

Background Paper 83-6

STATUS AND POTENTIAL USES OF
STEWART INDIAN SCHOOL PROPERTY

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STATUS AND POTENTIAL USES OF STEWART INDIAN SCHOOL PROPERTY

I

INTRODUCTION

In the late 1800's, the Stewart Indian School was established on a site approximately 8 miles south of Carson City. Through the years, the buildings at the school campus were constructed and additional ranch lands were purchased to be part of the educational program.

In 1980, use of the facilities as a school was discontinued. Title to approximately 50 acres encompassing most of the school campus was transferred to the State of Nevada in 1982 by Executive action. Through Congressional action, approximately 3,000 acres of the ranch lands formerly associated with the Stewart Indian School were transferred into trust status for the Washoe Tribe (see maps 1 and 2).

The purpose of this background paper is to present a chronology of events associated with these property transfers, review agreements associated with the transfers, and discuss potential uses of the facilities. Emphasis will be placed upon the 50-acre school campus site which has been transferred to state ownership.

II

HISTORY OF LANDS ASSOCIATED WITH STEWART INDIAN SCHOOL

The State of Nevada and Ormsby County initiated the actions to establish an Indian school near Carson City. In 1887, the state established a three-person Indian school commission. The commission was authorized to issue bonds for purchase of land which would be used for an Indian school. If the United States Government would accept the lands and support the school, the commission was directed to convey the property to the Federal Government.

In 1888, the 50th U.S. Congress appropriated funds for constructing and completing a suitable school building on lands in Ormsby County. The records of all the land

transfers associated with establishment of the Stewart Indian School are not clear. However, there is evidence to indicate that the Indian school commission donated 234 acres at Stewart to the Federal Government. Through the years, additional property was purchased, mostly to add a farming/ranching unit to the school. Virtually all of the land was purchased by the U.S. Government from private owners, rather than being "reserved" from the public domain. Deeds on file in Carson City and Douglas County record at least 13 transactions between 1889 and 1974.

The school opened in 1890 with one building to serve as a dormitory, kitchen, dining room, laundry, schoolroom, and employees' quarters for two families. The first enrollment was 37 pupils representing Paiutes, Washoes and Shoshones of Nevada. The enrollment in 1979 was over 400 students from tribes in Nevada, Utah, Arizona and New Mexico. The school combined academic training with vocational education.

In 1980, the educational activities at the school were discontinued. Two reasons were cited. First, a study commissioned by the U.S. Bureau of Indian Affairs (BIA) concluded that all but three of the masonry buildings on the campus were "earthquake-prone." This information will be discussed more thoroughly in a later section of the paper. The second reason cited for closing of the school was a Presidential directive to implement economy measures.

III

ACTIVITIES ASSOCIATED WITH TRANSFER OF THE 50-ACRE SCHOOL CAMPUS SITE

Background

After educational activities were discontinued at the school, a considerable amount of discussion centered around future ownership and uses of the property. The BIA and the Indian tribes were unhappy about the closing of the school. They generally felt that the property should be retained by the Federal Government for use by the Indians. The Washoe Tribe was especially interested in the ranch lands. The State of Nevada showed interest in the campus site.

Relatively extensive discussions began between representatives of Nevada's executive branch, the BIA, members of the Washoe Tribe, and representatives of Nevada's Congressional delegation. Major issues included transfer of water rights and wells, fish and wildlife management, and future ownership of the land immediately adjacent to the campus. Provisions for use of water were included in the agreement which accompanied transfer of the 50-acre campus site to the state. Fish and wildlife questions were not resolved. A portion of the land immediately adjacent to the campus became part of the 3,000 acres which was transferred to trust status for the Washoe Tribe. The remaining approximately 100 acres near the campus was retained in federal ownership.

