

111TH CONGRESS
2^D SESSION

H. R. 5416

To require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2010

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

A BILL

To require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Elko Motocross and Tribal Conveyance Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

- Sec. 101. Definitions.
 Sec. 102. Conveyance of land to county.

TITLE II—ELKO INDIAN COLONY EXPANSION

- Sec. 201. Definitions.
 Sec. 202. Land to be held in trust for the Te-moak Tribe of Western Shoshone
 Indians of Nevada.
 Sec. 203. Authorization of appropriations.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
 3 retary of the Interior, acting through the Bureau of Land
 4 Management.

5 **TITLE I—ELKO MOTOCROSS**
 6 **LAND CONVEYANCE**

7 **SEC. 101. DEFINITIONS.**

8 In this title:

9 (1) CITY.—The term “city” means the city of
 10 Elko, Nevada.

11 (2) COUNTY.—The term “county” means the
 12 county of Elko, Nevada.

13 (3) MAP.—The term “map” means the map en-
 14 titled “Elko Motocross Park” and dated January 9,
 15 2010.

16 **SEC. 102. CONVEYANCE OF LAND TO COUNTY.**

17 (a) IN GENERAL.—As soon as practicable after the
 18 date of enactment of this Act, subject to valid existing
 19 rights, and notwithstanding the land use planning require-
 20 ments of sections 202 and 203 of the Federal Land Policy

1 and Management Act of 1976 (43 U.S.C. 1712, 1713),
2 the Secretary shall convey to the county, without consider-
3 ation, all right, title, and interest of the United States in
4 and to the land described in subsection (b).

5 (b) DESCRIPTION OF LAND.—The land referred to in
6 subsection (a) consists of approximately 300 acres of land
7 managed by the Bureau of Land Management, Elko Dis-
8 trict, Nevada, as depicted on the map as “Elko Motocross
9 Park”.

10 (c) MAP AND LEGAL DESCRIPTION.—

11 (1) IN GENERAL.—As soon as practicable after
12 the date of enactment of this Act, the Secretary
13 shall finalize the legal description of the parcel to be
14 conveyed under this section.

15 (2) MINOR ERRORS.—The Secretary may cor-
16 rect any minor error in—

17 (A) the map; or

18 (B) the legal description.

19 (3) AVAILABILITY.—The map and legal descrip-
20 tion shall be on file and available for public inspec-
21 tion in the appropriate offices of the Bureau of
22 Land Management.

23 (d) USE OF CONVEYED LAND.—The land conveyed
24 under subsection (a) shall be used only—

1 (1) as a motocross, off-highway vehicle, and
2 stock car racing area; or

3 (2) for any other public purpose consistent with
4 the Act of June 14, 1926 (commonly known as the
5 “Recreation and Public Purposes Act”), (43 U.S.C.
6 869 et seq.).

7 (e) ADMINISTRATIVE COSTS.—The Secretary shall
8 require the county to pay all survey costs and other admin-
9 istrative costs necessary for the preparation and comple-
10 tion of any patents for, and transfers of title to, the land
11 described in subsection (b).

12 (f) REVERSION.—If the land conveyed under sub-
13 section (a) ceases to be used for the public purpose for
14 which the land was conveyed, the land shall, at the discre-
15 tion of the Secretary, revert to the United States.

16 **TITLE II—ELKO INDIAN COLONY** 17 **EXPANSION**

18 **SEC. 201. DEFINITIONS.**

19 In this title:

20 (1) MAP.—The term “map” means the map en-
21 titled “Te-moak Tribal Land Expansion”, dated
22 September 30, 2008, and on file and available for
23 public inspection in the appropriate offices of the
24 Bureau of Land Management.

1 (2) **TRIBE.**—The term “Tribe” means the Te-
2 moak Tribe of Western Shoshone Indians of Nevada,
3 which is a federally recognized Indian tribe.

4 **SEC. 202. LAND TO BE HELD IN TRUST FOR THE TE-MOAK**
5 **TRIBE OF WESTERN SHOSHONE INDIANS OF**
6 **NEVADA.**

7 (a) **IN GENERAL.**—Subject to valid existing rights,
8 all right, title, and interest of the United States in and
9 to the land described in subsection (b)—

10 (1) shall be held in trust by the United States
11 for the benefit and use of the Tribe; and

12 (2) shall be part of the reservation of the Tribe.

13 (b) **DESCRIPTION OF LAND.**—The land referred to in
14 subsection (a) consists of approximately 373 acres of land
15 administered by the Bureau of Land Management and
16 identified on the map as “Lands to be Held in Trust”.

17 (c) **SURVEY.**—Not later than 180 days after the date
18 of enactment of this Act, the Secretary shall complete a
19 survey of the boundary lines to establish the boundaries
20 of the land taken into trust under subsection (a).

21 (d) **CONDITIONS.**—

22 (1) **RIGHTS-OF-WAY.**—Before taking the land
23 into trust under subsection (a), not later than 120
24 days after the date of enactment of this Act, the
25 Secretary shall—

1 (A) complete any applicable environmental
2 review for conveyance of a right-of-way for Jen-
3 nings Road, as depicted on the map; and

4 (B) subject to the environmental review
5 under subparagraph (A), convey the right-of-
6 way to the City of Elko.

7 (2) GAMING.—Land taken into trust under sub-
8 section (a) shall not be eligible, or considered to
9 have been taken into trust, for class II gaming or
10 class III gaming (as those terms are defined in sec-
11 tion 4 of the Indian Gaming Regulatory Act (25
12 U.S.C. 2703)).

13 (3) USE OF TRUST LAND.—With respect to the
14 use of the land taken into trust under subsection
15 (a), the Tribe shall limit the use of the land to—

16 (A) traditional and customary uses;

17 (B) stewardship conservation for the ben-
18 efit of the Tribe; and

19 (C)(i) residential or recreational develop-
20 ment; or

21 (ii) commercial use.

22 (4) THINNING; LANDSCAPE RESTORATION.—
23 With respect to the land taken into trust under sub-
24 section (a), the Secretary, in consultation and co-
25 ordination with the Tribe, may carry out any fuels

1 reduction and other landscape restoration activities
2 on the land that is beneficial to the Tribe and the
3 Bureau of Land Management.

4 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this title.

○