

SENATE CONCURRENT RESOLUTION NO. 6—SENATOR AMODEI

FEBRUARY 11, 2009

Referred to Committee on Natural Resources

SUMMARY—Urges counties to map and document certain county roads to preserve rights-of-way over public lands in Nevada. (BDR R-467)

~

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

SENATE CONCURRENT RESOLUTION—Urging the counties in this State to map and document certain county roads to preserve certain rights-of-way granted by Congress over public lands in Nevada.

1 WHEREAS, Many rights-of-way that cross public lands
2 administered by the Federal Government were granted by Congress
3 pursuant to section 8 of the Act of July 26, 1866, 14 Stat. 253,
4 formerly codified as section 2477 of the Revised Statutes of the
5 United States, 43 U.S.C. § 932; and

6 WHEREAS, Although the provisions of section 2477 were
7 repealed by the enactment of the Federal Land Policy and
8 Management Act of 1976, 43 U.S.C. §§ 1701 et seq., Congress
9 explicitly recognized the continued validity of such rights-of-way in
10 § 701(a) of the Federal Land Policy and Management Act of 1976;
11 and

12 WHEREAS, Certain administrative and policy decisions of the
13 Bureau of Land Management and the United States Forest Service
14 may threaten the validity of such rights-of-way; and

15 WHEREAS, NRS 405.191 authorizes each board of county
16 commissioners to locate and determine the width of such rights-of-
17 way and locate, open for public use and establish thereon county
18 roads or highways; and

19 WHEREAS, NRS 403.170 requires the board of county highway
20 commissioners in each county to classify the county roads in the
21 county as main county roads, general county roads or minor county
22 roads; and



1 WHEREAS, NRS 403.190 requires the board of county highway
2 commissioners in each county to map the county roads, excluding
3 minor county roads, and to file the maps with various entities,
4 including the Nevada Department of Transportation; and

5 WHEREAS, Many of the minor county roads should be mapped
6 and documented in order to preserve the existing rights-of-way over
7 those roads; and

8 WHEREAS, Without such mapping and documentation of the
9 minor county roads, valid claims of rights-of-way acquired by the
10 public may fail in the course of future federal action and result in
11 road closures that may have a negative impact on the counties; and

12 WHEREAS, The economic well-being of this State and its
13 counties is inextricably linked to the multiple uses of the public
14 lands of this State, relying upon such lands for mining and mineral
15 development, livestock grazing, renewable and alternative energy
16 resources, tourism and recreation and other uses; and

17 WHEREAS, To ensure that economic opportunities throughout
18 this State and its counties are not lost by the potential closures of
19 minor county roads, the Nevada Legislature recognizes the value of
20 and the need for mapping and documenting such roads; now,
21 therefore, be it

22 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE
23 ASSEMBLY CONCURRING, That the members of the 75th Session of
24 the Nevada Legislature hereby urge counties in this State to map and
25 document all county roads over which rights-of-way were acquired
26 before the enactment of the Federal Land Policy and Management
27 Act of 1976; and be it further

28 RESOLVED, That the members of the 75th Session of the Nevada
29 Legislature hereby request that the Nevada Department of
30 Transportation post on its Internet website a list of potential
31 resources that may be available to assist counties in performing such
32 mapping and documentation, including a list of maps that the
33 Department has in its archives which depict county roads that
34 existed within this State before the enactment of the Federal Land
35 Policy and Management Act of 1976; and be it further

36 RESOLVED, That the Secretary of the Senate prepare and
37 transmit a copy of this resolution to the board of county
38 commissioners and the board of county highway commissioners of
39 each county in this State.

