

§ 228g. Aircraft or helicopter regulation within enlarged boundaries; procedure for promulgation of administrative rules and regulations

Whenever the Secretary has reason to believe that any aircraft or helicopter activity or operation may be occurring or about to occur within the Grand Canyon National Park, as enlarged by sections 228a to 228j of this title, including the airspace below the rims of the canyon, which is likely to cause an injury to the health, welfare, or safety of visitors to the park or to cause a significant adverse effect on the natural quiet and experience of the park, the Secretary shall submit to the Federal Aviation Administration, the Environmental Protection Agency pursuant to the Noise Control Act of 1972 [42 U.S.C. 4901 et seq.], or any other responsible agency or agencies such complaints, information, or recommendations for rules and regulations or other actions as he believes appropriate to protect the public health, welfare, and safety or the natural environment within the park. After reviewing the submission of the Secretary, the responsible agency shall consider the matter, and after consultation with the Secretary, shall take appropriate action to protect the park and visitors.

(Pub. L. 93-620, § 8, Jan. 3, 1975, 88 Stat. 2091.)

REFERENCES IN TEXT

The Noise Control Act of 1972, referred to in text, is Pub. L. 92-574, Oct. 27, 1972, 86 Stat. 1234, as amended, which is classified generally to chapter 65 (§ 4901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4901 of Title 42 and Tables.

TRANSFER OF FUNCTIONS

“Federal Aviation Administration” substituted in text for “Federal Aviation Agency” pursuant to Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which transferred functions, powers, and duties of Federal Aviation Agency and of Administrator and other offices and officers thereof to Secretary of Transportation and established Federal Aviation Administration in Department of Transportation. See section 106 of Title 49, Transportation.

§ 228h. Construction with existing Colorado River system reclamation provisions

Nothing in sections 228a to 228j of this title shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of sections 1551 to 1556 of title 43.

(Pub. L. 93-620, § 9(a), Jan. 3, 1975, 88 Stat. 2091.)

§ 228i. Havasupai Indian Reservation

(a) Lands of Havasupai Reservation Addition held in trust by United States; boundaries

For the purpose of enabling the tribe of Indians known as the Havasupai Indians of Arizona (hereinafter referred to as the “tribe”) to improve the social, cultural, and economic life of its members, the lands generally depicted as the “Havasupai Reservation Addition” on the map described in section 228b of this title, and consisting of approximately one hundred and eighty-five thousand acres of land and any improvements thereon, are hereby declared to be

held by the United States in trust for the Havasupai Tribe. Such map, which shall delineate a boundary line generally one-fourth of a mile from the rim of the outer gorge of the Grand Canyon of the Colorado River and shall traverse Havasu Creek from a point on the rim at Yumtheska Point to Beaver Falls to a point on the rim at Ukwalla Point, shall be on file and available for public inspection in the Offices of the Secretary, Department of the Interior, Washington, District of Columbia.

(b) Lands held in trust by United States included within Reservation; administration pursuant to laws and regulations applicable to other trust Indian lands; specific administrative criteria and restrictions

The lands held in trust pursuant to this section shall be included in the Havasupai Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: *Provided*, That—

(1) the lands may be used for traditional purposes, including religious purposes and the gathering of, or hunting for, wild or native foods, materials for paints and medicines;

(2) the lands shall be available for use by the Havasupai Tribe for agricultural and grazing purposes, subject to the ability of such lands to sustain such use as determined by the Secretary;

(3) any areas historically used as burial grounds may continue to be so used;

(4) a study shall be made by the Secretary, in consultation with the Havasupai Tribal Council, to develop a plan for the use of this land by the tribe which shall include the selection of areas which may be used for residential, educational, and other community purposes for members of the tribe and which shall not be inconsistent with, or detract from, park uses and values; *Provided further*, That before being implemented by the Secretary, such plan shall be made available through his offices for public review and comment, shall be subject to public hearings, and shall be transmitted, together with a complete transcript of the hearings, at least 90 days prior to implementation, to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; and *Provided further*, That any subsequent revisions of this plan shall be subject to the same procedures as set forth in this paragraph;

(5) no commercial timber production, no commercial mining or mineral production, and no commercial or industrial development shall be permitted on such lands: *Provided further*, That the Secretary may authorize the establishment of such tribal small business enterprises as he deems advisable to meet the needs of the tribe which are in accordance with the plan provided in paragraph (4) of this subsection;

(6) nonmembers of the tribe shall be permitted to have access across such lands at locations established by the Secretary in consultation with the Tribal Council in order to visit adjacent parklands, and with the consent of the tribe, may be permitted (i) to enter and

temporarily utilize lands within the reservation in accordance with the approved land use plan described in paragraph (4) of this subsection for recreation purposes or (ii) to purchase licenses from the tribe to hunt on reservation lands subject to limitations and regulations imposed by the Secretary of the Interior; and

(7) except for the uses permitted in paragraphs 1 through 6 of this subsection, the lands hereby transferred to the tribe shall remain forever wild and no uses shall be permitted under the plan which detract from the existing scenic and natural values of such lands.

