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SENATE

{ REPORT
113-278

TO REQUIRE THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN
FEDERAL LAND TO ELKO COUNTY, NEVADA, AND TO TAKE LAND INTO
TRUST FOR CERTAIN INDIAN TRIBES, AND FOR OTHER PURPOSES

DECEMBER 1, 2014.—Ordered to be printed

Mr. TESTER, from the Senate Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 2480]

The Committee on Indian Affairs, to which was referred the bill (S. 2480) to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for certain Indian tribes, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

PURPOSE

The purpose of S. 2480 is to require the Secretary of the Interior (Secretary) to convey approximately 45,643 acres from the Bureau of Land Management (BLM) to six federally recognized tribes in Nevada, to be held in trust by the United States for the benefit of those tribes, and to convey 275 acres from the BLM to the County of Elko, Nevada.

BACKGROUND AND NEED FOR LEGISLATION

The United States has distinct legal obligations to provide for the general welfare of and protect the trust assets of American Indian tribes. The Secretary of the Interior has the authority to take land into trust for Indian tribes.

Many Nevada tribes have relatively small reservations and need additional lands for housing for tribal members, economic development opportunities, and recreational activities. Certain lands can also have cultural significance for the tribes, such as ancient sites and traditional gathering areas.

This legislation, S. 2480, would transfer over 45,000 acres of federal lands into trust for the benefit of several Nevada tribes. This

legislation is necessary due to the limited mechanisms for placing federal public lands directly into trust for Indian tribes.

The Elko Band (Band) is one of four bands of the Te-Moak Tribe of Western Shoshone Indians. In the late 1800s, many Western Shoshone tribal members lived near Elko, Nevada. In the early 1900s, the federal government moved the Elko Band onto a 160-acre reservation, or colony, near the city of Elko.

Today, 193 acres are held in trust for the Band. The Band owns and operates a smokeshop and convenience store on the colony, but more land is needed to create room for housing and additional economic development opportunities. This legislation would expand the reservation by placing 373 acres of BLM-managed land into trust, held by the Secretary for the benefit of the Band.

The Fort McDermitt Paiute and Shoshone Tribes are located on the Nevada and Oregon border. Their reservation consists of 16,354 acres in Nevada and 19,000 acres in Oregon. They have a limited economy with one truckstop along Highway 95. This legislation would place 19,094 acres of BLM-managed lands into trust, held by the Secretary for the benefit of the Fort McDermitt Tribes.

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation are on the Nevada and Idaho border near Owyhee, Nevada. Before the turn of the last century, the federal government forced many Shoshones and Paiutes onto one reservation. The reservation was established by Executive Order in 1877 and is currently composed of 289,819 acres. The Shoshone-Paiute Tribes rely on agriculture and ranching for the Duck Valley economy. This legislation would direct that 82 more acres of U.S. Forest Service land, which contains unused housing stock for federal employees that these Tribes will rehabilitate, be transferred to the Department and be held in trust by the Secretary for the benefit of the Shoshone-Paiute Tribes.

The Summit Lake Paiute Tribe has its reservation in one of the most remote areas of Nevada, 50 miles south of the Oregon border and 70 miles east of the California border. The reservation was established in 1913 with a total size of 12,573 acres. This legislation would transfer an additional 941 acres of BLM-managed land into trust, held by the Secretary for the benefit of the Summit Lake Paiute Tribe.

The Reno-Sparks Indian Colony consists of about 1,100 members from three Great Basin Tribes—the Paiute, the Shoshone and the Washoe. This tribe has a 28-acre colony in Reno, Nevada, which is namely used for tribal services, and commercial and residential areas. The tribe also has a 1,920 acre reservation in Hungry Valley, Nevada, 19 miles north of Reno which is primarily residential. The surrounding federal lands are currently used for recreational purposes such as shooting practice and ATV riding and a buffer zone is needed to protect tribal lands from these activities. This legislation would place 13,434 acres of BLM-managed land into trust, held by the Secretary for the benefit of this tribe. The lands would be added to the Hungry Valley Reservation.

The Pyramid Lake Paiute Tribe is located 35 miles northeast of Reno, Nevada, in Washoe, Lyon and Storey Counties. The reservation is 475,000 acres, which included Pyramid Lake, an approximately 112,000-acre terminal desert lake. The Tribe's economy is dependent upon Pyramid Lake, which the Tribe has striven to pro-

tect while also sharing with the public. This legislation would place 11,719 acres of BLM-managed land into trust, held by the Secretary for the benefit of the Pyramid Lake Paiute Tribe.

Title I of this legislation conveys land for a motocross park to the County of Elko, Nevada.

