

# Committee on Natural Resources

Rob Bishop, Chairman  
Mark-Up Memorandum

March 14, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff,  
Subcommittee on Indian, Insular, and Alaska Native Affairs (x6-9725)

Mark-Up: H.R. 2733 (Rep. Mark Amodei), To require the Secretary of the Interior to take land into trust for certain Indian tribes, and for other purposes.  
**March 15-16, 2016 1324 Longworth HOB**

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**H.R. 2733 (Rep. Mark Amodei), “Nevada Native Nations Land Act”**

## **Summary of the Bill:**

H.R. 2733 was introduced by Rep. Mark Amodei (NV-2) on June 11, 2015. The bill places in trust a total of approximately 71,100 acres of public land, identified on specified maps described in the bill, which would expand reservations of the Paiute and Shoshone Tribe of the Fort McDermitt Reservation, the Shoshone Paiute Tribe of the Duck Valley Indian Reservation, the Summit Lake Paiute Tribe of the Summit Lake Reservation, the Reno-Sparks Indian Colony, the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, and the Duckwater Shoshone Tribe of the Duckwater Reservation. Under the bill, gaming under the Indian Gaming Regulatory Act<sup>1</sup> is prohibited on the lands taken into trust. Maps referenced in H.R. 2733 are attached to this memorandum.

## **Cosponsors:**

Rep. Cresent Hardy (NV-4) and Rep. Joseph Heck (NV-3)

## **Background:**

The Fort McDermitt Paiute Tribe and Shoshone Tribe both share the **Fort McDermitt Reservation**, Humboldt County, Nevada and Malheur County, Oregon. The reservation, originally established by Executive Order in 1867, is approximately 32,000 acres in size and is 75 miles north of Winnemucca, Nevada. The land was allotted under the General Allotment Act of 1887 and it was further opened to homesteading by non-Indians. A number of Acts of Congress have authorized the reacquisition of some of these lands by the tribes. Currently, the tribes have approximately 16,000 acres of trust land. The tribes plan to use the land transferred under the bill for the development of natural resources.

The **Duck Valley Reservation**, on the Nevada-Idaho border (Elko County, Nevada, and Owyhee County, Idaho), encompassing close to 290,000 acres was established by several

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<sup>1</sup> 25 U.S.C. 2701 et seq.

Executive Orders beginning in 1877. The tribe plans to use the lands transferred under the bill to address a tribal housing shortage.

The **Summit Lake Paiute Reservation**, established by Executive Order in 1913, is located in northwestern Nevada (Humboldt County). It is more than 10,000 acres. This tribe is a part of the greater Paiute tribe, a large group of Indian people who occupied a large part of the eastern slopes of the Sierra and Cascades ranges until encroachment by non-Indians led to the creation of a reservation for their use and occupation. The reservation includes a small part of Summit Lake. The tribe plans to use the lands transferred under the bill for protection and management of Summit Lake including natural resources and a once abundant Lahontan cutthroat trout population.

The **Reno-Sparks Indian Colony**, in western Nevada near the California border, has a small amount of lands in Reno and nearly 2,000 acres in Hungry Valley. In 1916, Congress authorized the purchase of 8.42 acres as a site for the colony (similar to the manner in which Congress authorized the Department of the Interior to purchase lands for Rancherias). Though Congress did not designate these lands as a reservation or as a federal trust, in subsequent years, the Secretary of the Interior nonetheless treated the lands and the Indians living on it as an Indian reservation. The tribe plans to use the lands transferred under the bill to alleviate a housing strain, and for cultural preservation and development.

The **Pyramid Lake Reservation** is approximately a half-million acres in a remote part of Western Nevada, in Washoe, Lyon, and Stoney counties, 40 miles away from Reno. Several communities are within the reservation, including Nixon, Sutcliffe, and Wadsworth. Its reservation was formally established by Executive Order in 1874 after earlier orders by the government began to reserve this area for Paiute Indians after tensions arose with non-Indian settlers. About 112,000 acres of the reservation include Summit Lake, the state's largest, while the rest of the lands are high desert. Through receiving additional lands under the bill, the tribe plans to incorporate the watershed of Pyramid Lake. Other uses include potential economic development and management efficiency.

The **Duckwater Indian Reservation** of Shoshone Tribe is composed of approximately 300,000 acres and located in east-central Nevada, approximately 225 miles southeast of Elko. Though most of the reservation land is owned by the tribe, only 3,785 acres of land are held in trust. Due to the small land base the tribe has only 94 enrolled members living on the reservation. The tribe has expressed that they would use additional land to support additional grazing and agricultural activities, promote renewable energy and economic development and housing.