Transfer of the Campus Site

Under section 293a of Title 25 of the U.S. Code, the Secretary of the Interior is authorized to convey to state or local government agencies or to local school authorities the title to federal Indian school property which is no longer needed for this purpose. However, he is limited to transferring no more than 50 acres of land at any single school through these procedures. Approximately 50 acres of land, which included most of the Stewart Indian School campus site, was surveyed by the state department of transportation. On-site inspections of the property were made by several officials of the executive and legislative branches of government. On April 22, 1982, Governor List submitted to Secretary of the Interior Watt a formal request for transfer of 49.875 acres of land at the campus to the State of Nevada. On July 21, 1982, the quitclaim deed transferring title to the property was signed.

Conditions of Transfer

Several conditions of transfer were attached to the quitclaim deed. Most of these conditions will affect future use of the property in some way. The conditions which appear to be most significant are as follows:

1. The BIA may continue to occupy the administration building for up to 3 years. The BIA will pay a prorated share of all utilities and insurance, but will not have to pay rent.
2. The transferred property surrounds the building which houses the Indian health service clinic, and the state will reserve a right-of-way for ingress/egress and utilities.

3. The state will reserve buildings 1 and 3 to house and display the crafts, artifacts and memorabilia relating to the Stewart Indian School, but financing or operation of these facilities is not guaranteed.
4. The Stewart Indian School has been declared eligible for inclusion on the National Register of Historic Places and, as such, will be maintained in accordance with relevant federal and state laws. Before substantive actions are undertaken, the state historic preservation officer must determine if they will be detrimental. Any alteration, improvement or new development which is deemed detrimental can be made only upon approval of the state historic preservation officer and the BIA.
5. Historically vested surface water and ground water rights will be honored, whether they are within the 50-acre campus property or not. The State of Nevada receives title to the six wells located on the property and has made application for water rights associated with use of the wells. Historical users may receive any excess water under these applications which is not needed by the state for use on the property.
6. Existing utility corridors, easements and rights-of-way are preserved, and a right-of-way for ingress/egress to the property is reserved along Mark Twain Avenue.

Legislative Activity Associated With the Transfer

The executive branch took the lead in activities associated with transfer of the school campus to state ownership. However, the legislative branch has retained a degree of oversight and will certainly become more active in the process of determining future uses of the property.

Toward the end of the 1981 legislative session, the potential usefulness of the property associated with the Stewart Indian School became apparent. Two resolutions were introduced in the senate. Senate Joint Resolution 41 requested transfer of the site to the Indian tribes of Nevada. Senate Joint Resolution 42 called for transfer of the property to the State of Nevada. The senate adopted S.J.R. 42 requesting that the property be deeded to the state, but time constraints at the end of the session precluded the resolution's being passed in the assembly.

At the June 24, 1981, meeting of the interim finance committee, Senator Lawrence E. Jacobsen discussed the subject of the Stewart Indian School. A motion was adopted that the "committee endeavor to acquire the Stewart Indian School and request the governor's assistance in the matter." Senator Jacobsen was appointed to monitor the relevant activities.

At the November 12, 1981, interim finance committee meeting, Steve Robinson appeared as a representative of the executive branch to discuss its recommendations. It recommended acquisition of the 50-acre campus site and asked for the committee's approval. A relatively lengthy discussion of the campus complex and the property surrounding the 50-acre site followed. In the discussion, it was made clear that a determination of future uses of the property would be handled ultimately by the legislative branch. It was moved and passed "that the committee concur in the acquisition of the 50 acres administratively from the Department of the Interior, as requested by the governor, and further endorse acquisition of the remaining adjacent acreage surrounding the school (approximately 250 acres) with the understanding that this approval not be tied to any particular use of the facility."

As previously discussed, the negotiations relative to transfer of the 50-acre campus were lengthy. Senator Jacobsen kept the interim finance committee members informed through verbal presentations and mailing a written status report on April 14, 1982.

IV

CURRENT PHYSICAL STATUS OF THE PROPERTY

The current physical status of the property which was transferred to state ownership is relevant to decisions about future use of the facilities. Disuse has allowed the buildings on the campus to deteriorate. The grounds, which had deteriorated, have been brought back to reasonable status by the state division of buildings and grounds since it took over the site.