LEGISLATIVE HISTORY

S. 2480 was introduced on June 17, 2014, by Senators Reid and Heller. The bill was referred to the Committee on Indian Affairs. On July 9, 2014, the Committee held a hearing on the bill. On July 30, 2014, the Committee met at a business meeting to consider the bill. One amendment was offered and adopted, and the bill, as amended, was ordered to be reported favorably to the Senate by voice vote.

There is a House companion bill, H.R. 2455. A version of this bill (containing only the Elko Band provisions) was introduced in the 111th Congress (S. 3185) and the 112th Congress (S. 617).

SUMMARY OF THE AMENDMENT

Chairman Tester filed an amendment in the nature of a substitute at the July 30, 2014, business meeting. The amendment made the following changes:

Pyramid Lake conveyance

The Tribe agreed to remove certain tracts being placed into trust for its benefit, which reduced the number of acres the bill would transfer in Section 201(f) from approximately 30,669 acres to approximately 11,719 acres.

The South Fork Band

The amendment struck section 201(g) of the bill, regarding the transfer of land to be held in trust for the Te-Moak Tribe of Western Shoshone Indians of Nevada. The Tribe supports their provisions being removed from the current bill.

Land use

The amendment changed section 202(b) of the bill by removing various land use limitations (except for the prohibition on Class II or Class III gaming).

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Section 1. Short Title; Table of Contents

The Act may be cited as the ‘Nevada Native Nations Land Act’.

Section 2. Definition of Secretary

Section 2 defines the “Secretary” as the Secretary of the Interior.

Title I. Elko Motocross Land Conveyance

Section 101. Definitions

Section 101 provides definitions used throughout this title.

Section 102. Conveyance of Land to County

Section 102 provides for conveyance of 275 acres of land managed by the BLM to Elko County for use only as a motocross, bicycle, off-highway vehicle, or stock car racing area, or for any other public purpose consistent with uses allowed under the Recreation and Public Purposes Act of 1926 (43 U.S.C. 869 et seq.).

TITLE II. CONVEYANCE OF LAND TO INDIAN TRIBES

Section 201. Conveyance of Land to be Held in Trust for Certain Indian Tribes.

Section 201 provides for the United States to hold in trust, for the benefit of six tribes, separate tracts of land to become part of those tribes' reservations:

Tribe	Acres
Te-Moak Tribe of Western Shoshone Indians of Nevada (Elko Band)	373
Fort McDermitt Paiute and Shoshone Tribe	19,094
Duck Valley Shoshone Paiute Tribes	82
Summit Lake Paiute Tribe	941
Reno-Sparks Indian Colony	13,434
Pyramid Lake Paiute Tribe	11,719
Total Acres	45,643

Section 202. Administration

Section 202 provides for the survey and uses of the lands taken into trust for the six Tribes. Use of those lands for class II gaming or class III gaming is prohibited by this legislation. Section 202 also provides that the Secretary, in consultation with the Tribes, may carry out fuel reduction and other landscape restoration activities on the lands taken into trust.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, August 29, 2014, was prepared for S. 2480:

AUGUST 29, 2014.

Hon. JON TESTER,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2480, the Nevada Native Nations Lands Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 2480—Nevada Native Nations Lands Act

S. 2480 would authorize several land conveyances between the federal government, the state of Nevada, and various tribes in Nevada. The bill would make the following conveyances:

- 275 acres of land managed by the Bureau of Land Management (BLM) to Elko County, Nevada,
- 373 acres of land managed by BLM to be held in trust for the benefit of the Te-Moak Tribe of Western Shoshone Indians of Nevada,
- 19,094 acres of land managed by BLM to be held in trust for the benefit of the Fort McDermitt Paiute and Shoshone Tribe,
- 82 acres of land managed by the United States Forest Service to be held in trust for the benefit of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation,
- 941 acres of land managed by BLM to be held in trust for the benefit of the Summit Lake Paiute Tribe,
- 13,434 acres of land managed by BLM to be held in trust for the benefit of the Reno-Sparks Indian Colony, and
- 11,719 acres of land managed by BLM to be held in trust for the benefit of the Pyramid Lake Paiute Tribe.

Based on information provided by the affected agencies, CBO estimates that implementing the legislation would have no significant effect on the federal budget. The affected lands are expected to generate receipts for the federal government from grazing fees and leases under current law. Thus, CBO estimates that conveying those lands would reduce offsetting receipts (which are treated as increases in direct spending); however, we estimate that such losses would be minimal. Because enacting S. 2480 would affect direct spending, pay-as-you-go procedures apply. Enacting S. 2480 would not affect revenues.

S. 2480 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On August 28, 2014, CBO transmitted a cost estimate for H.R. 2455, the Nevada Native Nations Lands Act, as ordered reported by the House Committee on Natural Resources on June 19, 2014. The two pieces of legislation are similar and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 2480.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 2480 will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW (CORDON RULE)

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee finds that the enactment of S. 2480 will not make any changes in existing law.