### **Major Provisions/Analysis of the bill:**

*Section 3. Conveyance of Land to be held in trust for certain Indian Tribes.*

Fort McDermitt Indian Reservation: Places approximately 19,094 acres of BLM-administered public land in trust for the Fort McDermitt Paiute and Shoshone Tribe, subject to valid existing rights. Lands are depicted on a map dated February 21, 2013 titled "Reservation Expansion Lands," on file at the local BLM office.

Duck Valley Indian Reservation: Places approximately 82 acres of National Forest System land in trust for the benefit of the Shoshone-Paiute Tribe, subject to valid existing rights. Lands are depicted on a map dated July 29, 2013 titled “Mountain City Administrative Site Proposed Acquisition,” on file at the local Forest Service office.

Summit Lake Indian Reservation: Places approximately 941 acres of BLM administered public land in trust for the benefit of the Summit Lake Paiute Tribe, subject to valid existing rights. Lands are depicted on a map dated February 28, 2013 titled “Summit Lake Indian Reservation Conveyance,” on file at the local BLM office.

Reno-Sparks Indian Colony: Places approximately 13,434 acres of BLM-administered public land in trust for the benefit of the Reno-Sparks Indian Colony, subject to valid existing rights. Lands are depicted on a map dated June 11, 2014 titled “Reno-Sparks Indian Colony Expansion,” on file at the local BLM office.

Pyramid Lake Indian Reservation: Places approximately 6,357 acres of BLM administered public land in trust for the benefit of the Pyramid Lake Paiute Tribe, subject to valid existing rights. Lands are depicted on a map dated April 13, 2015 titled “Pyramid Lake Indian Reservation Expansion,” on file at the local BLM office.

Duckwater Reservation: Places approximately 31,229 acres of BLM managed lands in trust for the benefit of the Duckwater Shoshone Tribe, subject to valid existing rights. Lands are depicted on a map dated January 12, 2015 titled “Duckwater Reservation Expansion,” on file at the local BLM office.

*Section 4. Administration.* Directs the Secretary of Interior, within 180 days of enactment, to complete a survey of boundary lines for each of the sections of land to be taken into trust under Section 3. The Secretary is also authorized to carry out fuel reduction and other landscape restoration activities, on the lands taken into trust under Section 3, that are beneficial to an Indian tribe and the Bureau of Land Management.

Finally, any lands taken into trust under Section 3 shall not be eligible for gaming activities pursuant to the Indian Gaming Regulatory Act.<sup>2</sup>

#### *Previous Committee Action*

In the 113<sup>th</sup> Congress, the House of Representatives passed by voice vote a similar bill, H.R. 2455. Additionally, some provisions of H.R. 2455, which were also part of other larger measures, were enacted into law as part of the Buck' McKeon National Defense Authorization Act for Fiscal Year 2015.<sup>3</sup>

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<sup>2</sup> 25 U.S.C. 2703.

<sup>3</sup> See P.L. 113-291.

**Cost:**

The Committee has not received a CBO score for H.R. 2733, however CBO estimated that the identical Senate companion, S. 1436, would have no significant effect on the federal budget.<sup>4</sup>

**Administration's Position:**

At the July 15, 2015 hearing on the bill, Bureau of Indian Affairs Deputy Director Michael Smith testified in support of the bill.

**Anticipated Amendment:**

- An amendment in the nature of a substitute will be offered which inserts language to allow the U.S. Forest Service continued use of a road as part conveyance to the Shoshone Paiute Tribe. The BLM has also created a new map for the Duckwater conveyance.

