

STATEMENT OF PAT WHITTEN
COUNTY MANAGER – STOREY COUNTY, NEVADA
SUBMITTED BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES – SUBCOMMITTEE ON PUBLIC LANDS
AND ENVIRONMENTAL REGULATION
H.R. 1167, RESTORING STOREY COUNTY ACT

Thursday, October 3, 2013 – 10:00 a.m.

1324 Longworth House Office Building

Mr. Chairman, Ranking Member Grijalva, and distinguished Members of the Subcommittee on Public Lands and Environmental Regulation, thank you for the honor and opportunity to testify before you today in support of H.R. 1167, the Restoring Storey County Act, introduced by Congressman Mark Amodei.

I am Pat Whitten. I serve as the appointed County Manager for the local governing board of Storey County Commissioners in Nevada, and joining me today is Commissioner Marshall McBride, Vice Chairman of the Storey County Board of Commissioners. The Board of County Commissioners resolved to support H.R. 1167 by unanimous vote on April 2, 2013.

Storey County is the smallest of 17 Counties in the State of Nevada. Our history is rich and dates back to the days preceding our admission into the Union as America's 36th State in 1864. In the late 1850's, Virginia City and the surrounding areas began its origin and boom when miners discovered substantial amounts of underground gold, and also the Country's first major silver deposits. Monies gained from the gold and silver mines are said to have financed the Union's efforts during the Civil War and built San Francisco.

After the decline of mining in the late 1800's, there were a handful of brief upturns, but overall, life became very quiet on the Comstock. Fast forward to the dawning of the 1960's when two parallel events converged to bring us into our modern day history. First, on July 4, 1961, the National Park Service granted our request and established the Comstock Historic District as one of the Nation's largest Historic Districts ever designated. This was truly monumental in preserving and protecting the Comstock's mining heritage and history. At almost the same time, NBC aired a television series known as Bonanza. Running for 14 seasons and continuing in syndication today, Virginia City quickly become re-discovered as the town the Cartwrights rode into before they trekked back to the Ponderosa Ranch on the shores of Lake Tahoe. From our town's perspective, it was a dream come true and today, almost two million visitors from around the world come to Virginia City to walk our streets and boardwalks where the Cartwrights once roamed.

Virginia City and Gold Hill are located about 30 mountain miles in between our State Capitol, and Reno. As far back as 1864, people have bought, sold, leased, rented, improved and/or built buildings for both commercial and residential purposes within the Virginia City and adjacent Gold Hill communities. Under normal circumstances, this would pose no issue or concern. However, errors and

omissions throughout our history creates severe detrimental impact on approximately 75 percent of the land parcels in Virginia City and almost 100 percent of those in Gold Hill.

In 1867, the General Land Office Survey of the Virginia City Townsite was approved. Unfortunately, subsequent requisite actions were never completed and no federal patent was ever issued for the townsites of Virginia and Gold Hill. Without issuance of such patent, proper ownership of surface rights within the townsites fell and continue to fall under question as to who actually owns the land upon which many of our citizens have purchased in good faith, and paid taxes on for decades. Not only does this create a situation where hundreds of residents might be considered to be trespassing on federal government land, the end result is what is typically termed as a clouded title issue where individuals wishing to buy or sell real property cannot because of insurmountable challenges in obtaining standard title insurance. This occurs when local and national land title underwriters move in and out of the market based on their risk comfort levels regarding true ownership of the property. This frequently occurs and results in a substantially reduced field of perspective insurers. It is critical to note that our issues lie only with ascertaining and resolving surface rights and do not involve any sub-surface mineral rights.

As predominant trustees of Federal Lands in Nevada, the Bureau of Land Management has the unenviable task of dealing with the repercussions from these historic events. Over the last two decades, they have proactively worked with our local government officials to develop both short and long term solutions. I want to stress that at all levels of their organization, BLM has not only been good to work with...they've been GREAT. But, like any Federal, State or Local Government; they are bound by their own policies and of course, the law of the land. Simply stated, BLM cannot rectify this problem without authorization from Congress. Individuals wishing to fully and clearly obtain unclouded surface title rights would have to petition Congress separately under a large scale series of mini "Land Acts". Within their respective levels of authority, they have encouraged us to continue to find permanent solutions to clarify and rectify property ownership issues. We therefore turned to our Congressional Representatives and were fortunate to capture the interests of Congressman Amodei who was familiar with our problem based on his background as a Nevada State Senator and lawyer. Congressman Amodei has developed a simplified, streamlined approach to cure this centuries-old issue. It is, in essence:

Give any interest the United States Government has in surface rights regarding the impacted properties to the local government for proper reparation and release to the respective lawful owners.

Storey County has drafted its own simplified process to pass through any ownership rights via quit claim deed to the estimated 1285 individual property owners on a low-to-no cost basis. Approximately 1705 acres are constituted in our request and we have asked for inclusion of 40 additional acres in the contiguous community of Mark Twain covering 4 additional residential parcels that have been impacted due to conflicting surveys. H.R. 1167 would rectify and enable, in one single act, issues that have prevailed for over a century and a half. This approach is immeasurably cost efficient. In fact, a BLM spokeswoman from their Nevada State Field Office was quoted as saying:

Trying to figure out how many properties may be in trespass and resolving discrepancies on a case-by-case basis would be a monumental task. These issues extend back to the mid-1800's, and finding solutions would be at a cost of probably millions of dollars and several years. (1)

(1) BLM (Reno) spokeswoman Erica Haspiel-Szlosek as quoted in the July 26, 2012 Las Vegas Review Journal

And that is why Commissioner McBride and I have traveled here today...to speak in full support of H.R. 1167 and ask for your support as well. It is a logical, simple act that will once and for all restore property rights to the people of Storey County as the rightful owners and end over a century and a half of confusion and frustration.

Mr. Chairman and Congressmen; we thank you for your time and interest and urge this Committee to support H.R. 1167, the Restoring Storey County Act. I am happy to answer any questions you might have or provide additional information.