As mentioned previously, the BIA commissioned an engineering study of the structures on the campus before the school was closed. In its report, WBC Consultants, Inc., stated that "generally, all unreinforced stone masonry buildings fail to comply with the Uniform Building Code in several significant aspects." The most important conclusion reached appears to be that the unreinforced stone masonry walls "do not provide the structural integrity required to sustain seismic forces." WBC's basic recommendation relative to buildings with this type of construction may be quoted as follows: "In view of the probability of catastrophic wall failures, the difficulty and extra cost of stabilizing these walls, demolition of these stone buildings is recommended."

In their building-by-building analysis, WBC listed all unreinforced stone masonry buildings (combination wood-masonry construction) as being unsafe. They listed six wood frame structures as safe. And, they categorized the Nunez Boys Dormitory, the new gymnasium, and the school building as being safe because of their masonry, concrete-steel construction type. Two charts outlining the status of the structures on the campus as determined by WBC Consultants, Inc., are attached to this background paper. The structures are listed under the headings of "Buildings and Facilities Which May be Restored" and "Buildings and Facilities Which Should be Demolished."

There are laymen and engineers locally who question the findings expressed by WBC. There is especially debate about WBC's conclusion that the single-story masonry buildings which also contain wood framing are unsafe. The costs of performing adequate upgrading of several of these structures is also questioned.

William E. Hancock, secretary-manager of the state public works board, suggests that it would be most feasible to assess the structural integrity of the buildings on a one-by-one basis, rather than performing a comprehensive study of all of the structures. This would allow the engineers to estimate the costs of converting the buildings to proposed uses at the same time that their structural status is being assessed. Mr. Hancock has been asked to perform such an analysis of two dormitories, one administrative building and a commissary, basing his study on an assumption that each building would retain its previous use or be converted into offices. The results of his assessments of these four structures are expected early in the legislative session.

It has also become apparent that the utility system at the site will require some degree of updating. The heating system, based on a central boiler, is not considered to be adequate. Upgrading the central system, in combination with putting separate boilers in some of the buildings as they are being renovated, is seen as a feasible alternative.

Although a few structures are in relatively good shape, it is clear that it is going to require the investment of a considerable amount of money over a period of time to efficiently renovate, operate and maintain the facilities at Stewart.

Personnel at the site also indicate that there is an immediate need for roof repair on several buildings if interior deterioration is to be arrested.

V

POTENTIAL USES

A wide variety of uses have been suggested for the facilities at Stewart. Although detention activities associated with the prison system were originally considered, most people who have looked into the situation now contend that these uses would not be appropriate. Detention uses would virtually eliminate most other activities and some uses, such as the Indian medical services and two buildings to house cultural artifacts, have been guaranteed as conditions of transfer.

A list of some of the potential uses which have been discussed includes:

1. Administrative offices;
2. Leasing of a building to Carson City for offices;
3. Classroom facilities;
4. Vocational training programs through the state department of education or the community colleges;
5. A law enforcement academy;
6. Juvenile facilities, such as a program which would be less confining than those at Elko or Caliente, but more stringent than probation;

7. Field maintenance facilities for state agencies such as the divisions of forestry and parks; and
8. Various group uses including facilities for senior citizens and veterans groups.

Mr. Steve Robinson, who has worked extensively on the project as a representative of the List Administration, suggests that the culinary, gymnasium and classroom facilities be maintained for their original uses. He believes that these three buildings can be the key for the successful development of the balance of the site. Mr. Robinson's second recommendation is that no part of the complex be used as a detention facility of any type. Most of the contemplated uses are not compatible with inmate housing. It could also be feasible to convert dormitory buildings into administrative offices for agencies which handle only a small amount of public traffic. Examples might include the state public works board, the department of energy, segments of the department of conservation and natural resources, and the administrative offices of the department of parole and probation. Many of these functions are presently housed in leased private space. Mr. Robinson also indicates that the complex lends itself to the development of a law enforcement academy, and that a veterans group has expressed great interest in using a portion of the complex, as have senior citizen groups.