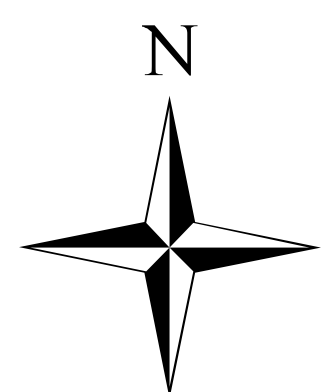
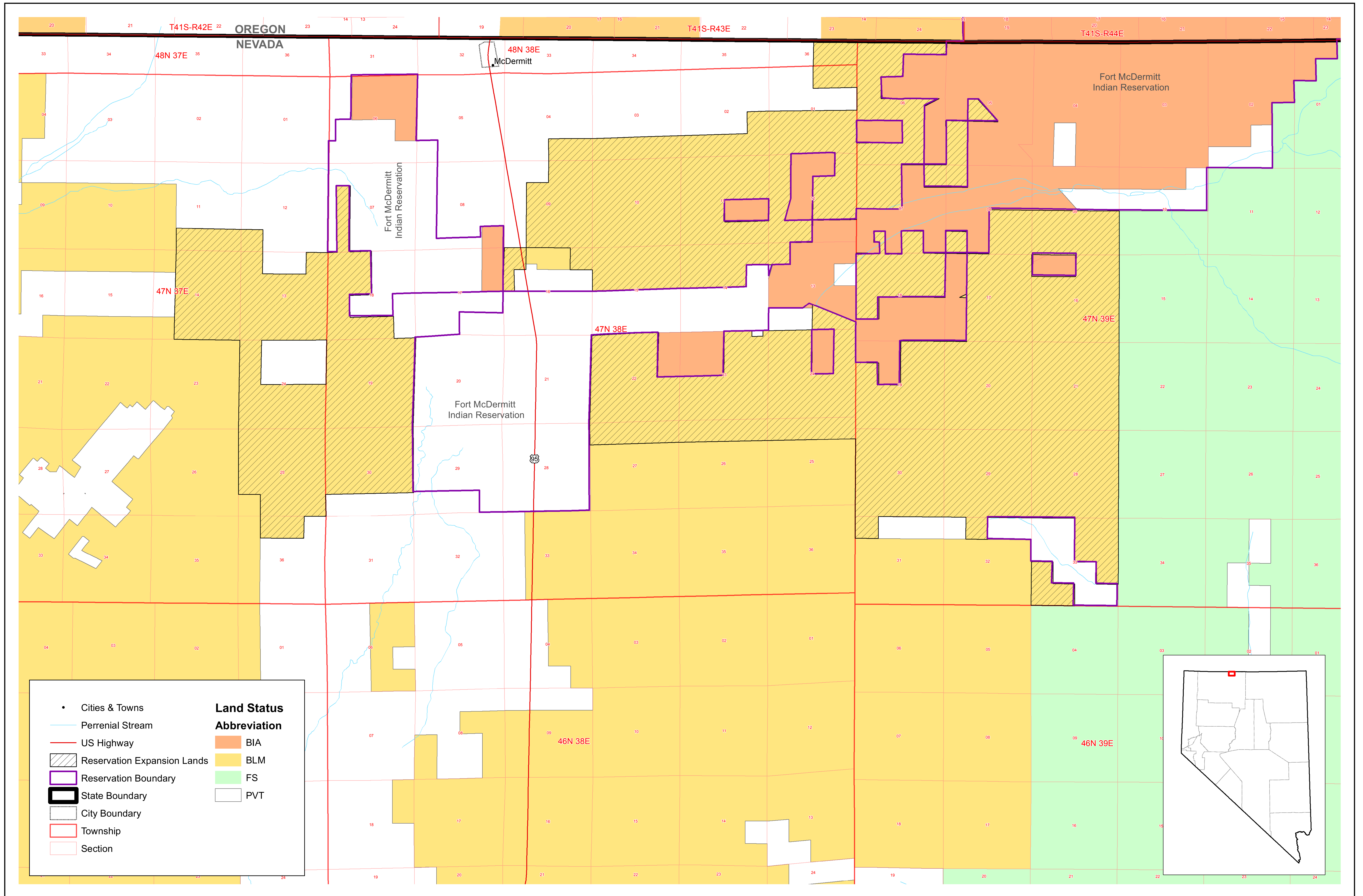
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<sup>4</sup> See <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/s1436.pdf>.

