

Senate Concurrent Resolution No. 6—Senator Amodei

FILE NUMBER.....

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.

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

WHEREAS, Although the provisions of section 2477 were repealed by the enactment of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., Congress explicitly recognized the continued validity of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

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

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

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

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

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

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

WHEREAS, The economic well-being of this State and its counties is inextricably linked to the multiple uses of the public lands of this State, relying upon such lands for mining and mineral



development, livestock grazing, renewable and alternative energy resources, tourism and recreation and other uses; and

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

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

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

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