It is certain that additional recommendations for uses of the facilities at Stewart will be made. Decisions about priorities and acceptable expenditures will be crucial.

VI

TRANSFER OF THE "RANCH" LANDS

In the introduction to this paper, it was stated that approximately 3,000 acres of "ranch" lands which were part of the Stewart Indian School complex have been transferred into trust status for the Washoe Tribe. They were transferred through U.S. Senate Bill 1858 which was signed by the President on November 6, 1982. As can be seen on map 1, the ranch lands are in five separate parcels - Stewart Ranch, Silverado, Upper Clear Creek, Lower Clear Creek, and a parcel immediately west of the campus.

Nevada officials expressed several concerns about this piece of legislation. Major questions included:

1. Cleaning up the legal description of the property;
2. Clarification of water rights and future use of water;
3. Management of fish and game on Clear Creek; and
4. Future ownership of the land immediately adjacent to the campus (often referred to as a buffer area).

After many drafts, the legal description was corrected. Questions about water rights and management of fish and game were left basically unresolved in the bill.

The Nevada executive branch requested that the bill be amended to transfer the 100-acre buffer area adjacent to the campus into state ownership. This area encompasses some of the developed portions of the campus, including a few residences and the sewage treatment facilities. It was contended that "if this buffer area, north of Clear Creek, should end up in ownership other than the State of Nevada, all sorts of problems will develop in the future, especially ground water and sewage disposal problems."

The amendment suggested by the state's executive branch was not adopted. As the bill was finally passed, a portion of the buffer area was transferred to trust status for the Washoe Tribe and the remaining acreage was left in federal ownership. The State of Nevada might consider attempting to acquire title to this buffer area in the future.

VII

SUMMARY AND CONCLUSIONS

Title to approximately 50 acres of land encompassing most of the Stewart Indian School campus was transferred to the State of Nevada in 1982. Although some conditions were placed on the transfer, basically the future uses of the property were left to the state's determination. Potential

