

Public Law 100-567
100th Congress

An Act

To authorize the establishment of the Zuni-Cibola National Historical Park in the State of New Mexico, and for other purposes.

Oct. 31, 1988
[H.R. 4182]

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 "Zuni-Cibola National Historical Park Establishment Act of 1988".

SEC. 2. ESTABLISHMENT OF PARK.

(a) **ESTABLISHMENT.**—In order to preserve and protect for the benefit of present and future generations certain nationally significant historical, archeological, cultural, and natural sites and resources associated with the Zuni Tribe, and in order to assist members of the Zuni Tribe in preserving and interpreting their tribal culture, there is hereby established the Zuni-Cibola National Historical Park. The park shall consist of lands with respect to which the Secretary of the Interior has accepted a leasehold pursuant to section 3 of this Act.

(b) **EFFECTIVE DATE.**—This section shall take effect on the date of publication by the Secretary, pursuant to section 3 of this Act, of a notice that the Secretary has accepted a leasehold interest that meets the requirements of this Act.

(c) **TERMINATION.**—This section shall terminate and shall be ineffective 24 months after the date of enactment of this Act unless prior to the end of such 24-month period the Secretary has published a notice of acceptance of a leasehold pursuant to section 3 of this Act.

SEC. 3. ACQUISITION OF LEASEHOLD.

(a) **AUTHORITY OF SECRETARY.**—If, no later than 18 months after the date of enactment of this Act, the Zuni Tribe, after consultation with the Bureau of Indian Affairs, offers to the Secretary a leasehold interest in trust lands of the Zuni Indian Reservation, in New Mexico, meeting the requirements of this Act, the Secretary is authorized and directed to accept such leasehold on behalf of the National Park Service and to publish in the Federal Register a notice of such acceptance.

(b) **REQUIREMENTS.**—The Secretary shall accept a leasehold under subsection (a) of this section if such leasehold—

- (1) would continue for a period of at least 99 years;
- (2) would require no rentals or other payments by the United States to the Zuni Tribe or any other party;
- (3) would be applicable to no more than 800 acres of lands within the Zuni Indian Reservation that the Director of the National Park Service, after consultation with the Zuni Tribe and the Bureau of Indian Affairs, has determined to be nec-

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Federal
Register,
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essary and adequate to carry out the purposes specified in section 4(a) of this Act; and

(4) would not be inconsistent with any of the provisions of this Act.

(c) **MAP.**—As soon as possible after publication of a notice of acceptance pursuant to subsection (a) of this section, the Secretary shall prepare a map of the park and shall provide copies of such map to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate.

(d) **BOUNDARY ADJUSTMENTS.**—The Secretary, after consultation with the Advisory Commission and with the agreement of the Zuni Tribe, may make minor revisions in the boundary of the park. Prior to making any such revision, the Secretary shall provide notice of the proposed change in the boundary to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and Select Committee on Indian Affairs of the Senate. No such revision shall take effect sooner than 60 days after such notice has been provided to such Committees. After the effective date of any such revision, the Secretary shall prepare a revised map of the park, copies of which shall be provided to such Committees.

16 USC 410pp-2.

National Park System.

SEC. 4. MANAGEMENT.

(a) **PURPOSES.**—(1) The Secretary, acting through the Director of the National Park Service, and in consultation with the Advisory Commission established pursuant to section 6 of this Act, shall manage the lands covered by any leasehold accepted by the Secretary pursuant to section 3 as a unit of the National Park System consistent with the provisions of this Act, and the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461), as amended.

(2) The Secretary shall protect, manage, and administer the park for the purposes of preserving the historical, archeological, natural, scientific, cultural, and other resources and values of the park and providing for the public understanding and enjoyment of the same in such a manner as to perpetuate these resources and values for future generations.

(3) In implementing this Act, the Secretary shall cooperate with the Zuni Tribe.

(b) **JURISDICTION.**—The Secretary is authorized to accept concurrent jurisdiction from the Zuni Tribe for the purpose of law enforcement.

