

Calendar No. 524

103^D CONGRESS
2^D SESSION

S. 1936

[Report No. 103-316]

A BILL

To provide for the integrated management of
Indian resources, and for other purposes.

JULY 18 (legislative day, JULY 11), 1994
Reported with an amendment

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To provide for the integrated management of Indian resources, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, FEBRUARY 22), 1994

Mr. MCCAIN (for himself, Mr. INOUE, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JULY 18 (legislative day, JULY 11), 1994

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for the integrated management of Indian resources, 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 “Indian Integrated Re-
5 sources Management Planning Act”.

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act:

3 (1) INDIAN LAND.—The term “Indian land”
4 means all land that is—

5 (A) held in trust by the United States for
6 the benefit of an Indian tribe or an individual
7 Indian; or

8 (B) owned by an Indian or Indian tribe
9 and is subject to restrictions against alienation.

10 (2) INDIAN NATURAL RESOURCES.—The term
11 “Indian natural resources” includes forests, ranges,
12 wildlife, water, fisheries, soils, minerals, oil, gas,
13 coal, agriculture, recreation, archaeological re-
14 sources, historical resources, cultural resources, tra-
15 ditional resources, socioeconomic resources, and
16 threatened and endangered species.

17 (3) INDIAN TRIBE.—The term “Indian tribe”
18 means any Indian tribe, band, nation, pueblo, or
19 other organized group or community, including any
20 Alaska Native Village or regional corporation as de-
21 fined in or established pursuant to the Alaska Na-
22 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
23 that is eligible for the special programs and services
24 provided by the United States to Indians because of
25 their status as Indians.

1 (4) INTEGRATED RESOURCE MANAGEMENT
 2 PLAN.—The term “integrated resource management
 3 plan” means a plan developed by an Indian tribe
 4 and approved by the Secretary pursuant to section
 5 4—

6 (A) to assess available natural resources;

7 (B) to identify management objectives that
 8 integrate—

9 (i) quality of life;

10 (ii) production goals;

11 (iii) preservation goals; and

12 (iv) landscape descriptions of the nat-
 13 ural resources; and

14 (C) that encompasses tribal codes and spe-
 15 cific natural resource management plans in ef-
 16 fect on the date of enactment of this Act.

17 (5) SECRETARY.—The term “Secretary” means
 18 the Secretary of the Interior.

19 **SEC. 3. FINDINGS; PURPOSE.**

20 (a) FINDINGS.—The Congress finds that—

21 (1) it is the policy of the United States to pro-
 22 mote tribal self-determination and self-governance;

23 (2) the United States holds most Indian natural
 24 resources in trust for the benefit of Indian tribes
 25 and individuals;

1 (3) it is consistent with the Federal trust re-
2 sponsibility and the policies of self-determination
3 and self-governance to promote increased tribal in-
4 volvement in the management and use of Indian
5 land and natural resources; and

6 (4) Indian tribes have among their principal
7 policy objectives, the management of their natural
8 resources in a manner that is consistent with the
9 cultural, social, and economic needs and values of
10 the tribes.

11 (b) PURPOSE.—It is the purpose of this Act—

12 (1) to authorize the Secretary to assist Indian
13 tribes in the development and implementation of in-
14 tegrated resource management plans;

15 (2) to ensure that the management of natural
16 resources on Indian land is conducted in a manner
17 that is consistent with tribal culture and values, ap-
18 plicable Federal laws, and the Federal trust respon-
19 sibility; and

20 (3) to promote and enhance tribal self-deter-
21 mination and self-governance by ensuring tribal con-
22 trol of natural resources and co-management by In-
23 dian tribes and the Secretary.

1 **SEC. 4. INDIAN NATURAL RESOURCE MANAGEMENT PLAN.**

2 (a) ~~IN GENERAL.~~—The Secretary shall establish and
3 carry out a program to assist Indian tribes to develop and
4 implement integrated natural resource management plans.