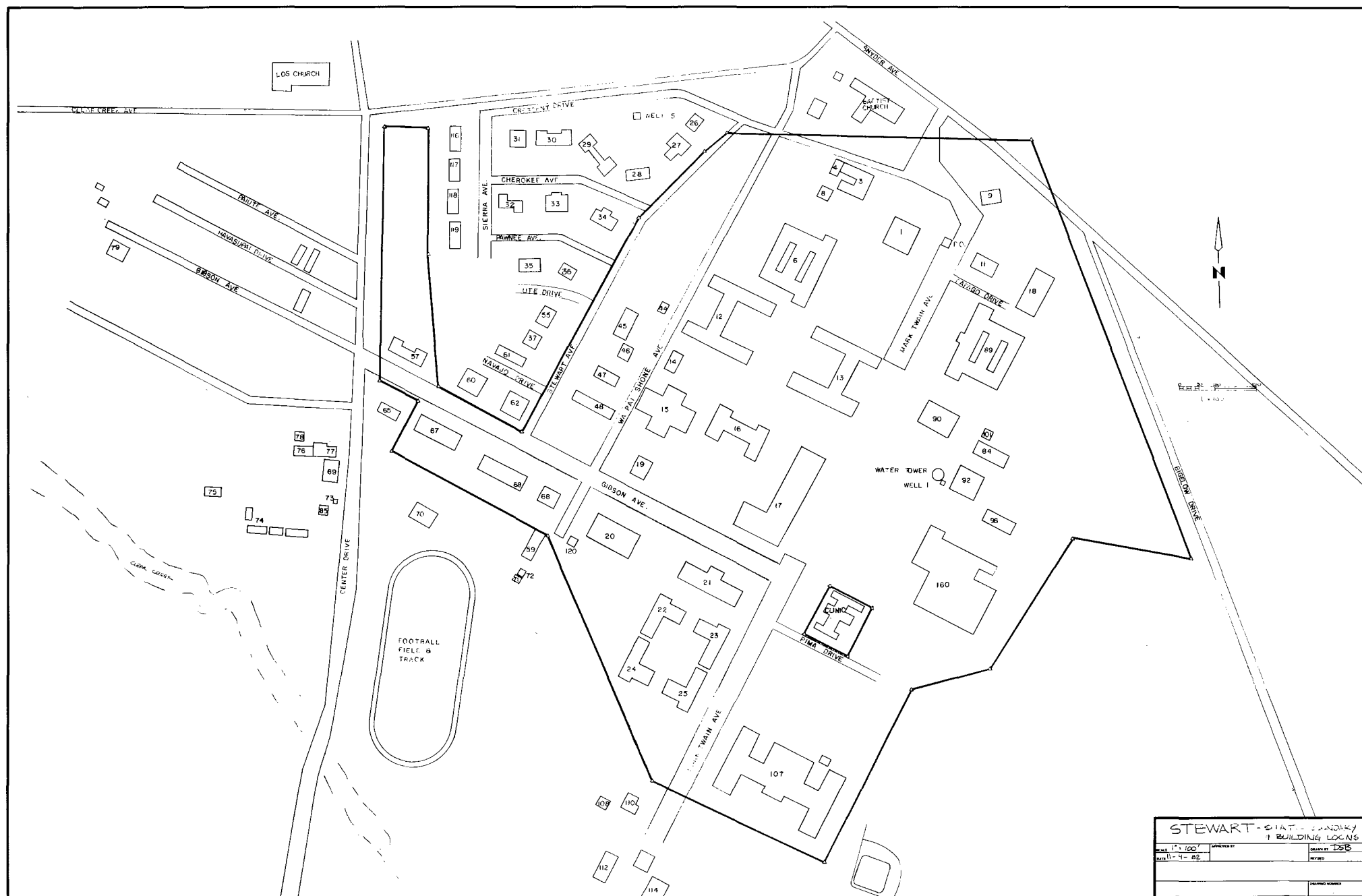
uses which have received most discussion include administrative offices, vocational and academic training programs, field maintenance facilities for state agencies, and group uses such as facilities for veterans groups and senior citizens. It has been recommended that no part of the complex be used as a detention facility.

