

108TH CONGRESS
1ST SESSION

S. 1819

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 SENATE OF THE UNITED STATES

NOVEMBER 4, 2003

Mr. REID (for himself and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural 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. SHORT TITLE.**

4 This Act may be cited as the “Central Nevada Rural
5 Cemeteries Act”.

6 **SEC. 2. CONVEYANCE TO LANDER COUNTY, NEVADA.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the historical use by settlers and travelers
2 since the late 1800's of the cemetery known as
3 "Kingston Cemetery" in Kingston, Nevada, predates
4 incorporation of the land within the jurisdiction of
5 the Forest Service on which the cemetery is situated;

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

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

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

23 (b) CONVEYANCE ON CONDITION SUBSEQUENT.—
24 Subject to valid existing rights and the condition stated
25 in subsection (e), the Secretary of Agriculture, acting

1 through the Chief of the Forest Service (referred to in
 2 this section as the “Secretary”), not later than 90 days
 3 after the date of enactment of this Act, shall convey to
 4 Lander County, Nevada (referred to in this section as the
 5 “county”), for no consideration, all right, title, and inter-
 6 est of the United States in and to the parcel of land de-
 7 scribed in subsection (c).

8 (c) DESCRIPTION OF LAND.—The parcel of land re-
 9 ferred to in subsection (b) is the parcel of National Forest
 10 System land (including any improvements on the land)
 11 known as “Kingston Cemetery”, consisting of approxi-
 12 mately 10 acres and more particularly described as
 13 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 36, T. 16N., R. 43E., Mount
 14 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 Forest Development Road #20307B,
 20 notwithstanding any future closing of the road for other
 21 use.

22 (e) CONDITION ON USE OF LAND.—

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

1 (2) REVERSION.—If the Secretary, after notice
 2 to the county and an opportunity for a hearing,
 3 makes a finding that the county has used or per-
 4 mitted the use of the parcel for any purpose other
 5 than the purpose specified in paragraph (1), and the
 6 county fails to discontinue that use—

7 (A) title to the parcel shall revert to the
 8 Secretary, to be administered by the Secretary;
 9 and

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

12 (3) WAIVER.—The Secretary may waive the ap-
 13 plication of subparagraph (A) or (B) of paragraph
 14 (2) if the Secretary determines that a waiver would
 15 be in the best interests of the United States.

16 **SEC. 3. CONVEYANCE TO EUREKA COUNTY, NEVADA.**

17 (a) FINDINGS.—Congress finds that—

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

24 (2) it is appropriate that that use be continued
 25 through local public ownership of the parcel rather

1 than through the permitting process of the Federal
2 agency.

3 (b) CONVEYANCE ON CONDITION SUBSEQUENT.—

4 Subject to valid existing rights and the condition stated
5 in subsection (e), the Secretary of the Interior, acting
6 through the Director of the Bureau of Land Management
7 (referred to in this section as the “Secretary”), not later
8 than 90 days after the date of enactment of this Act, shall
9 convey to Eureka County, Nevada (referred to in this sec-
10 tion as the “county”), for no consideration, all right, title,
11 and interest of the United States in and to the parcel of
12 land described in subsection (c).

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

20 (d) EASEMENT.—At the time of the conveyance
21 under subsection (b), subject to subsection (e)(2), the Sec-
22 retary shall grant the county an easement allowing access
23 for persons desiring to visit the cemetery and other ceme-
24 tery purposes over an appropriate access route consistent
25 with current access.

1 (e) CONDITION ON USE OF LAND.—

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

5 (2) REVERSION.—If the Secretary, after notice
6 to the county and an opportunity for a hearing,
7 makes a finding that the county has used or per-
8 mitted the use of the parcel for any purpose other
9 than the purpose specified in paragraph (1), and the
10 county fails to discontinue that use—

11 (A) title to the parcel shall revert to the
12 Secretary, to be administered by the Secretary;
13 and

14 (B) the easement granted to the county
15 under subsection (d) shall be revoked.

16 (3) WAIVER.—The Secretary may waive the ap-
17 plication of subparagraph (A) or (B) of paragraph
18 (2) if the Secretary determines that a waiver would
19 be in the best interests of the United States.

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