5 (b) ~~ASSISTANCE.~~—

6 (1) ~~IN GENERAL.~~—Upon the request of an In-
7 dian tribe, the Secretary shall provide assistance
8 under this subsection, including the transfer to the
9 tribe of all natural resources data, including maps
10 and other information held by the Secretary that re-
11 lates to land under the authority of the Indian tribe.

12 (2) ~~GRANTS; CONTRACTS.~~—Upon the request of
13 an Indian tribe, the Secretary shall enter into a
14 grant, contract, or cooperative agreement with each
15 Indian tribe under the Indian Self-Determination
16 and Education Assistance Act (25 U.S.C. 450 et
17 seq.) to provide financial assistance to the Indian
18 tribe for the development of an integrated resource
19 management plan.

20 (c) ~~DEVELOPMENT.~~—The process for plan develop-
21 ment shall include provisions for—

22 (1) a determination of the need for the plan;

23 (2) identification of short- and long-term goals;

24 (3) identification of the geographic area to be
25 included in the plan;

26 (4) identification of available and needed data;

1 (5) identification of the natural resources exper-
2 tise needed prepare the plan;

3 (6) a determination of the time required for
4 data collection;

5 (7) a determination of the affected parties, in-
6 cluding landowners, lessees, and residents;

7 (8) public comment;

8 (9) identification and consideration of alter-
9 native plans;

10 (10) an estimation of the cost of plan develop-
11 ment;

12 (11) a list of resources to be included in the
13 plan;

14 (12) a list of resource management goals and
15 objectives; and

16 (13) compliance with applicable Federal and
17 tribal laws.

18 (d) APPROVAL BY SECRETARY.—

19 (1) SUBMISSION.—Upon completion of a plan,
20 an Indian tribe shall submit the plan to the Sec-
21 retary for approval.

22 (2) APPROVAL.—Not later than 6 months after
23 receipt of a plan, the Secretary shall approve or dis-
24 approve the plan. If the Secretary neither approves

1 nor disapproves the plan, such inaction shall be
2 deemed to be an approval of the plan.

3 (3) ~~DISAPPROVAL.~~—If the Secretary dis-
4 approves a plan, the Secretary shall state the rea-
5 sons for such disapproval and shall provide rec-
6 ommendations and technical assistance for plan revi-
7 sions.

8 (e) ~~FORCE AND EFFECT.~~—An approved plan shall
9 govern all activities of the Indian tribe and the Secretary
10 with regard to matters included in the plan. The plan shall
11 take effect on the date of approval.

12 (f) ~~AMENDMENTS.~~—

13 (1) ~~IN GENERAL.~~—An Indian tribe may amend
14 the plan at any time consistent with this section.

15 (2) ~~PUBLIC COMMENT.~~—Proposed amendments
16 shall be made available for public review and com-
17 ment.

18 (3) ~~APPROVAL.~~—Upon approval by the Indian
19 tribe, proposed amendments shall be submitted to
20 the Secretary for approval in accordance with sub-
21 section (d).

22 **SEC. 5. MANAGEMENT.**

23 Consistent with the Indian Self-Determination and
24 Education Assistance Act (25 U.S.C. 450 et seq.), the
25 Secretary shall provide for the management of Indian nat-

1 ural resources in a manner that is consistent with the ap-
2 proved integrated resource management plans.

3 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated such sums as
5 are necessary to carry out this Act.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Indian Integrated Re-*
8 *sources Management Planning Act of 1994”.*

9 **SEC. 2. FINDINGS; PURPOSES.**

10 *(a) FINDINGS.—The Congress finds the following:*

11 *(1) It is the policy of the United States to pro-*
12 *mote tribal self-determination and self-governance.*

13 *(2) The United States holds most Indian lands*
14 *and natural resources in trust for the benefit of In-*
15 *Indian tribes and individual Indians.*

16 *(3) The promotion of increased tribal involve-*
17 *ment in and control over the management and use of*
18 *Indian resources is consistent with the Federal trust*
19 *responsibility and the policies of self-determination*
20 *and self-governance with respect to Indian tribes.*

21 *(4) Among the principal policy objectives of In-*
22 *Indian tribes are the management of resources of the*
23 *tribes in a manner that—*

24 *(A) is consistent with the cultural, social,*
25 *and economic needs and values of the tribes; and*

1 (B) will provide for the long-term sustain-
2 able management of such resources.