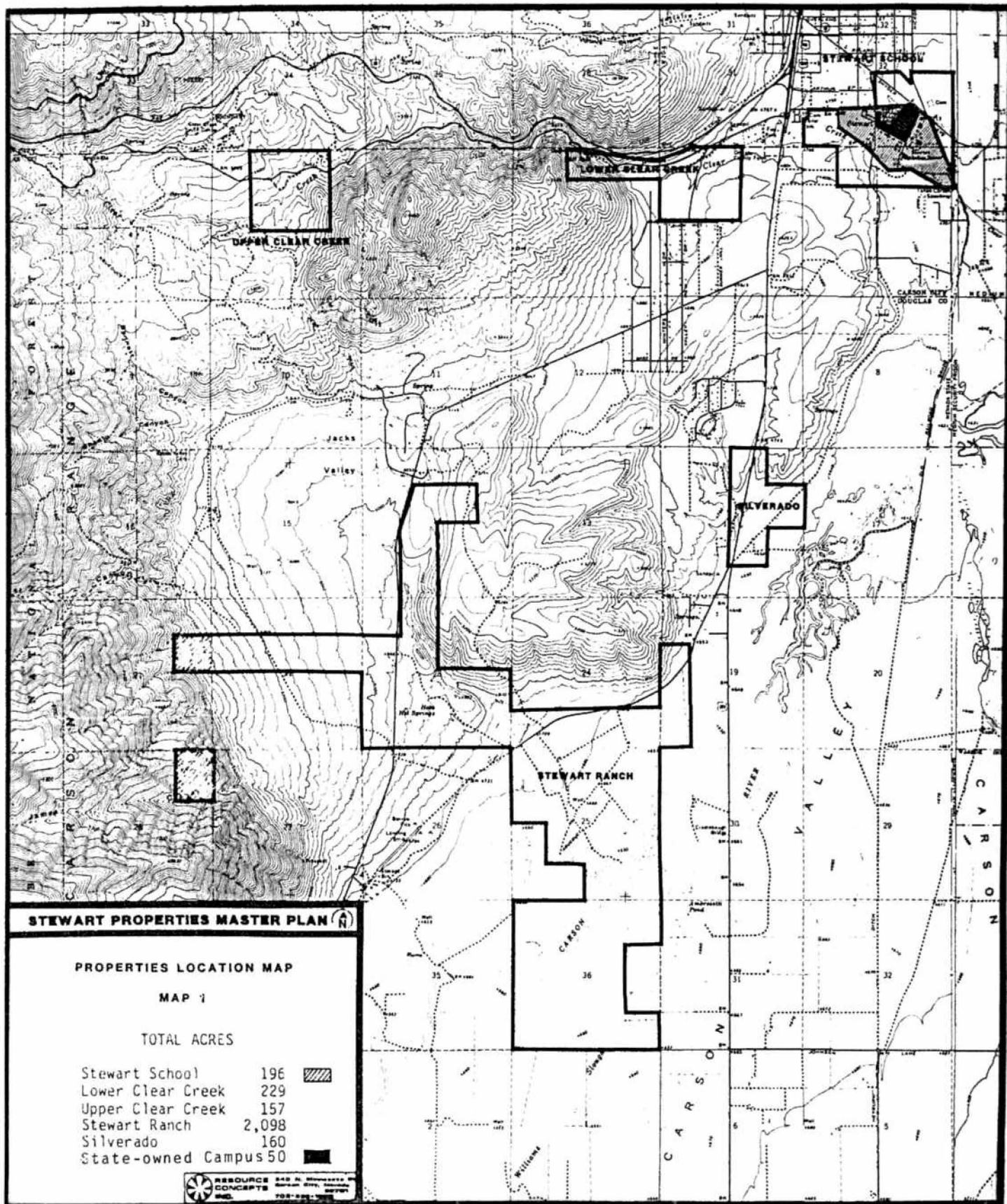
The current physical status of the property will be relevant in making decisions about future uses of the facilities. Many of the buildings and utility systems are in a deteriorated condition. A private engineering analysis conducted for the BIA also contends that the buildings constructed of unreinforced stone masonry are unsafe in the event of an earthquake. However, local engineers question this finding. William E. Hancock, secretary-manager of the state public works board, suggests that it would be most feasible to assess the structural integrity of the buildings on a one-by-one basis when estimates of costs to convert to proposed uses are made. Although a few structures are in relatively good shape, it is clear that it is going to require the investment of a considerable amount of money over a period of time to efficiently renovate, operate and maintain the facilities at Stewart.

BACKGROUND MATERIALS

All of the following background materials are on file in the legislative counsel bureau research library:

1. Abstract of water rights and applications;
2. Quitclaim Deed with conditions of transfer;
3. Relevant letters and memorandums;
4. Summary of land transactions since 1889; and
5. WBC Consultants, Inc., Report on Facilities at Stewart Indian School.