# Fort McDermitt Indian Reservation Expansion Act

February 21, 2013

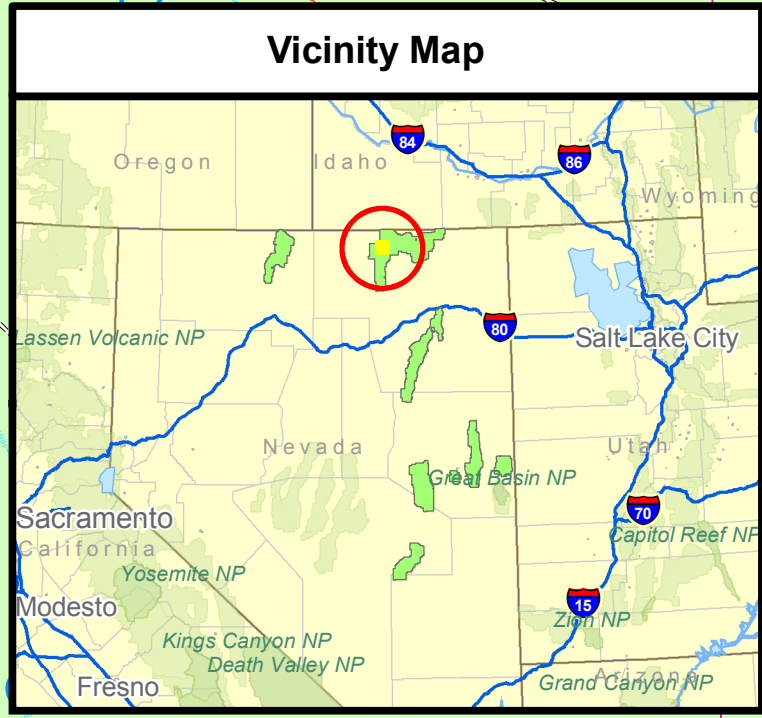
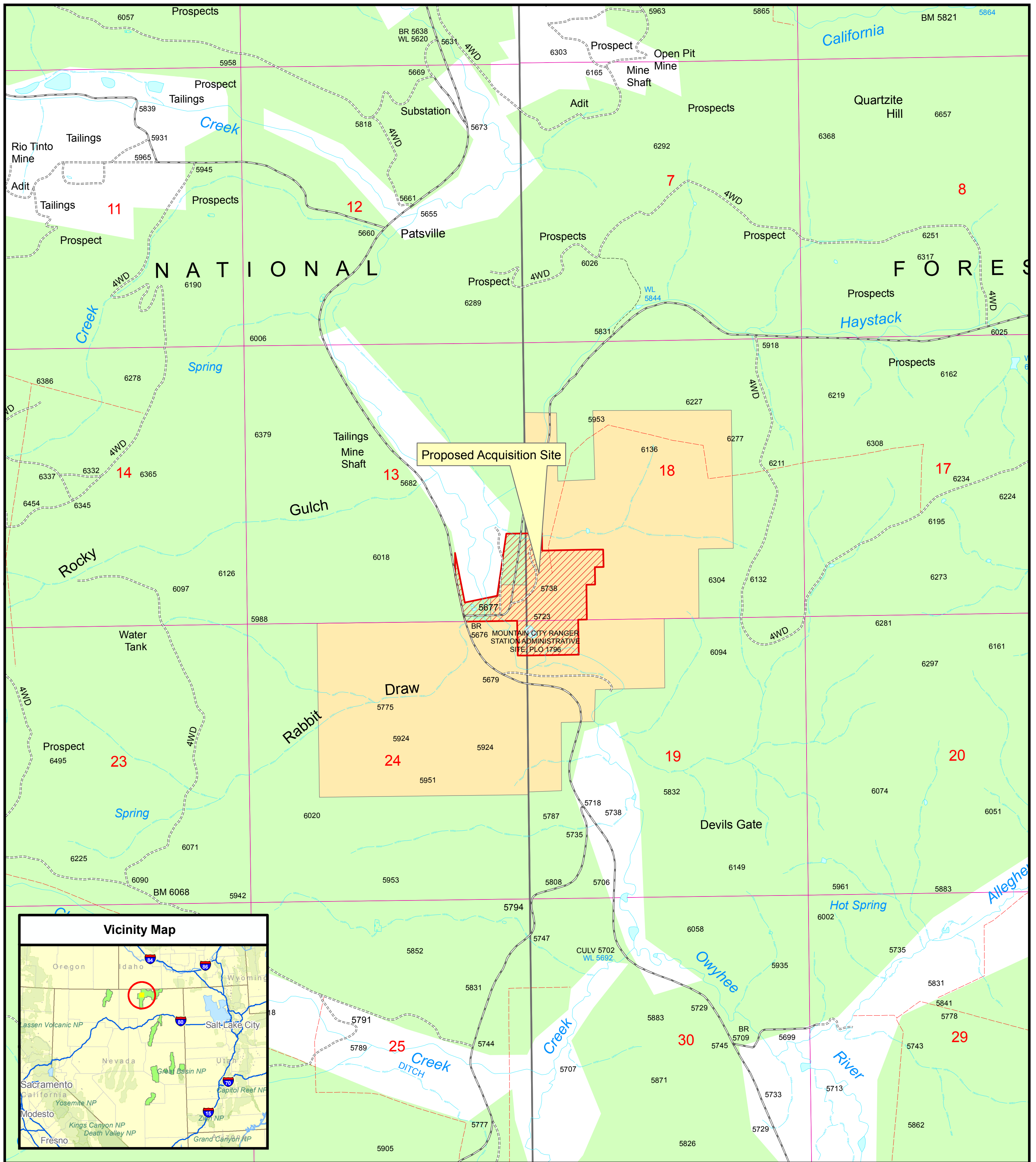
This map was prepared at the request of Representative Mark Amodei



1:24,000

Map is intended to be plotted at 44 X 34 inches

No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.







**Reference**

Data acquired from a variety of sources of differing accuracy, precision, and reliability. Features represented by these data may not represent accurate geographic locations. Data sources include Forest Service LSRS data, ESRI data, and other data.