(c) **CONSULTATION.**—The Secretary, acting through the Director of the National Park Service, shall consult regularly with the Commission established pursuant to section 6 of this Act. The Commission shall advise the Secretary on the management and operation of the park.

(d) **FEES.**—All enrolled members of the Zuni Tribe shall be exempt from the payment of fees for admission into the park.

(e) **TRAINING.**—In furtherance of the purposes specified in subsection (a)(2), and after consultation with the Advisory Commission established by section 6, the Secretary is authorized to enter into cooperative agreements with the Zuni Tribe, its subordinate boards, committees and enterprises, and individual members of the Zuni Tribe for the purpose of providing training of Zuni tribal members

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on the interpretation, management, protection, and preservation of archaeological and historical properties and in the provision of public services on the Zuni Indian Reservation needed for the fulfillment of the purposes specified in subsection (a)(2).

(f) **PREFERENCE.**—To the extent feasible, the Secretary shall exercise existing authorities so as to give preference to employing qualified members of the Zuni Tribe in the development, interpretation, and management of the park and in carrying out other activities related to the park.

SEC. 5. FEDERAL CONSISTENCY.

16 USC 410pp-3.

(a) **FEDERAL ACTIONS.**—The head of any Federal agency conducting or supporting activities directly or indirectly affecting the park shall—

(1) consult with, cooperate with, and, to the maximum extent practicable, coordinate its activities with the Secretary and with the Advisory Commission; and

(2) conduct or support such activities in a manner which—

(A) to the maximum extent practicable is consistent with the standards and criteria established pursuant to the plan required in section 7 of this Act, and

(B) will not have a significant adverse effect on the resources or values of the park, as determined by the Secretary.

(b) **PERMITS.**—No Federal agency may issue any license or permit to any person to conduct any activity within the park or which could affect the resources or values of the park unless the Secretary determines that any such proposed activity within the park will be conducted in a manner consistent with the standards and criteria established pursuant to the plan required in section 7 of this Act and wherever occurring will not have a significant adverse effect on the resources or values of the park.

(c) **LIMITATION.**—The provisions of this section shall apply only with respect to activities begun and licenses or permits issued after the date of enactment of this Act.

SEC. 6. ESTABLISHMENT OF ZUNI-CIBOLA ADVISORY COMMISSION.

16 USC 410pp-4.

(a) **ESTABLISHMENT.**—(1) There is established within the Department of the Interior a commission to be known as the Zuni-Cibola National Historical Park Advisory Commission which shall advise regularly the Director of the National Park Service on the planning, management, and administration of the park. The Advisory Commission shall consist of the Governor of the Zuni Tribe, the Director of the National Park Service, the Secretary of the Smithsonian Institution, the State Historic Preservation Officer of New Mexico (or their designees), and three members appointed by the Secretary from recommendations made by the Governor of the Zuni Tribe.

(2) The Advisory Commission is authorized to employ an administrative director who shall be appointed by the Advisory Commission and who shall be paid at a rate not to exceed the rate of pay payable for grade GS-12 of the General Schedule.

(3) The administrative director of the Advisory Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to classification

and General Schedule pay rates, except that the individual so appointed may not receive pay in excess of the annual rate of basic pay payable for grade GS-12 of the General Schedule.

(4) The Administrator of the General Services Administration shall provide to the Advisory Commission on a reimbursable basis such administrative support services as the Advisory Commission may request.

(b) **TERMS.**—The initial terms of members of the Advisory Commission appointed by the Secretary pursuant to subsection (a) shall be staggered, as determined by the Secretary, in order to assure continuity in the administration of the Advisory Commission. Thereafter the term shall be four years. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of such member's term until a successor is appointed. A vacancy in the Advisory Commission shall be filled in the manner in which the original appointment was made. The advisory Commission shall exist for the duration of a leasehold accepted by the Secretary pursuant to section 3, and any extensions or renewals thereof.

