

# WHO OWNS NEVADA?

## AN INTRODUCTION TO PUBLIC LANDS

BY RICHARD W. HARRIS, ESQ.

It is “common knowledge” that roughly 84 percent of Nevada is federally owned.<sup>1</sup> To put the number conversely, only 13 percent of Nevada’s lands are held privately. Title to these lands was transferred by railroad grants, “school sections” conveyed upon statehood, mineral patents, homesteads, and sales and exchanges of public lands.

### Types of Federal Lands

Since the federal government is the largest landlord in Nevada, any new resource or energy development will likely require federal consent and regulation. Let us consider various types of federal land holdings and their availability for private use.

- *Military Lands*, notably Nellis Air Force Base and Fallon Naval Air Station, are generally unavailable because of security and safety issues.
- *Native American Reservations* are federally owned but held in trust for the tribes. Urban-based tribes are often receptive to income-producing development.
- *Wilderness Areas* are closed to all mechanized entry.
- *National Monuments and Wildlife Refuges* are open to public entry, but have virtually no commercial use.
- *Forest Lands* cover 5.8 million acres and are administered by the U.S. Forest Service. These are multiple-use lands open for recreation, hunting, timber harvesting and mining. Commercial logging requires a contract with the Forest Service, and mining is governed by a plan of operations and strict reclamation requirements.
- *BLM Lands* (nearly 48 million acres) are administered by the U.S. Bureau of Land Management. These are the true “public lands” open to multiple-use activities. Any activity outside Las Vegas, Reno or other urban centers likely involves BLM lands. The BLM operates with a modest budget (\$45.3 million in 2011) and has only enough money to fund 12 rangers, or one for every 4 million acres.<sup>2</sup>

### Resource Development on Public Lands

Nevada is rich in mineral and energy resources located primarily on public lands.

Most of the large, open-pit mining activities in Nevada are conducted on BLM lands. The timeline for permitting a project is generally seven years, and a mining company can invest \$100 million before it produces the first ounce of gold.

Nevada has the greatest geothermal potential in the nation. There are 65 geothermal projects in different stages of development in Nevada, in addition

to the 21 plants already in operation.<sup>3</sup> Many projects are situated on public lands and require a BLM or Forest Service lease pursuant to the Geothermal Steam Act. Perhaps the greatest obstacle to geothermal development in Nevada is the distance to transmission lines. Without access to urban and interstate markets, geothermal development will be limited. The Renewable Transmission Initiative of NV Energy will alleviate this problem to a considerable degree.

Wind and solar energy projects are fairly new to Nevada, although the state is rated highly in its potential to produce power from both sources. Several areas are categorized as “superb” for wind development,<sup>4</sup> and the state shows a high potential for solar energy as well.<sup>5</sup> The Copper Mountain Solar Project in Boulder City, built on public land, is the largest facility of its kind in the United States. Its 1 million solar panels provide enough energy to power 17,000 homes.<sup>6</sup> The Crescent Dunes Solar Energy Project near Tonopah, in which mirrors are focused on a tower filled with molten salt, will provide power to 75,000 homes during peak electricity periods.<sup>7</sup>

The China Mountain Wind Project, proposed for the Nevada-Idaho border near Jackpot, Nevada, could produce up to 425 megawatts. The Spring Valley Wind Project would be located on 7,763 acres of federal land east of Ely, Nevada; with 75 turbines, the project could produce 150 megawatts.<sup>8</sup>

In summary, the “public lands” of Nevada are used extensively for private development. The BLM will generally be the lead agency for project development, but these activities are also regulated by the Nevada Division of Environmental Protection, the U.S. Fish & Wildlife Service, and other state and local agencies. ■

**RICHARD W. HARRIS** is a partner with the law firm of Harris & Thompson, in Reno, Nevada. Harris practices natural resource and environmental law. He holds a J.D. and M.S. in Mining Law from Stanford as well as degrees in geological engineering and environmental science from UNR. Harris has published extensively in the fields of mining and environmental law.

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2. “Nevada Tops Nation in Federally-Owned Land,” [www.lasvegassun.com/news/2001/may/11](http://www.lasvegassun.com/news/2001/may/11).
3. “Nevada Leads Nation in Geothermal Potential,” [www.elkodaily.com/news/local](http://www.elkodaily.com/news/local).
4. “United States Wind Resource Map,” U.S. Department of Energy, National Renewable Energy Laboratory, May 31, 2001.
5. “PV Solar Radiation (Flat Plate, Facing South, Latitude Tilt),” Electric & Hydrogen Technologies & Systems Center, May 2004.
6. “Obama’s ‘Green Jobs’ Have Been Slow to Sprout,” <http://uk.reuters.com/article/2012/04/13/uk-usa-campaign-green-idUKBRE83C08C20120413>.
7. Crescent Dunes Project, described at [www.solarreserve.com](http://www.solarreserve.com)
8. “Wind Power Projects in Nevada,” [www.ehow.com/info\\_8165561](http://www.ehow.com/info_8165561).