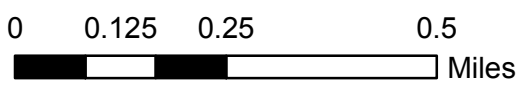
**Disclaimer**

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

**Legend**

-  Proposed Acquisition Site
-  Withdrawal Area
-  NFS Lands - Reserved Public Domain
-  Fence

Sheet 1 of 1



Map Creation Date - 01/02/2013  
Map Revision Date - 07/29/2013

**Mountain City Administrative Site  
Proposed Acquisition**

Township 45 North Range 53/54 East  
Mt. Diablo Meridian

U.S. Forest Service - Intermountain Region  
Humboldt-Toiyabe National Forest

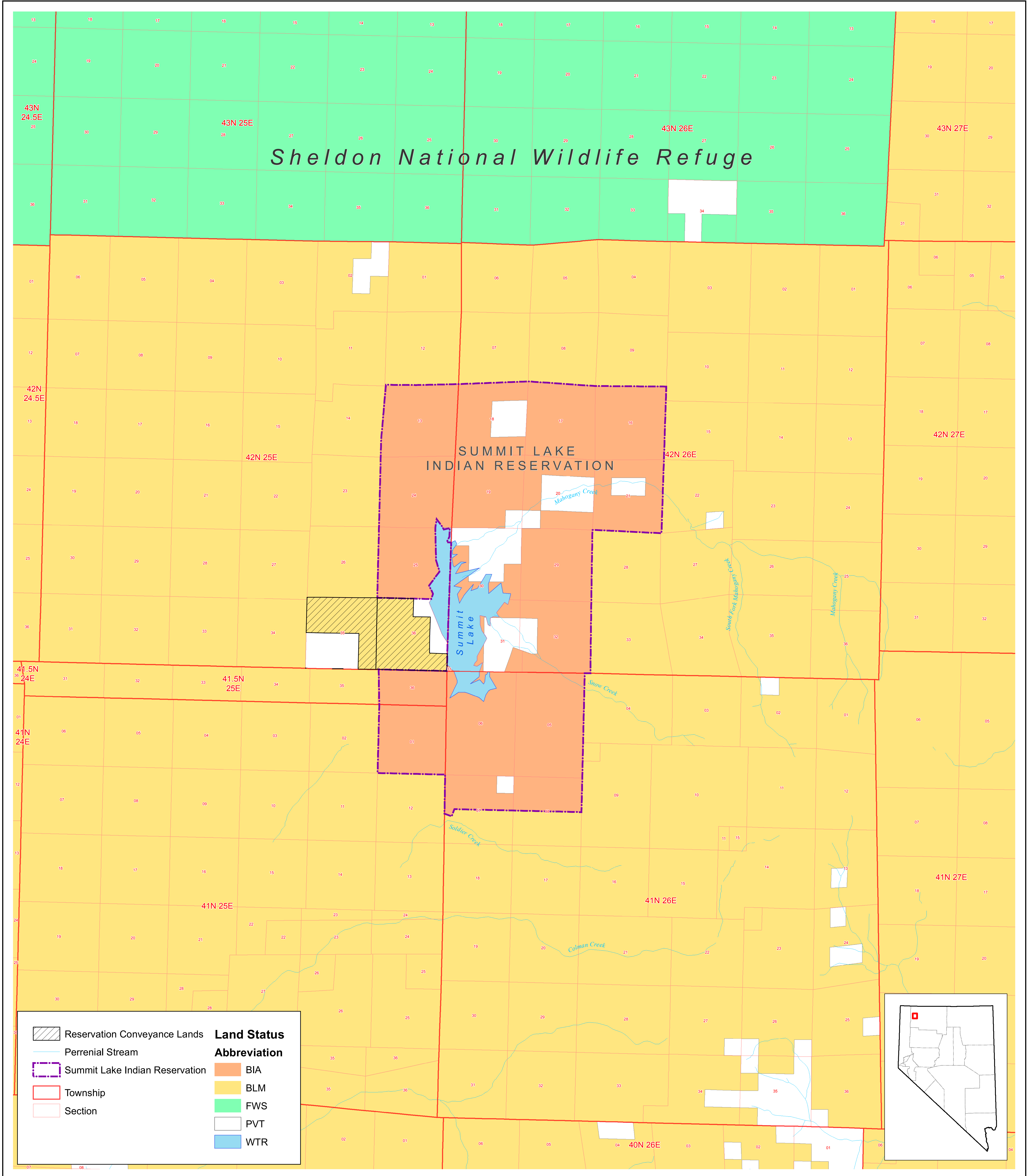
U.S. Congressional District 2 - Nevada

Map prepared at the request of Congressman Mark Amodei.  
Copies of this map are available for public inspection in the  
Office of the Regional Forester, Intermountain Region, Ogden, Utah.

