

115th CONGRESS

SESSION

H.R.

To direct the Secretary of the Interior to convey certain Federal lands to Elko County and other willing Counties of Nevada to ensure continued access, growth and other purposes

IN THE HOUSE OF REPRESENTATIVES

MONTH## ,####

[Congressman] introduced the following bill

A BILL

To allow counties to select certain federal lands as needed and as often as needed and to have those lands transferred to them without compensation or unnecessary delay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

1 **SEC. 100 SHORT TITLE.**

2 This Act may be cited as the "Elko County's Common Sense
3 Lands Act."

4 **SEC. 101 - FINDINGS.**

5 Congress finds the following:

6 (1) The federal government controls nearly 90 percent of all the land
7 within the State of Nevada, which is a greater percentage than any other state.

8 (2) The federal government promised all new states, in their statehood
9 Enabling Acts, that it would dispose of federally controlled public lands within
10 the borders of those states.

11 (3) The federal government has honored this promise with 38 states
12 while failing to honor it in the 12 western states, including Nevada.

13 (4) The United States Supreme Court has declared that statehood
14 Enabling Acts are "solemn compacts" with enforceable rights and obligations.

15 (5) Nevada's lack of control of its public lands violates the "Equal
16 Sovereignty Principle." For a Republic like the United States to function
17 properly, each member must be equal in sovereign power and a state that is 90-
18 percent owned by the federal government in subservient to that government.

19 (6) The paucity of state land and privately controlled land in Nevada
20 severely constrains the size and diversity of Nevada's economy since the
21 federal land cannot be taxed.

22 (7) In 2015 the Nevada Legislature passed SJR 1 calling for the transfer
23 of certain federal lands to the state. In 2019, the new legislature passed SJR 12
24 that rescinded SJR 1. That 2019 action not only hobbles the state, but also the
25 17 counties that are political subdivisions of the state. In fact, the counties are
26 affected even more than the state since the state routinely balances its budget
27 by passing down unfunded mandates to the counties. The counties, being the
28 lowest rung on the ladder, have no recourse other than cutting funding to other
29 areas to meet the state demands. The transfer of selected lands directly to the
30 counties would be a much-needed economic lifeline.

(8) In addition to the political and economic hardships created by the federal control of so much land within a state, many local communities also are landlocked by federal property and must petition Congress for relief, which if successful turns into a decades long process.

(9) Since 1930, the federal government has been systematically restricting access to Nevada's public lands. To date, 16 million acres representing nearly one quarter of Nevada's land mass bears some sort of restriction on public access.

(10) Nevada's counties could generate significant net revenue for the benefit of its lands and people if it were afforded the opportunity to develop its own public lands.

SEC.102.-DEFINITIONS IN THIS ACT THAT APPLY THROUGHOUT THIS BILL

In this Act:

(1) The term "identified federal lands" means those lands available for transfer.

(2) The term "secretary concerned" means:

(A) The Secretary of the Interior, with respect to identified federal lands administered by that secretary.

(3) The term "select beneficiaries" means any of the following:

(A) Projects aimed at conserving and improving public lands, improving access to public lands and improving range conditions and wildlife habitat.

(B) General education, including new programs dedicated to the evaluation and improvement of our public schools.

(C) Urban renewal and revitalization efforts to promote rehabilitation of declining urban areas, including acquiring, restoring and conserving historic and culturally significant properties.

(D) Economic development and community expansion.

(4) The term counties means Elko County and any other willing Nevada county.

SEC. 103. - CONVEYANCE OF FEDERAL LAND TO THE COUNTIES

(1) CONVEYANCE REQUIRED - As provided in this Act, the Secretary concerned shall convey, without consideration, to the counties of origin all right, title and interest of the United States in and to identified federal lands for the purpose of permitting the counties to use the conveyed lands to support select beneficiaries.

(2) CONDITION OF CONVEYANCES – Valid existing rights and uses attached to the land before the transfer shall be transferred with the land.

(3) LANDS AVAILABLE FOR SALE - The counties are authorized to sell only those lands identified as suitable for sale through consultation with county wildlife boards, the Nevada Board of Wildlife Commissioners, the Boards of County Commissioners and owners of any valid rights or uses. Public lands providing high wildlife values will remain in public ownership, unless higher values for wildlife can be attained through a sale, transfer or exchange.