3 (5) Indian resources contain important biologi-
4 cal diversity and natural resources that have ecologi-
5 cal value.

6 (b) *PURPOSES.*—The purposes of this Act are as fol-
7 lows:

8 (1) To authorize the Secretary of the Interior to
9 assist Indian tribes in the development and imple-
10 mentation of integrated resource management plans.

11 (2) To ensure that the management of Indian re-
12 sources is conducted in a manner that is consistent
13 with tribal culture and values, applicable laws, and
14 the Federal trust responsibilities.

15 (3) To promote and enhance tribal self-deter-
16 mination and self-governance by ensuring tribal con-
17 trol of Indian resources and management by Indian
18 tribes with the assistance of the Secretary.

19 (4) To ensure that the management of Indian re-
20 sources is conducted in a sustainable manner that
21 provides for long-term conservation of biological di-
22 versity and ecological values and the protection of
23 public health.

24 **SEC. 3. DEFINITIONS.**

25 As used in this Act:

1 (1) *AFFECTED PARTY.*—With respect to an inte-
2 grated resource management plan, the term “affected
3 party” means any person or entity with a real prop-
4 erty or an economic interest that could reasonably be
5 materially and adversely affected by the approval by
6 the Secretary of—

7 (A) an integrated resource management
8 plan under section 4(d); or

9 (B) a revision of the plan.

10 (2) *INDIAN RESOURCES.*—The term “Indian re-
11 sources” includes forests, rangelands, wildlife, water,
12 fisheries, soils, plants, minerals, oil, gas, coal, air, ag-
13 riculture, recreation, archaeological resources, histori-
14 cal resources, cultural resources, traditional resources,
15 and socioeconomic resources.

16 (3) *INDIAN TRIBE.*—The term “Indian tribe”
17 means any Indian tribe, band, nation, pueblo, or
18 other organized group or community, that is eligible
19 for the special programs and services provided by the
20 United States to Indians because of their status as
21 Indians.

22 (4) *INTEGRATED RESOURCE MANAGEMENT*
23 *PLAN.*—The term “integrated resource management
24 plan” means a plan developed by an Indian tribe and
25 approved by the Secretary pursuant to section 4—

1 (A) to assess the status of and threats to In-
2 dian resources;

3 (B) to identify management objectives that
4 integrate—

5 (i) quality of life;

6 (ii) sustainable resource use goals;

7 (iii) resource protection goals; and

8 (iv) landscape level conservation and
9 ecosystem management goals; and

10 (C) that includes applicable laws and spe-
11 cific resource management plans in effect on the
12 date of approval of the plan by the Secretary
13 pursuant to section 4(d).

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

16 **SEC. 4. INDIAN INTEGRATED RESOURCE MANAGEMENT**
17 **PLAN.**

18 (a) *IN GENERAL*.—The Secretary shall establish and
19 carry out a program to assist Indian tribes in the develop-
20 ment and implementation of integrated resource manage-
21 ment plans.