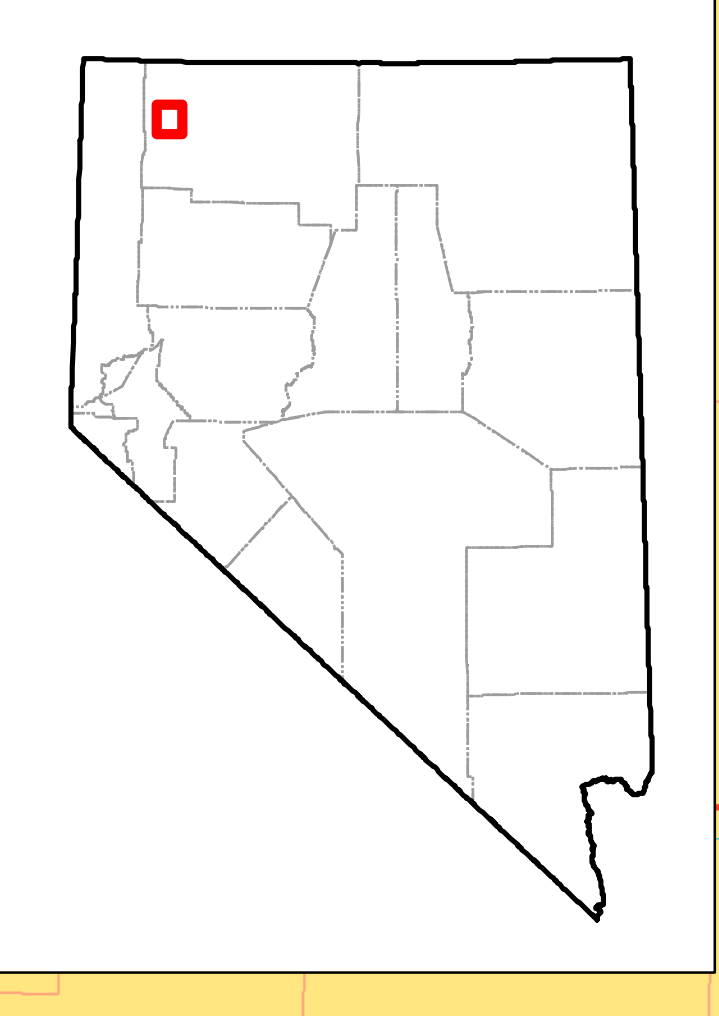
# Summit Lake Indian Reservation Conveyance

February 28, 2013

This map was prepared at the request of Representative Mark Amodei



	Reservation Conveyance Lands	<b>Land Status</b>
	Perennial Stream	<b>Abbreviation</b>
	Summit Lake Indian Reservation	
	Township	
	Section	



1:30,000

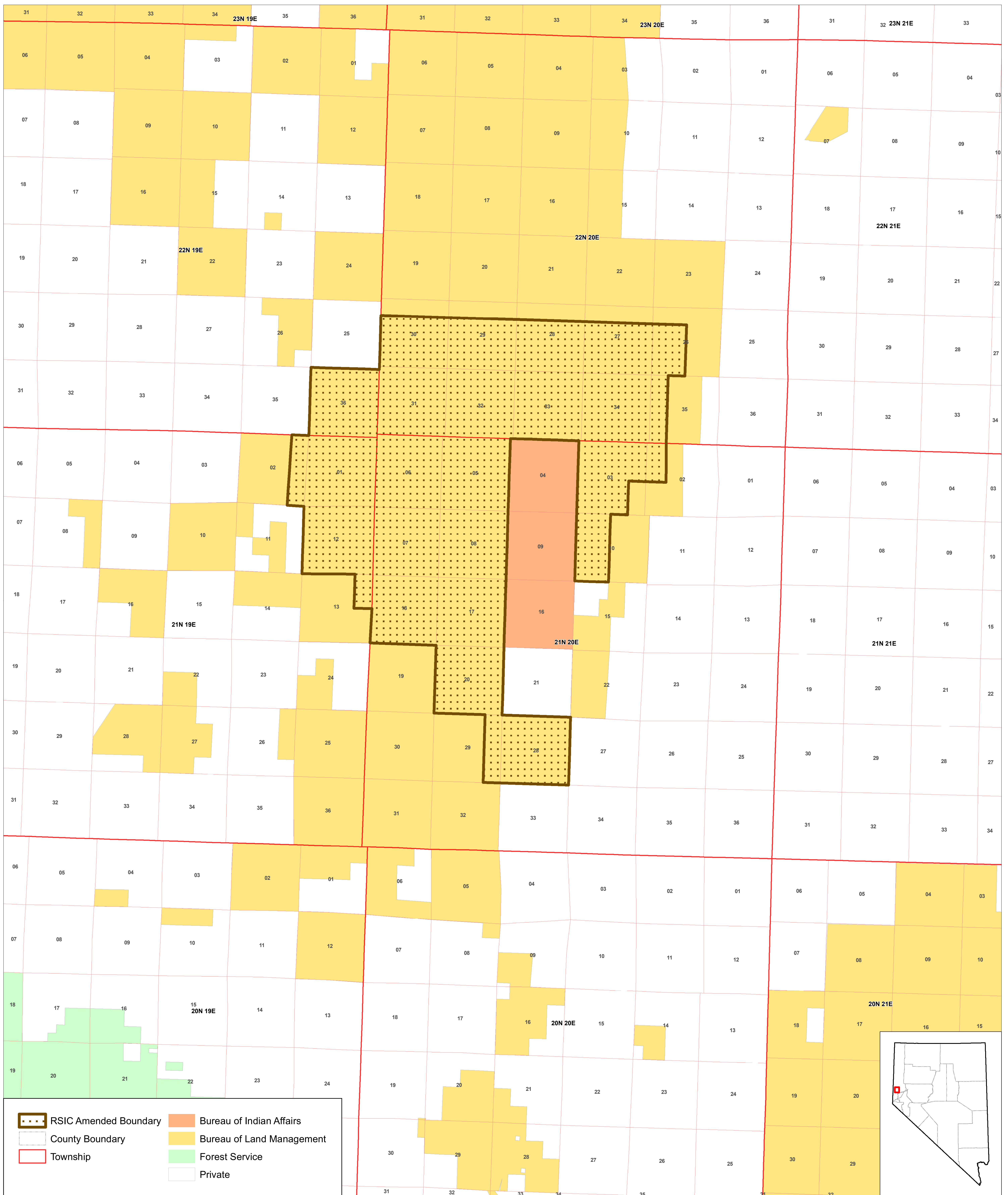
Map is intended to be plotted at 34 X 44 inches

