creates
8 a protective perimeter or buffer zone around the Na-
9 tional Monument.

10 (2) ACTIVITIES OUTSIDE NATIONAL MONU-
11 MENT.—The fact that an activity or use on land out-
12 side the National Monument can be seen or heard
13 within the National Monument shall not preclude
14 the activity or use outside the National Monument
15 boundary.

16 (o) AGREEMENTS AND PARTNERSHIPS.—To the max-
17 imum extent practicable and in accordance with applicable
18 laws, on request of 1 or more Indian Tribes referred to
19 in subsection (c)(2)(B), the Secretary shall enter into
20 agreements, contracts, and other cooperative and collabo-
21 rative partnerships with the applicable Indian Tribes with
22 respect to management of the National Monument under
23 relevant Federal authority.

24 (p) INTERPRETATION AND EDUCATION.—The Sec-
25 retary, in coordination with the Indian Tribes referred to

1 in subsection (c)(2)(B), shall provide for public interpreta-
2 tion of, and education on, the history and natural and cul-
3 tural resources of the National Monument.

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