

Senate Joint Resolution No. 1—Committee on Natural Resources

FILE NUMBER.....

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.

WHEREAS, The provisions of section 8 of the Act of July 26, 1866, 14 Stat. 251, formerly codified as Section 2477 of the Revised Statutes, expressly granted rights of way for the construction of highways over unreserved public lands administered by the Federal Government; and

WHEREAS, Although the provisions of R.S. 2477 were repealed by the enactment of the Federal Land Policy and Management Act of 1976, Congress explicitly recognized the continued validity of those rights of way in subsection (a) of section 701 of the Federal Land Policy and Management Act of 1976; and

WHEREAS, The Bureau of Land Management and the United States Forest Service have failed to recognize the validity of those rights of way; and

WHEREAS, The costs for a person individually to file a lawsuit to identify and establish such a right of way are prohibitive; and

WHEREAS, The Nevada Miners and Prospectors Association has proposed an amendment to the Federal Land Policy and Management Act of 1976; and

WHEREAS, If enacted, the proposed amendment will require the Secretary of the Interior and the Secretary of Agriculture to:

1. Contract with each state that has enacted legislation recognizing those rights of way to provide for the identification and mapping of the rights of way within the boundaries of the state; and

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

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

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

RESOLVED, That this resolution becomes effective upon passage.