

PUBLIC LAW 108-67—AUG. 1, 2003

WASHOE INDIAN TRIBE TRUST LAND
CONVEYANCE

Public Law 108–67
108th Congress

An Act

Aug. 1, 2003
[H.R. 74]

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

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

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

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

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

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

SEC. 2. CONVEYANCE ON CONDITION SUBSEQUENT.

Subject to valid existing rights, the easement reserved under section 3, and the condition stated in section 4, the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk

Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

SEC. 3. EASEMENT.

(a) **IN GENERAL.**—The conveyance under section 2 shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(b) **ACCESS BY INDIVIDUALS WITH DISABILITIES.**—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

- (1) members of the Tribe for administrative and safety purposes; and
- (2) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

SEC. 4. CONDITION ON USE OF LAND.

(a) **IN GENERAL.**—In using the parcel conveyed under section 2, the Tribe and members of the Tribe—

- (1) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;
- (2) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and
- (3) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(b) **TERMINATION AND REVERSION.**—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of subsection (a) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

- (1) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(2) title to the parcel shall revert to the Secretary of Agriculture.

Approved August 1, 2003.

LEGISLATIVE HISTORY—H.R. 74 (S. 490):

HOUSE REPORTS: No. 108-185 (Comm. on Resources).

SENATE REPORTS: No. 108-91 accompanying S. 490 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, considered and passed House.

July 17, considered and passed Senate.

