

Nevada Land Management Task Force

Public Land Transfer Scoping

Introduction

AB 227 passed the 2013 Nevada Legislature and was signed into law by Governor Sandoval on June 1, 2013. Accordingly, the Nevada Land Management Task Force has been established. The overarching duty of the Task Force, as outlined in AB 227, is to “conduct a study to address the transfer of public lands in Nevada from the Federal Government to the State of Nevada in contemplation of Congress turning over the management and control of those public lands to the State of Nevada on or before June 30, 2015.” In order to fulfill its duty, the Task Force is required to include in the study the following, without limitation:

- a) An identification of the public lands to be transferred and the interests, rights and uses associated with those lands;
- b) The development of a proposed plan for the administration, management and use of the public lands, including, without limitation, the designation of wilderness or other conservation areas or the sale, lease or other disposition of those lands; and
- c) An economic analysis concerning the transfer of the public lands, including, without limitation:
 - (1) The identification of the costs directly incident to the transfer of title of those lands;
 - (2) The identification of sources of revenue to pay for the administration and maintenance of those lands by the State of Nevada;
 - (3) A determination of the amount of any revenue that is currently received by the State of Nevada or a political subdivision of this State in connection with those lands, including, without limitation, any payments made in lieu of taxes and mineral leases; and
 - (4) The identification of any potential revenue to be received from those lands by the State of Nevada after the transfer of the lands and recommendations for the distribution of those revenues.

In order to move forward with the study, it was determined that a scoping process amongst the Task Force members, Nevada Counties, and other stakeholders is necessary to determine and define the preliminary issues at hand in order to frame a strategic pathway forward.

Scoping

Please consider and respond to the following information. Please assume that public lands will be transferred to Nevada in some form.

Public Land for Transfer

1) Please identify lands within your jurisdictional boundary (e.g., county) or interest suitable for transfer or which you or your entity would like to see transferred. This may be easier done by identifying lands **not suitable** for transfer with the remaining assumed to be identified for transfer. Please identify these lands knowing that the required research regarding the “interests, rights and uses associated with those lands” and the “plan for the administration, management and use of the public lands” will be further narrowed, identified, and quantified based on what specific lands are identified to move forward in the study. It is recommended that in identifying lands for transfer to keep in consideration:

- What preexisting conditions, resources, or laws/regulations should be considered or will control the transfer of certain lands?
 - What preexisting conditions could or should be transferred?
 - What preexisting conditions and associated law/regulations would prevent the transfer of certain lands?
 - Public lands cover about 11 million acres in Nevada. These public lands range from desert valley floors to alpine mountain setting contain with various types of resources (e.g., minerals, Threatened-Endangered Species) that may enhance or limit the lands’ uses. Should there be limitations on the extent and nature of federal lands transferred? If so, what types and classes of land might be retained by the federal government?
- An example of a response for your entity may be as simple as:
- All lands within the county currently managed by the Bureau of Land Management, US Forest Service, US Fish and Wildlife Service, and US National Park Service excepting Wilderness Areas, National Monuments, and National Parks that have been properly designated through Congress with support of the entire NV Congressional Delegation and county commission. All valid existing rights and currently permitted uses associated with these lands such as mining claims, grazing privileges, rights-of-way would transfer as well. The associated management and administration of these lands would fall under the purview of the current state agency with the closest similar jurisdiction such as Department of Conservation and Natural Resources which houses the Division of Minerals, Division of State Lands, and Division of Environmental Protection. Rulemaking and development of state and county regulations should take place in those areas in which they don’t exist or are deficient (e.g., grazing).

- 2) Historically, lands acquired during statehood were “Endowment Land” held in trust for beneficiary institutions such as public schools, hospitals, and other specific purposes. Once public lands are transferred into state management, should it remain state ownership, distributed to beneficiaries, sold, or some combination?
- 3) If lands are distributed to designated beneficiaries, who should these be (school, hospital, state, counties, other)?

Laws/Regulations

Presently, Nevada has promulgated NRS/NAC adequate to be delegate Federal Authority over water quality, air quality, hazardous waste and drinking water programs. Nevada has also promulgated land use planning laws requiring the establishment of land use goals and policy within each county.

- 1) Are existing state statutes and regulations sufficient to facilitate expanded state land ownership and administration or would additional laws and regulations be necessary?
- 2) What similar federal laws/regulations would Nevada need or should consider adopting to facilitate transferred land management?
- 3) In new laws/regulations may be needed, in what areas might administrative capacity be required?

Organization/Structure

In other Western states, the administration of endowment lands is vested with state land departments having several bureaus or divisions (e.g., minerals, range management, forestry).

- 1) What organizational changes, if any, might be required in Nevada?
- 2) Would an existing or new state agency most likely be responsible for management of an expanded state lands base?
- 3) If an existing state agency would manage the lands, which agency would if most appropriately be?
- 4) Would there be expanded role for local governments concerning jurisdiction and management of expanded state lands ownership?

Management

Other Western states with endowment lands are charged with managing these lands in a manner that provides maximum long-term direct financial returns consistent with sound resource management laws and practices.

- 1) Should Nevada adapt a similar management policy or law?
- 2) In which cases, if any, would direct financial returns not be a priority?

Budgets, Expenditures, and Revenues

Presently, the State of Nevada and counties are allocated funds from federal resource revenues. The percentage of the federal revenue allocated is determined by the various Federal Acts involved, the related resource (minerals, grazing, reclamation) and allocations vary greatly. Payment in Lieu of Taxes (PILT) funds and Secure Rural School funds are examples of federal funds currently allocated to the counties.

- 1) In what possible ways would the State of Nevada derive new financial resources and revenues and incur new expenditures associated with the administration of additional state land?
- 2) Assuming that the management of transferred lands was to yield excess revenues to the State, what suggestions might you have for the use of such monies?
- 3) What federal agency program of subactivities would be most affected by a land transfer?
- 4) What federal agency activities would be affected the least by a land transfer?
- 5) How would federal agencies budgets be affected by a land transfer?
- 6) How would legal fees and costs for attorney's, court costs, contingencies, claim settlements, etc. be budgeted and/or funded?