BUILDINGS OR FACILITIES WHICH MAY BE RESTORED

STEWART, NEVADA

Building or Facility	Construction Type*	Most Recent Use	Year Constructed	Square Footage	Cost To Upgrade	Cost To Replace	Current Safety	Useful Life In Yrs.		Major Upgrading Costs**
								As Found	Upgraded	
Store Building #1	1	Offices	1923	5,602	\$196,537	\$ 282,935	Unsafe	0	40	1- \$130,449
Cottage Building #3 (Payne)	1	Quarters	1930	5,917	180,941	195,000	Unsafe	0	?	1- 170,354
Dormitory Building #6	1	Dormitory	1930	18,743	630,952	844,900	Unsafe	0	40	1- 592,457
Dormitory Building #12	1	Dormitory	1941	14,572	504,692	638,433	Unsafe	0	40	1- 455,977
Dormitory Building #13	1	Dormitory	1941	14,572	502,423	638,433	Unsafe	0	40	1- 455,977
Kitchen/Dining Bldg. #15	1	Kitchen/Dining Hall	1923	11,444	381,869	475,000	Unsafe	0	40	1- 325,508
Dormitory Building #16	1	Dormitory	1942	8,416	297,203	367,800	Unsafe	0	40	1- 230,498
School Building #17	2	School	1964	41,826	236,196	1,824,361	Safe	35	40	4- 116,859 3- 55,260 6- 39,886
Office Building #18	1	School-Law Enforcement Center	1936	3,700	123,385	152,000	Unsafe	0	40	1- 76,298
Dormitory Building #21	1	Offices	1937	8,662	272,261	396,441	Unsafe	0	40	1- 254,925
Dormitory Building #22	1	Dormitory	1937	6,396	194,061	279,843	Unsafe	0	40	1- 170,956
Dormitory Building #23	1	Dormitory	1937	6,396	192,926	279,843	Unsafe	0	40	1- 170,956
Dormitory Building #24	1	Dormitory	1937	6,396	194,061	279,843	Unsafe	0	40	1- 170,956
Dormitory Building #25	1	Dormitory	1937	6,396	193,812	279,843	Unsafe	0	40	1- 170,956
Duplex Building #28	1	Quarters	1937	3,523	113,029	127,000	Unsafe	0	30	1- 79,219 2- 17,132
Shed Building #38	3	Shed	1947	200	1,384	3,160	Safe	10	10	3- 1,173
Duplex Cottage Bldg. #62	3	Quarters	1907	2,458	14,894	88,440	Safe	25	25	2- 8,591 3- 6,303
Cottage Building #65	1	Quarters	1937	2,102	10,898	75,500	Unsafe	15	15	3- 6,187 2- 3,821
Fourplex Bldg. #67	1	Quarters	1939	4,862	144,330	162,000	Unsafe	0	30	1- 126,668
Cottage Bldg. #79	1	Quarters	1933	2,959	83,236	106,500	Unsafe	0	30	1- 66,153
Administration Bldg. #89	1	Offices	1931	17,545	645,411	851,248	Unsafe	0	40	1- 592,511 5- 16,887 6- 15,556
Dormitory Building #107	2	Dormitory	1963	32,832	107,044	1,554,100	Safe	25	?	5- 66,177
Cottage Bldg. #116	3	Quarters	1963	1,452	6,348	52,500	Safe	25	25	2- 2,955
Cottage Bldg. #117	3	Quarters	1963	1,264	4,066	45,700	Safe	25	25	2- 2,572
Cottage Bldg. #118	3	Quarters	1963	1,513	4,572	54,700	Safe	25	25	2- 3,078
Cottage Bldg. #119	3	Quarters	1963	1,264	4,066	45,700	Safe	25	25	2- 2,572
Gymnasium Bldg. #160	2	Gymnasium & Recreation	1973	37,150	13,153	1,252,400	Safe	35	35	6- 6,018 3- 4,216
Water System		Water System			157,300	400,000	-	0	20	Upgrading
Sewer System		Sewer System			?	200,000	-	?	?	Upgrading
Steam Heating System		Heating			?	1,000,000+	-	0	20	Upgrading
Irrigation System		Domestic Irrigation			Under \$300 per bldg.	150,000	-	15	15	Upgrading
Electric System		Electricity			?	?	-	5	20	Upgrading

Key:

*Construction Type:

- 1 - Combination Masonry - Wood
- 2 - Masonry, Concrete - Steel
- 3 - Wood Frame

**Major Upgrading Costs:

- 1 - Rebuilding of Exterior Walls and Structural Strengthening
- 2 - Electrical Modifications
- 3 - Roofing, Windows, Doors, Flooring, Painting, Interior Modifications
- 4 - Sprinkler System, Fire Protection
- 5 - Ventilation, Air Return
- 6 - Facilities for Handicapped

Compiled by LCB Research Div.
 July 21, 1981
 From Report by WBC Consultants, Inc.