No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

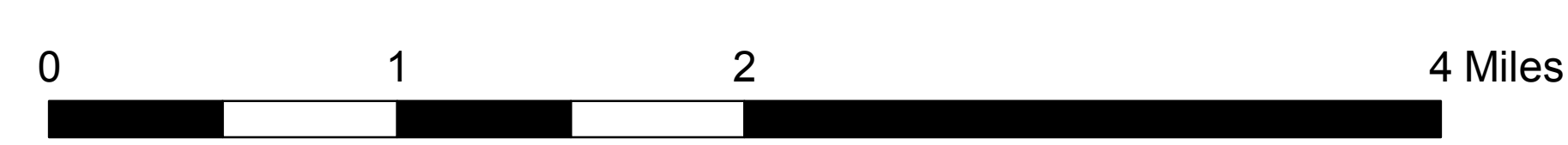
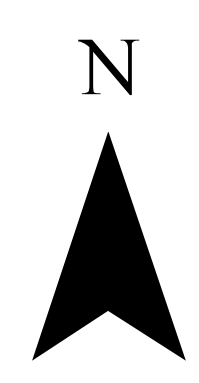
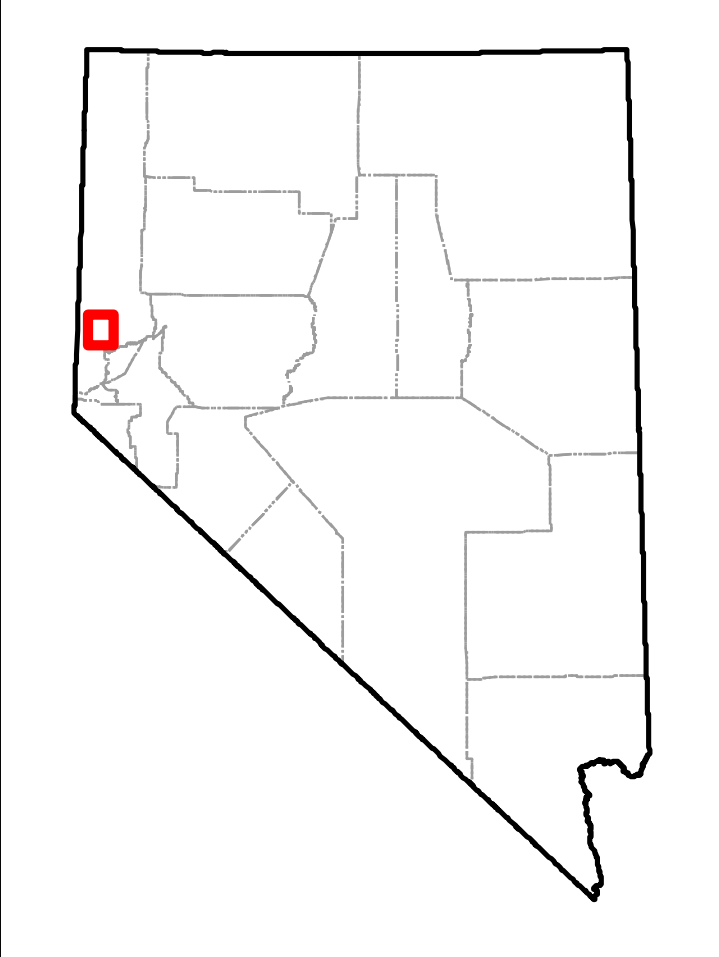
# Reno-Sparks Indian Colony Expansion

