

SENATE JOINT RESOLUTION NO. 1—COMMITTEE ON NATURAL RESOURCES

FEBRUARY 8, 2001

Referred to Committee on Natural Resources

SUMMARY—Expresses support of Nevada Legislature for amendment to Federal Land Policy and Management Act of 1976 to require identification, mapping and recognition of certain rights of way across land administered by Federal Government. (BDR R-1039)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Expressing the support of the Nevada Legislature for an amendment to the Federal Land Policy and Management Act of 1976 to require the identification, mapping and recognition of certain rights of way across land administered by the Federal Government.

- 1 WHEREAS, The provisions of section 8 of the Act of July 26, 1866,
2 14 Stat. 251, formerly codified as Section 2477 of the Revised Statutes,
3 expressly granted rights of way for the construction of highways over
4 unreserved public lands administered by the Federal Government; and
5 WHEREAS, Although the provisions of R.S. 2477 were repealed by the
6 enactment of the Federal Land Policy and Management Act of 1976,
7 Congress explicitly recognized the continued validity of those rights of
8 way in subsection (a) of section 701 of the Federal Land Policy and
9 Management Act of 1976; and
10 WHEREAS, The Bureau of Land Management has failed to recognize the
11 validity of those rights of way; and
12 WHEREAS, The costs for a person individually to file a lawsuit to
13 identify and establish such a right of way are prohibitive; and
14 WHEREAS, The Nevada Miners and Prospectors Association has
15 proposed an amendment to the Federal Land Policy and Management Act
16 of 1976; and
17 WHEREAS, If enacted, the proposed amendment will require the
18 Secretary of the Interior and the Secretary of Agriculture to:
19 1. Contract with each state that has enacted legislation recognizing
20 those rights of way to provide for the identification and mapping of the
21 rights of way within the boundaries of the state; and



1 2. Recognize those rights of way for all purposes under federal law;
2 now, therefore, be it

3 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA,
4 JOINTLY, That the members of the 71st session of the Nevada Legislature
5 hereby express their support for the amendment to the Federal Land Policy
6 and Management Act of 1976 proposed by the Nevada Miners and
7 Prospectors Association; and be it further

8 RESOLVED, That the Secretary of the Senate prepare and transmit a copy
9 of this resolution to the United States Senate Committee on Energy and
10 Natural Resources, the United States House of Representatives Committee
11 on Resources, the Secretary of the Interior, the Secretary of Agriculture
12 and each member of the Nevada Congressional Delegation; and be it
13 further

14 RESOLVED, That this resolution becomes effective upon passage.