(c) **EXPENSES.**—The non-Federal members of the Advisory Commission appointed pursuant to subsection (a) while away from their homes or regular places of business in the performance of services for the Advisory Commission, shall be allowed travel and all other related expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) **CHAIR.**—The Governor of the Zuni Tribe shall be the Chair of the Advisory Commission. Other officers of the Advisory Commission shall be elected by a majority of the members of the Advisory Commission to serve for terms established by the Advisory Commission.

(e) **MEETINGS.**—The Advisory Commission shall meet at the call of the Chair or a majority of its members. Consistent with the public meeting requirements of the Federal Advisory Committee Act, the Advisory Commission shall from time to time meet with persons concerned with park issues relating to the Zuni Tribe.

(f) **APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—Except with respect to any requirement for reissuance of a charter and except as otherwise provided in this Act, the provisions of the Federal Advisory Committee Act shall apply to the Advisory Commission established by this section.

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16 USC 410pp-5.

SEC. 7. PARK PLAN.

(a) **DEADLINE.**—No later than 3 years after the date of the publication of a notice pursuant to section 3(a), the Secretary, acting through the Director of the National Park Service and in consultation with the Advisory Commission, shall develop and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate, a general management plan for the park which shall describe the appropriate uses and development of the park consistent with the purposes of this Act.

(b) **ELEMENTS.**—The park plan shall include (but not be limited to) the following:

(1) Plans for implementation of a continuing program of interpretation and visitor education about the resources and values of the park.

(2) Proposals for visitor use facilities to be developed for the park.

(3) Plans for management of the natural and cultural resources of the park in order to carry out the purposes specified in section 4(a)(2) of this Act, with particular emphasis on the preservation and long-term scientific use of archeological resources, giving high priority to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the park. The natural and cultural resources management plans shall be prepared in close consultation with the New Mexico State Historic Preservation Office and the Zuni Tribe and their traditional cultural and religious authorities.

(4) Proposals for training members of the Zuni Tribe in such fields as interpretation, management, and artifact curation.

(5) A plan to implement the provisions of section 8 of this Act so as to ensure the protection of the right of the Zuni people to practice traditional Zuni religious activities within the park boundaries in a manner consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996).

(6) Proposals for cooperative research and interpretive programs within the park to be carried out by the Zuni Tribe through its archeology program, with technical assistance from the National Park Service.

(7) Proposals for implementing the provisions of this Act relating to the operation and supply of park concessions by qualified Zuni-owned businesses.

SEC. 8. CULTURAL AND RELIGIOUS USES.

16 USC 410pp-6.

In furtherance of the American Indian Religious Freedom Act, the Secretary, upon the request of an appropriate official of the Zuni Tribe, may, from time to time, temporarily close to general public use one or more specific portions of the park in order to protect the privacy of religious activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes. Not later than 7 days after the first day on which any such closure takes effect, the Secretary shall provide written notification of such action to the Energy and Natural Resources Committee and Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

SEC. 9. DEFINITIONS.

16 USC 410pp-7.

As used in this Act—

(1) the term "Advisory Commission" means the Zuni-Cibola National Historical Park Advisory Commission established under section 6;

(2) the term "park" means lands constituting a Zuni-Cibola National Historical Park established under section 2;

(3) the term “park plan” means the general management plan developed pursuant to section 7; and

(4) the term “Secretary” means the Secretary of the Interior.

SEC. 10. ADDITION TO MASAU TRAIL.

16 USC
460uu-12.

The first sentence of section 202 of the Act of December 31, 1987 (Public Law 100-225; 101 Stat. 1540) is amended by striking out “and Gila Cliff Dwelling National Monument.” and inserting in lieu thereof “Gila Cliff Dwellings National Monument, and Zuni-Cibola National Historical Park.”.

16 USC 410pp-8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

Approved October 31, 1988.

LEGISLATIVE HISTORY—H.R. 4182 (S. 2162):

HOUSE REPORTS: No. 100-942 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-354 accompanying S. 2162 (Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 20, considered and passed House. S. 2162 considered and passed Senate.

Oct. 11, H.R. 4182 considered and passed Senate, amended.

Oct. 12, House concurred in Senate amendment.

