

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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# H. R. 541

## AN ACT

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 Esmeralda County, Nevada, for continued use as cemeteries.



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## AN ACT

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,*

1 **SECTION 1. CONVEYANCE TO LANDER COUNTY, NEVADA.**

2 (a) FINDINGS.—Congress finds that the following:

3 (1) The historical use by settlers and travelers  
4 since the late 1800’s of the cemetery known as  
5 “Kingston Cemetery” in Kingston, Nevada, predates  
6 incorporation of the land within the jurisdiction of  
7 the Forest Service on which the cemetery is situated.

8 (2) It is appropriate that use be continued  
9 through local public ownership of the parcel rather  
10 than through the permitting process of the Federal  
11 agency.

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

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

25 (b) CONVEYANCE ON CONDITION SUBSEQUENT.—  
26 Subject to valid existing rights and the condition stated

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

9 (c) DESCRIPTION OF LAND.—The parcel of land re-  
10 ferred to in subsection (b) is the parcel of National Forest  
11 System land (including any improvements on the land)  
12 known as “Kingston Cemetery”, consisting of approxi-  
13 mately 10 acres and more particularly described as SW1/  
14 4SE1/4SE1/4 of section 36, T. 16N., R. 43E., Mount Dia-  
15 blo Meridian.

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

23 (e) CONDITION ON USE OF LAND.—

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

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

10                   (A) title to the parcel shall revert to the  
11 United States to be administered by the Sec-  
12 retary; and

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

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

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

20           (a) FINDINGS.—Congress finds the following:

21                   (1) The historical use by settlers and travelers  
22 since the late 1800s of the cemetery known as  
23 “Maiden’s Grave Cemetery” in Beowawe, Nevada,  
24 predates incorporation of the land within the juris-

1       diction of the Bureau of Land Management on  
2       which the cemetery is situated.

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

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

17      (c) DESCRIPTION OF LAND.—The parcel of land re-  
18      ferred to in subsection (b) is the parcel of public land (in-  
19      cluding any improvements on the land) known as “Maid-  
20      en’s Grave Cemetery”, consisting of approximately 10  
21      acres and more particularly described as S1/2NE1/4SW1/  
22      4SW1/4, N1/2SE1/4SW1/4SW1/4 of section 10, T.31N.,  
23      R.49E., Mount Diablo Meridian.

24      (d) EASEMENT.—At the time of the conveyance  
25      under subsection (b), subject to subsection (e)(2), the Sec-

1   retary shall grant the county an easement allowing access  
2   for persons desiring to visit the cemetery and other ceme-  
3   tery purposes over an appropriate access route consistent  
4   with current access.

5       (e) CONDITION ON USE OF LAND.—

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

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

15           (A) title to the parcel shall revert to the  
16   United States to be administered by the Sec-  
17   retary; and

18           (B) the easement granted to the county  
19   under subsection (d) shall be revoked.

20           (3) WAIVER.—The Secretary may waive the ap-  
21   plication of paragraph (2)(A) or (2)(B) if the Sec-

1       retary determines that such a waiver would be in the  
2       best interests of the United States.

Passed the House of Representatives April 12, 2005.

Attest:

*Clerk.*