BUILDINGS OR FACILITIES WHICH SHOULD BE DEMOLISHED

STEWART, NEVADA

<u>Building or Facility</u>	<u>Most Recent Use</u>	<u>Year Constructed</u>	<u>Square Footage</u>	<u>Cost To Upgrade</u>	<u>Cost To Replace</u>	<u>Major Upgrading Costs*</u>
Post Office Building #2	Warehouse	1926	362	\$ 35,367	\$ 5,800	I \$ 29,670
Office Building #4	Storage	1938	662	35,420	10,500	I 35,420
Storage Building #8	Storage	1930	720	49,096	11,520	I 44,329
Cottage Building #9	Quarters	1939	2,222	123,807	80,000	I 112,348
Cottage Building #11	Quarters	1925	1,182	63,857	42,550	I 57,978
Cottage Building #14	Quarters	1939	1,430	66,103	37,000	I 60,268
Post Office Building #19	Post Office	?	1,646	84,661	68,000	I 65,846
Gymnasium Building #20	Gymnasium	1938	11,933	424,799	437,000	I 236,536
Cottage Building #26	Quarters	1937	1,828	95,292	66,000	I 84,690
Cottage Building #27	Quarters	1937	2,254	86,186	82,000	I 75,333
Quarters Building #29	Quarters	1937	3,231	135,760	116,500	I 97,124
Quarters Building #30	Quarters	1939	2,569	120,615	92,000	I 97,124
Cottage Building #31	Quarters	1939	2,388	103,025	73,143	I 85,356
Cottage Building #32	Quarters	1941	2,042	103,025	73,143	I 85,356
Duplex Building #33	Quarters	1941	2,490	100,154	89,537	I 90,670
Duplex Building #34	Quarters	1941	2,490	108,609	89,537	I 90,670
Cottage Building #35	Quarters	1942	1,229	84,899	44,428	I 80,136
Cottage Building #36	Quarters	1942	1,229	84,899	44,428	I 80,136
Cottage Building #37	Quarters	1956	1,433	73,370	51,731	I 70,898
Cottage Building #44	Quarters	1937	650	48,900	23,400	I 48,900
Music Building #45	School	1930	2,373	232,508	94,548	I 192,356
Quarters Building #57	Quarters	1939	2,750	122,920	94,000	I 96,124
Duplex Building #60	Quarters	1939	2,490	96,955	89,537	I 90,670
Duplex Building #61	Quarters	1949	1,852	89,193	66,663	I 76,945
Shop Building #84	Shop	1931	4,581	135,868	126,493	I 104,243
Auditorium Building #90	Auditorium	1925	5,857	390,704	302,760	I 216,019
Boiler Building #92	Utility Bldg.	1924	3,825	190,428	110,500	I 170,590
Storage Building #96	Warehouse	1940	2,710	132,325	53,000	I 122,900
Cottage Building #110	Quarters	1939	1,735	73,174	64,900	I 67,226
Farm Building #112	School	1925	2,522	189,047	112,540	I 142,441
Storage Building #114	Warehouse	1925	5,671	177,985	102,787	I 124,830
Cottage Building #151	Quarters	1915	2,703	216,317	115,810	I 196,896

Key:

*Major Upgrading Costs:

- 1 - Rebuilding of Exterior Walls and Structural Strengthening
- 2 - Electrical Modifications
- 3 - Roofing, Windows, Doors, Flooring, Painting, Interior Modifications
- 4 - Sprinkler System, Fire Protection
- 5 - Ventilation, Air Return
- 6 - Facilities for Handicapped