

H.R. 1484, “Honoring the Nevada Enabling Act of 1864 Act”

Over eighty percent of the State of Nevada’s land is owned by the Federal government, curtailing Nevada’s ability to develop its economy and provide for its citizens. This legislation would convey lands promised to the State of Nevada by the Federal government when it became a state, putting it on par with 38 other states that received lands held by the Federal government upon statehood.

In 2013, the Nevada Legislature passed Assembly Bill 227, creating a Nevada Land Management Task Force to write a report regarding transfer of Federally-held public lands to the State of Nevada. The Task Force issued its report in July 2014. The report found that the Federal government had failed to convey lands to the State of Nevada upon statehood as it has, to date, with 38 other states. The report recommended conveyance of public lands held by the Federal government to the State of Nevada in two phases. In the first phase, no less than 7.2 million acres of lands designated for disposal, checkerboard, and lands under certain leases and rights-of-way would be conveyed to the State.

This Act carries forward the Task Force’s recommendations. It provides a framework for conveying land currently administered by the Departments of Agriculture and of the Interior to the State of Nevada in phases. It would not convey designated wilderness, national conservation areas, national monuments, wildlife refuges, lands managed by the Departments of Defense and Energy, Native American reservations and Bureau of Indian Affairs trust lands, and other similar specially-designated lands. It authorizes the State of Nevada to select not less than 7.2 million acres from certain categories of land, including checkerboard lands, lands identified as suitable for disposal in land use plans, and lands under certain categories of leases in the first phase. It includes surface, subsurface, and water rights in these conveyances, but honors valid existing rights, uses, permits, and public access, so that the lands can both be accessible to and have economic benefit for the people of Nevada.

In subsequent phases, any other non-exempt lands managed by the Bureau of Land Management, Forest Service, and Bureau of Reclamation, would be conveyed upon request by the State or local governments. These lands shall not be sold by the State; and shall be managed for multiple uses, ongoing net-revenue generation, and environmental health, function, productivity and sustainability.

As an additional condition for conveyances under this Act, the State shall agree to make payments to political subdivisions of the State, using gross revenues derived from management of identified Federal lands conveyed under this Act to replace; 1) revenues lost through reduced Federal payments on account of the conveyance of the lands, and 2) revenues that would otherwise have been shared with the political subdivisions by the Department of Interior from royalties, rents, and bonuses generated through energy and mineral leases on identified Federal lands had the lands remained in Federal ownership.

*Upon additional discussions with local County Commissioners, Nevada State Legislators, and others, an Amendment in the Nature of a Substitute was drafted after introduction of the bill to incorporate changes to the subsequent land conveyances that requires those lands not to be sold by the State of Nevada. Our office will incorporate this amendment when the legislation undergoes the Committee’s mark-up process. For purposes of discussion, please refer to the amendment (AMODEI_015) as the new bill.