June 11, 2014

This map was prepared at the request of Senators Reid and Heller



RSIC Amended Boundary	Bureau of Indian Affairs
County Boundary	Bureau of Land Management
Township	Forest Service
	Private



1:30,000

Map is intended to be plotted at 34 X 44 inches

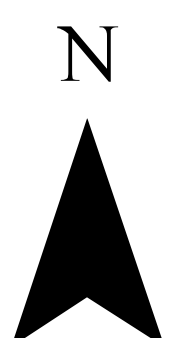
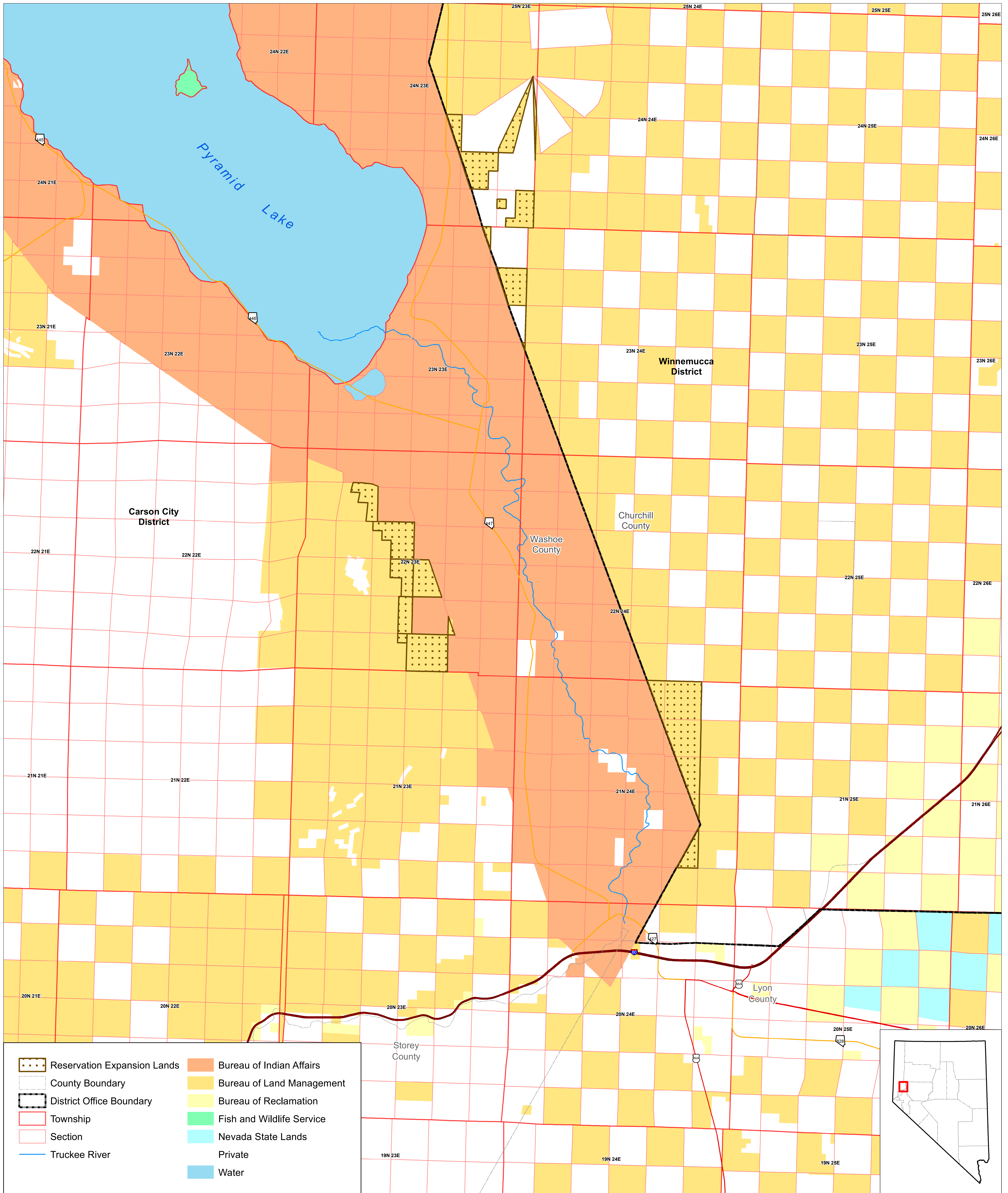
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# Pyramid Lake Indian Reservation Expansion Map

April 13, 2015

This map prepared at the request of Senator Harry Reid and Senator Dean Heller



0 2 4 8 Miles

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Map is intended to be plotted at 34 X 44 inches

No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.