

107TH CONGRESS
2D SESSION

H. R. 5328

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 4, 2002

Mr. GIBBONS introduced the following bill; which was referred to the
Committee on Resources

A BILL

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

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. CONVEYANCE TO LANDER COUNTY, NEVADA.**

4 (a) FINDINGS.—Congress finds that—

5 (1) the historical use by settlers and travelers
6 since the late 1800's of the cemetery known as
7 “Kingston Cemetery” in Kingston, Nevada, predates

1 incorporation of the land within the jurisdiction of
2 the Forest Service on which the cemetery is situated;

3 (2) it is appropriate that that use be continued
4 through local public ownership of the parcel rather
5 than through the permitting process of the Federal
6 agency;

7 (3) in accordance with Public Law 85–569
8 (commonly known as the “Townsite Act”) (16
9 U.S.C. 478a), the Forest Service has conveyed to
10 the Town of Kingston 1.25 acres of the land on
11 which historic gravesites have been identified; and

12 (4) to ensure that all areas that may have un-
13 marked gravesites are included, and to ensure the
14 availability of adequate gravesite space in future
15 years, an additional parcel consisting of approxi-
16 mately 8.75 acres should be conveyed to the county
17 so as to include the total amount of the acreage in-
18 cluded in the original permit issued by the Forest
19 Service for the cemetery.

20 (b) CONVEYANCE ON CONDITION SUBSEQUENT.—

21 Subject to valid existing rights and the condition stated
22 in subsection (e), the Secretary of Agriculture, acting
23 through the Chief of the Forest Service (referred to in
24 this section as the “Secretary”), as soon as practicable
25 after the date of enactment of this Act, shall convey to

1 Lander County, Nevada (referred to in this section as the
2 “county”), for no consideration, all right, title, and inter-
3 est of the United States in and to the parcel of land de-
4 scribed in subsection (c).

5 (c) DESCRIPTION OF LAND.—The parcel of land re-
6 ferred to in subsection (b) is the parcel of National Forest
7 System land (including any improvements on the land)
8 known as “Kingston Cemetery”, consisting of approxi-
9 mately 10 acres and more particularly described as SW1/
10 4SE1/4SE1/4 of section 36, T. 16N., R. 43E., Mount Dia-
11 blo Meridian.

12 (d) EASEMENT.—At the time of the conveyance
13 under subsection (b), subject to subsection (e)(2), the Sec-
14 retary shall grant the county an easement allowing access
15 for persons desiring to visit the cemetery and other ceme-
16 tery purposes over Forest Development Road #20307B,
17 notwithstanding any future closing of the road for other
18 use.

19 (e) CONDITION ON USE OF LAND.—

20 (1) IN GENERAL.—The county (including its
21 successors) shall continue the use of the parcel con-
22 veyed under subsection (b) as a cemetery.

23 (2) TERMINATION AND REVERSION.—If the
24 Secretary, after notice to the county and an oppor-
25 tunity for a hearing, makes a finding that the coun-

1 ty has used or permitted the use of the parcel for
2 any purpose other than the purpose specified in
3 paragraph (1), and the county fails to discontinue
4 that use—

5 (A) title to the parcel in the county shall
6 terminate;

7 (B) title to the parcel shall revert to the
8 Secretary; and

9 (C) the easement granted to the county
10 under subsection (d) shall be revoked.

11 **SEC. 2. CONVEYANCE TO EUREKA COUNTY, NEVADA.**

12 (a) FINDINGS.—Congress finds that—

13 (1) the historical use by settlers and travelers
14 since the late 1800’s of the cemetery known as
15 “Maiden’s Grave Cemetery” in Beowawe, Nevada,
16 predates incorporation of the land within the juris-
17 diction of the Bureau of Land Management on
18 which the cemetery is situated; and

19 (2) it is appropriate that that use be continued
20 through local public ownership of the parcel rather
21 than through the permitting process of the Federal
22 agency.

23 (b) CONVEYANCE ON CONDITION SUBSEQUENT.—

24 Subject to valid existing rights and the condition stated
25 in subsection (e), the Secretary of the Interior, acting

1 through the Director of the Bureau of Land Management
2 (referred to in this section as the “Secretary”), as soon
3 as practicable after the date of enactment of this Act, shall
4 convey to Eureka County, Nevada (referred to in this sec-
5 tion as the “county”), for no consideration, all right, title,
6 and interest of the United States in and to the parcel of
7 land described in subsection (c).

8 (c) DESCRIPTION OF LAND.—The parcel of land re-
9 ferred to in subsection (b) is the parcel of public land (in-
10 cluding any improvements on the land) known as “Maid-
11 en’s Grave Cemetery”, consisting of approximately 10
12 acres and more particularly described as S1/2NE1/4SW1/
13 4SW1/4, N1/2SE1/4SW1/4SW1/4 of section 10, T.31N.,
14 R.49E., Mount Diablo Meridian.

15 (d) EASEMENT.—At the time of the conveyance
16 under subsection (b), subject to subsection (e)(2), the Sec-
17 retary shall grant the county an easement allowing access
18 for persons desiring to visit the cemetery and other ceme-
19 tery purposes over an appropriate access route.

20 (e) CONDITION ON USE OF LAND.—

21 (1) IN GENERAL.—The county (including its
22 successors) shall continue the use of the parcel con-
23 veyed under subsection (b) as a cemetery.

24 (2) TERMINATION AND REVERSION.—If the
25 Secretary, after notice to the county and an oppor-

1 tunity for a hearing, makes a finding that the coun-
2 ty has used or permitted the use of the parcel for
3 any purpose other than the purpose specified in
4 paragraph (1), and the county fails to discontinue
5 that use—

6 (A) title to the parcel in the county shall
7 terminate;

8 (B) title to the parcel shall revert to the
9 Secretary; and

10 (C) the easement granted to the county
11 under subsection (d) shall be revoked.

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