22 (b) *ASSISTANCE*.—

23 (1) *IN GENERAL*.—Upon request by an Indian
24 tribe, the Secretary shall—

1 (A) *provide assistance, including technical*
2 *assistance, and*

3 (B) *transfer, on a nonreimbursable basis, to*
4 *the Indian tribe copies of all data, including*
5 *maps, reports, studies, and other information*
6 *held by the Secretary,*

7 *with respect to the Indian resources of the Indian*
8 *tribe.*

9 (2) *AVAILABILITY OF DATA.—If data or informa-*
10 *tion requested by an Indian tribe under paragraph*
11 *(1) is held by the head of a department or agency of*
12 *the Federal Government other than the Secretary, the*
13 *Secretary shall request the head of the department or*
14 *agency to make copies of such data or information*
15 *available to the Indian tribe or the Secretary on a*
16 *nonreimbursable basis.*

17 (3) *GRANTS; CONTRACTS.—Upon request by an*
18 *Indian tribe, the Secretary shall, subject to the avail-*
19 *ability of appropriations, make a grant, or enter into*
20 *a contract, cooperative agreement, or self-governance*
21 *compact with the Indian tribe under the Indian Self-*
22 *Determination and Education Assistance Act (25*
23 *U.S.C. 450 et seq.) to provide financial assistance to*
24 *the Indian tribe for the development and implementa-*
25 *tion of an integrated resource management plan.*

1 (c) *DEVELOPMENT.*—*In developing an integrated re-*
2 *source management plan, an Indian tribe shall provide for*
3 *the following:*

4 (1) *A determination of the need for the plan by*
5 *the Indian tribe.*

6 (2) *The identification of the following:*

7 (A) *The geographic area to be included in*
8 *the plan.*

9 (B) *The available data, and data that is*
10 *needed, to develop the plan.*

11 (C) *The expertise needed to develop the*
12 *plan, including any technical assistance and co-*
13 *operation that the Indian tribe anticipates will*
14 *be provided by the Federal Government.*

15 (D) *Short-term and long-term goals for in-*
16 *tegrated resource management under the plan.*

17 (3) *An estimation of the following:*

18 (A) *The period of time required for data*
19 *collection to develop the plan.*

20 (B) *The cost of the development of the plan.*

21 (4) *A list of resources to be covered under the*
22 *plan.*

23 (5) *A determination of and the provision of writ-*
24 *ten notice to the affected parties under the plan, in-*
25 *cluding landowners, lessees, and residents. Such no-*

1 *tice shall include a description of the manner in*
2 *which the parties may likely be affected by the plan.*

3 *(6) The development and implementation of a*
4 *process for soliciting and responding to the issues and*
5 *concerns of the affected parties referred to in para-*
6 *graph (5).*

7 *(7) The identification of resource management*
8 *goals and objectives.*

9 *(8) The identification of environmental, eco-*
10 *nomic, and cultural resource protection issues, oppor-*
11 *tunities, and constraints.*

12 *(9) The collection and analysis of data related to*
13 *Indian resources, including conducting inventories of*
14 *such resources.*

15 *(10) The identification and consideration of al-*
16 *ternative management approaches for Indian re-*
17 *sources.*

18 *(11) The selection of a recommended alternative*
19 *management approach referred to in paragraph (10).*

20 *(12) The development of a plan for implementing*
21 *the recommended alternative management approach*
22 *referred to in paragraph (11), including the following:*

23 *(A) Recommendations for—*

24 *(i) legal measures (including regu-*
25 *latory measures); and*

1 (ii) cooperative and comanagement
2 agreements.

3 (B) Changes to existing tribal laws, policies,
4 or management plans to achieve consistency with
5 the plan developed under this paragraph.

6 (C) A recommended process for evaluating
7 and monitoring the implementation of the plan
8 developed under this paragraph.

9 (D) An estimate of the cost of implementa-
10 tion of the plan.

11 (13) Compliance with all applicable laws.

12 (d) APPROVAL BY SECRETARY.—

13 (1) SUBMISSION.—Upon completion of the devel-
14 opment of an integrated resource management plan
15 by an Indian tribe pursuant to subsection (c), the
16 tribe shall submit the plan, together with a record of
17 any concerns of affected parties relating to the plan,
18 and any actions taken by the Indian tribe to address
19 such concerns, to the Secretary for approval.

