

**Statement of  
Mike Pool  
Deputy Director  
Bureau of Land Management  
Department of the Interior  
Senate Energy & Natural Resources Committee  
Subcommittee on Public Lands and Forests  
S. 617, Elko Motocross and Tribal Conveyance  
May 18, 2011**

Thank you for the opportunity to testify on S. 617, the Elko Motocross and Tribal Conveyance Act. S. 617 would convey, without consideration, approximately 275 acres of land managed by the Bureau of Land Management (BLM) to the County of Elko, Nevada. The legislation also directs that approximately 373 additional acres of BLM-managed lands be taken into trust for the Te-Moak Tribe of Western Shoshone Indians of Nevada. The BLM supports the conveyances. We would like to work with the sponsor and the Committee on minor technical amendments to the bill.

**Background**

The Elko Motocross and Tribal Conveyance Act represents years of cooperative efforts between the Te-Moak Tribe of Western Shoshone Indians of Nevada (Tribe), the City of Elko (city), the County of Elko (county), and the BLM. Both the county and the Tribe have had on-going discussions with the BLM about various lands near the city.

The Recreation and Public Purposes Act (R&PP) Act authorizes the Secretary of the Interior to lease or convey public lands for recreational and public purposes, including campgrounds, municipal buildings, hospitals, and other facilities benefitting the public, and this administrative authority could be utilized for the Elko conveyance. The county submitted an R&PP application to the BLM in 2005 for approximately 266 acres. The county intended to use the land for a motocross/off-highway vehicle training and recreation area for the public. This parcel is largely vacant, but contains a number of rights-of-way, including a road and a gas pipeline. The BLM Elko Resource Management Plan (RMP) identified this parcel as available for disposal in support of community expansion.

The land for which the Tribe seeks trust status is adjacent to an existing parcel of the Elko Colony. The Elko Colony, approximately 190 non-contiguous acres adjacent to the city, is one of four separate colonies inhabited by the Te-Moak Tribe of Western Shoshone Indians. The population of the Elko Band of the Te-Moak Tribe has grown steadily, but because their land base has remained unchanged for many years additional land is needed for housing and community development. This parcel is also largely vacant, but contains two rights-of-way held by the city for water pipelines and storage, and one right of way for a future city road. The BLM Elko RMP also identifies this parcel as available for disposal in support of community expansion.

### **S. 617**

S. 617 proposes to convey approximately 275 acres of BLM-managed lands to the county at no cost for a public motocross park. The conveyance would be subject to valid existing rights. The bill requires that the land be used only for purposes consistent with the R&PP Act and includes a reversionary clause to enforce that requirement. Finally, the bill requires the county to pay all administrative costs associated with the transfer.

The bill also directs that approximately 373 acres of land currently administered by the BLM be taken into trust for the Tribe. S. 617 also addresses valid existing rights and gaming.

As a matter of policy, the BLM supports working with local governments to resolve land tenure issues that advance worthwhile public policy objectives. In general, the BLM supports conveyances if the lands are to be used for purposes consistent with the R&PP Act and include a reversionary clause at the discretion of the Secretary to enforce that requirement. The BLM strongly believes that open communication between the BLM and tribes is essential in maintaining effective government-to-government relationships. In this spirit, the BLM has had a cooperative working relationship with the Te-Moak Tribe of Western Shoshone Indians of Nevada on this requested conveyance. As such, the BLM supports S. 617 with minor technical amendments. To avoid constitutional concerns, the Department of Justice recommends that the bill be revised to make absolutely clear that the city or county would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding “and subject to the city’s or county’s agreement” after “without reimbursement” in section 3(a) of the bill.

### **Conclusion**

Thank you for the opportunity to testify. We look forward to continuing to work with the bill’s sponsor and Committee on this important legislation.