(c) Establishment, maintenance, and implementation of conservation measures; availability of Federal programs relating to Indians; right of access to lands for implementation of Federal projects, resource management and preservation, and tribal religious, etc., functions

The Secretary shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection from fire, disease, insects, or trespass and reasonable prevention or elimination of erosion, damaging land use, overgrazing, or pollution. The Secretary of the Interior is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any such measures. Any authorized Federal programs available to any other Indian tribes to enhance their social, cultural, and economic well-being shall be deemed available to the tribe on these lands so long as such programs or projects are consistent with the purposes of sections 228a to 228j of this title. For these purposes, and for the purpose of managing and preserving the resources of the Grand Canyon National Park, the Secretary shall have the right of access to any lands hereby included in the Havasupai Reservation. Nothing in sections 228a to 228j of this title shall be construed to prohibit access by any members of the tribe to any sacred or religious places or burial grounds, native foods, paints, materials, and medicines located on public lands not otherwise covered in sections 228a to 228j of this title.

(d) Grazing rights on the Raintank Allotment; continuation and renewal

The Secretary shall permit any person presently exercising grazing privileges pursuant to Federal permit or lease in that part of the Kaibab National Forest designated as the "Raintank Allotment", and which is included in the Havasupai Reservation by this section, to continue in the exercise thereof, but no permit or renewal shall be extended beyond the period ending ten years from January 3, 1975, at which time all rights of use and occupancy of the lands will be transferred to the tribe subject to the same terms and conditions as the other lands included in the reservation in subsection (b) of this section.

(e) Havasupai Use Lands; use for grazing and other traditional purposes subject to regulations

The Secretary, subject to such reasonable regulations as he may prescribe to protect the scenic, natural, and wildlife values thereof, shall permit the tribe to use lands within the Grand Canyon National Park which are designated as "Havasupai Use Lands" on the Grand Canyon National Park boundary map described in section 228b of this title, and consisting of approximately ninety-five thousand three hundred acres of land, for grazing and other traditional purposes.

(f) Extinguishment of all tribal right, title, and interest in lands not otherwise declared as held in trust or covered by provisions enlarging park

By the enactment of sections 228a to 228j of this title, the Congress recognizes and declares that all right, title, and interest in any lands not otherwise declared to be held in trust for the Havasupai Tribe or otherwise covered by sections 228a to 228j of this title is extinguished.

(Pub. L. 93-620, §10, Jan. 3, 1975, 88 Stat. 2091; Pub. L. 103-437, §6(a)(2), Nov. 2, 1994, 108 Stat. 4583.)

CODIFICATION

Provision of subsec. (f) of this section, which repealed section 3 of act of Feb. 26, 1919 (40 Stat. 1177), set out as section 223 of this title, has been omitted from this section as executed. See note set out under section 223 of this title.

AMENDMENTS

1994—Subsec. (b)(4). Pub. L. 103-437 substituted "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives" for "Committees on Interior and Insular Affairs of the United States Congress".

§ 228i-1. Report to President

Within two years from January 3, 1975, the Secretary of the Interior shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or unsuitability of any area within the national park for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said section 1132(c) and (d) of this title.

(Pub. L. 93-620, §11, as added Pub. L. 94-31, June 10, 1975, 89 Stat. 172.)

§ 228j. Authorization of appropriations; availability of sums

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 228a to 228j of this title, not to exceed, however, \$1,250,000, in the aggregate for the period of the five fiscal years beginning with the fiscal year ending June 30, 1974, for the acquisition of lands and property, and not to exceed \$49,000 for the fiscal year ending June 30, 1974, \$255,000 for the fiscal year ending June 30, 1975, \$265,000 for the fiscal year ending June 30, 1976, and \$235,000 for the fiscal year ending June 30, 1977, for development, plus or minus such amounts, if any, as may be justified by reason of