

109TH CONGRESS
1ST SESSION

H. R. 541

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2005

Received; read twice and referred to the Committee on Energy and Natural
Resources

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-