20 (2) APPROVAL.—Not later than 180 days after
21 receipt of a plan pursuant to paragraph (1), the Sec-
22 retary shall approve or disapprove the plan.

23 (3) GROUNDS FOR DISAPPROVAL.—The Secretary
24 shall disapprove a plan only if the approval of such
25 plan would—

1 (A) constitute, or result in a violation of an
2 applicable law; or

3 (B) be contrary to a Federal trust respon-
4 sibility.

5 (4) *DISAPPROVAL.*—If the Secretary disapproves
6 a plan submitted pursuant to paragraph (1), the Sec-
7 retary shall provide the Indian tribe a written notice
8 of the disapproval that—

9 (A) states the reasons for the disapproval;
10 and

11 (B) provides recommendations for revisions
12 to the plan.

13 (e) *FORCE AND EFFECT.*—

14 (1) *IN GENERAL.*—The Secretary and the Indian
15 tribe that develops an integrated resource manage-
16 ment plan that is approved by the Secretary under
17 subsection (d) shall carry out activities covered under
18 the plan in accordance with the plan.

19 (2) *EFFECTIVE DATE OF PLAN.*—An integrated
20 resource management plan approved by the Secretary
21 under subsection (d) shall take effect on the date of
22 approval.

23 (f) *JUDICIAL REVIEW.*—Any decision made by the Sec-
24 retary pursuant to this Act to approve an integrated re-
25 source management plan or to approve an amendment

1 *made to such plan shall constitute final agency action for*
2 *the purposes of chapter 7 of title 5, United States Code.*

3 *(g) AMENDMENTS.—*

4 *(1) IN GENERAL.—An Indian tribe may amend*
5 *an integrated resource management plan approved by*
6 *the Secretary under subsection (d) at any time after*
7 *the date of the approval in a manner consistent with*
8 *this section.*

9 *(2) PUBLIC COMMENT.—An Indian tribe shall*
10 *provide public notice, including notice to affected par-*
11 *ties and an opportunity for public comment on any*
12 *proposed amendment to an integrated resource man-*
13 *agement plan submitted to an Indian tribe or pro-*
14 *posed by an Indian tribe pursuant to this subsection.*

15 *(3) APPROVAL.—Upon approving a proposed*
16 *amendment, an Indian tribe shall submit the amend-*
17 *ment to the Secretary for approval. The procedure for*
18 *the submission and approval of an amendment to an*
19 *integrated resource management plan shall be the*
20 *same procedure as is provided for the submission and*
21 *approval of the plan under subsection (d).*

22 **SEC. 5. MANAGEMENT.**

23 *In a manner consistent with the Indian Self-Deter-*
24 *mination and Education Assistance Act (25 U.S.C. 450 et*
25 *seq.) and each integrated resource management plan ap-*

1 *proved under section 4(d), the Secretary shall provide for,*
2 *and assist Indian tribes in carrying out, the protection and*
3 *management of Indian resources.*

4 **SEC. 6. REGULATIONS.**

5 *Not later than 2 years after the date of enactment of*
6 *this Act, the Secretary shall, with the participation of In-*
7 *dian tribes, prescribe regulations to carry out this Act.*

8 **SEC. 7. STATUTORY CONSTRUCTION.**

9 *(a) IN GENERAL.—Nothing in this Act may be con-*
10 *strued to modify or repeal any other Federal law governing*
11 *the protection and management of Indian resources.*

12 *(b) JURISDICTION.—Nothing in this Act may be con-*
13 *strued to authorize any expansion or change in the jurisdic-*
14 *tion of a Federal, State, or tribal government with respect*
15 *to the protection and management of Indian resources.*

16 *(c) FEDERAL TRUST RESPONSIBILITY.—Nothing in*
17 *this Act may be construed to enhance or diminish any Fed-*
18 *eral trust responsibility.*

19 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

20 *There are authorized to be appropriated to the Depart-*
21 *ment of the Interior such sums as are necessary to carry*
22 *out this Act.*

S 1936 RS—2