(4) COST OF CONVEYANCE - The counties shall assume the costs of surveys and other administrative costs associated with the conveyance.

(5) ACCESS TO CHECKERBOARD LANDS - As an additional condition of conveyance and in regard to the checkerboard lands along the railroad corridor, running generally east to west along Interstate 80 in northern Nevada, Congress demands that the public be provided access to public lands landlocked by private holdings.

(6) CONVEYANCE OF ENTIRE INTEREST - For identified federal lands conveyed under this Act, title to and ownership of both federally held surface and subsurface estate and appurtenant federally held water rights, shall pass to the counties.

SEC. 104. CONVEYANCE

(1) CONVEYANCE REQUIRED - After selection of identified federal lands by the counties, the Secretary concerned shall convey, in a timely and essential manner, to the counties, pursuant to Section 103, the selected federal lands from the following categories of identified federal lands:

(A) Lands administered by the Bureau of Land Management (BLM) pursuant to the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et. Seq.).

(B) Lands selected by individual counties.

(C) Lands allocated by the Secretary concerned as Solar Energy Zones.

(D) Lands leased pursuant to the mineral and geothermal leasing laws

under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(E) Lands administered by the BLM as linear and nonlinear rights-of-way granted to the state and political subdivisions of the state.

1 (F) Split estate lands, where the surface is privately held and the BLM
2 administers the subsurface mineral estate.

3 (G) Lands in the state designated for disposal by any other Act of
4 Congress.

5 (H) Lands administered by the BLM remaining within the original
6 Central Pacific Railroad corridor along Interstate 80 in northern Nevada, also
7 known as the "checkerboard."

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10 **SEC. 105. LANDS CONVEYED IN THIS ACT**

11 (1) Shall not be sold by the counties, other than those lands identified in
12 Section 103-3; and

13 (B) Shall be managed for:

14 (a) Improved public access;

15 (b) Multiple use;

16 (c) Wildlife habitat and range conservation;

17 (d) Ongoing net-revenue generation; and

18 (e) Environmental health, function, productivity and
19 sustainability.

20 (f) Economic development

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1 Subtitle A---Checkerboard Land Resolution

2 SEC. 100. FINDINGS

3 Congress finds that-

- 4 (1) Since the passage of the Act of July 1, 1862 (12 Stat. 489, chapter
5 120} (commonly known as the "Pacific Railroad Act of 1862"} ,
6 under which railroad land grants along the Union Pacific Railroad
7 right-of-way created a checkerboard land pattern of alternating
8 public land and privately owned land, management of the land in
9 the checkerboard area has been a constant source of frustration
10 for the county governments, private land holders in the county
11 and the federal government;
- 12 (2) Management of Federal land in the checkerboard area has been
13 costly and difficult for the Federal land management agencies,
14 creating a disincentive to manage the land effectively;
- 15 (3) Parcels of land within the checkerboard area in the counties will
16 not vary significantly in appraised value by acre due to the
17 similarity of highest and best use in the counties; and
- 18 (4) Consolidation of appropriate land within the checkerboard area
19 will----
- 20 (A) Help improve the tax base of the counties; and
21 (B) Create opportunity for new economic investment in the
22 counties.

24 SEC. 101. DEFINITIONS

25 In this title:

- 26 (1) **ELIGIBLE LAND** --The term "eligible land" means any land
n administered by the Bureau of Land Management or Forest
28 Service that is designated for acquisition by the counties
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SEC. 102. TRANSFER OF ELIGIBLE LAND

(a) AUTHORIZATION OF CONVEYANCE--- As soon as practicable after the date of the enactment of this Act, the Secretary, in accordance with this provision and subject to valid existing rights shall transfer ownership of the eligible land selected by the Counties, without consideration, to the Counties.

(b)MAP--

(1) IN GENERAL --- As soon as practicable after the date of the enactment of this Act and after providing public notice, the Counties shall prepare a map that depicts the lands identified for acquisition by the County.

(2) MINOR CORRECTIONS-The Counties, with the Secretary's involved, may correct minor errors and make additions to the Map.