

**Calendar No. 199**108TH CONGRESS  
1ST SESSION**S. 490****[Report No. 108-91]**

To direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

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**IN THE SENATE OF THE UNITED STATES**

FEBRUARY 27, 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

JULY 11, 2003

Reported by Mr. DOMENICI, with amendments

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**A BILL**

To direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

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. WASHOE TRIBE LAND CONVEYANCE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the ancestral homeland of the Washoe Tribe  
4 of Nevada and California (referred to in this Act as  
5 the “Tribe”) included an area of approximately  
6 5,000 square miles in and around Lake Tahoe, Cali-  
7 fornia and Nevada, and Lake Tahoe was the heart  
8 of the territory;

9 (2) in 1997, Federal, State, and local govern-  
10 ments, together with many private landholders, rec-  
11 ognized the Washoe people as indigenous people of  
12 Lake Tahoe Basin through a series of meetings con-  
13 vened by those governments at 2 locations in Lake  
14 Tahoe;

15 (3) the meetings were held to address protec-  
16 tion of the extraordinary natural, recreational, and  
17 ecological resources in the Lake Tahoe region;

18 (4) the resulting multiagency agreement in-  
19 cludes objectives that support the traditional and  
20 customary uses of National Forest System land by  
21 the Tribe; and

22 (5) those objectives include the provision of ac-  
23 cess by members of the Tribe to the shore of Lake  
24 Tahoe in order to reestablish traditional and cus-  
25 tomary cultural practices.

26 (b) (a) PURPOSES.—The purposes of this Act are—

1           (1) to implement the joint local, State, tribal,  
2           and Federal objective of returning the Tribe to Lake  
3           Tahoe; and

4           (2) to ensure that members of the Tribe have  
5           the opportunity to engage in traditional and cus-  
6           tomary cultural practices on the shore of Lake  
7           Tahoe to meet the needs of spiritual renewal, land  
8           stewardship, Washoe horticulture and ethnobotany,  
9           subsistence gathering, traditional learning, and re-  
10          unification of tribal and family bonds.

11          ~~(e)~~ (b) CONVEYANCE ON CONDITION SUBSEQUENT.—

12 Subject to valid existing rights, the easement reserved  
13 under subsection (d), and the condition stated in sub-  
14 section (e), the Secretary of Agriculture shall convey to  
15 the Secretary of the Interior, in trust for the Tribe, for  
16 no consideration, all right, title, and interest in the parcel  
17 of land comprising approximately 24.3 acres, located with-  
18 in the Lake Tahoe Basin Management Unit north of  
19 Skunk Harbor, Nevada, and more particularly described  
20 as Mount Diablo Meridian, T15N, R18E, section 27,  
21 lot 3.

22          ~~(d)~~ (c) EASEMENT.—

23           (1) IN GENERAL.—The conveyance under sub-  
24           section (c) shall be made subject to reservation to  
25           the United States of a nonexclusive easement for

1 public and administrative access over Forest Devel-  
 2 opment Road #15N67 to National Forest System  
 3 land, to be administered by the Secretary of Agri-  
 4 culture.

5 (2) ACCESS BY INDIVIDUALS WITH DISABIL-  
 6 ITIES.—The Secretary of Agriculture shall provide a  
 7 reciprocal easement to the Tribe permitting vehic-  
 8 ular access to the parcel over Forest Development  
 9 Road #15N67 to—

10 (A) members of the Tribe for administra-  
 11 tive and safety purposes; and

12 (B) members of the Tribe who, due to age,  
 13 infirmity, or disability, would have difficulty ac-  
 14 cessing the conveyed parcel on foot.

15 ~~(c)~~ (d) CONDITION ON USE OF LAND.—

16 (1) IN GENERAL.—In using the parcel conveyed  
 17 under subsection (c), the Tribe and members of the  
 18 Tribe—

19 (A) shall limit the use of the parcel to tra-  
 20 ditional and customary uses and stewardship  
 21 conservation for the benefit of the Tribe;

22 (B) shall not permit any permanent resi-  
 23 dential or recreational development on, or com-  
 24 mercial use of, the parcel (including commercial

1 development, tourist accommodations, gaming,  
2 sale of timber, or mineral extraction); and

3 (C) shall comply with environmental re-  
4 quirements that are no less protective than en-  
5 vironmental requirements that apply under the  
6 Regional Plan of the Tahoe Regional Planning  
7 Agency.

8 (2) TERMINATION AND REVERSION.—If the  
9 Secretary of the Interior, after notice to the Tribe  
10 and an opportunity for a hearing, based on moni-  
11 toring of use of the parcel by the Tribe, makes a  
12 finding that the Tribe has used or permitted the use  
13 of the parcel in violation of paragraph (1) and the  
14 Tribe fails to take corrective or remedial action di-  
15 rected by the Secretary of the Interior—

16 (A) title to the parcel in the Secretary of  
17 the Interior, in trust for the Tribe, shall termi-  
18 nate; and

19 (B) title to the parcel shall revert to the  
20 Secretary of Agriculture.

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