

Committee on Natural Resources

Rob Bishop Chairman
Markup Memorandum

June 4, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Chris Esparza
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 5597 (Rep. Chris Stewart)**, To provide for the expansion of the Desert Tortoise Habitat Conservation Plan, Washington County, Utah.
June 6, 2018, 10:15 AM; 1324 Longworth House Office Building

**H.R. 5597, “Desert Tortoise Habitat Conservation Plan Expansion Act,
Washington County, Utah”**

Summary of the Bill

H.R. 5597, introduced by Representative Chris Stewart (R-UT-02), provides for the expansion of the Desert Tortoise Habitat Conservation Plan in Washington County, Utah.

Cosponsors

None.

Background

In 2009, President Obama signed Public Law 111-11, which established the 45,000-acre Red Cliffs National Conservation Area (NCA) in southwestern Utah, and directed the Bureau of Land Management (BLM) to identify a transportation and utility corridor across the NCA. The need to establish such a corridor for the rapidly growing Washington County, Utah, area was identified as essential in reducing traffic congestion and improving air quality. As originally proposed, the corridor alignment would have fragmented approximately 2,900 acres of the NCA.

In response to concerns about the original proposal, Washington County, BLM, U.S. Fish and Wildlife Service, Utah Division of Wildlife Services, the Utah State School and Institutional Trust Lands Administration, the Dixie Metropolitan Planning Organization, and other stakeholders, worked with State and federal biologists to identify a revised alignment that would minimize impacts on the NCA and desert tortoise habitat. The new alignment established in this bill fragments only 1,400 acres and requires that the corridor be constructed with two long bridge spans to allow tortoise connectivity with the larger portion of the NCA. This 300-foot wide corridor would be 4.4 miles long, covering only 147 acres of the NCA. In exchange for the corridor, this bill would expand the Desert Tortoise Habitat Conservation Plan by adding 6,835 acres of new high-quality tortoise habitat called Zone 6 as mitigation.

The Subcommittee on Federal Lands held a legislative hearing on H.R. 5597 on May 22, 2018. This bill has been endorsed by the Conservation Fund.

Major Provisions/Analysis of H.R. 5597

Section 3. Amendment and Renewal of the Desert Tortoise Habitat Conservation Plan, Washington County, Utah. Amends the Desert Tortoise Habitat Conservation Plan in Washington County, Utah, to include an additional 6,865 acres to be managed by Washington County in conformity with the conservation plan.

Section 4. Adjustment to Resource Management Plans and Conservation Areas. Amends the resource management plans for the Beaver Dam Wash National Conservation Area, the Red Cliffs National Conservation Area, and the St. George Field Office Resource Management Plan in coordination with local governments to remain consistent with other provisions in this Act.

Section 5. Red Cliffs National Conservation Area. Amends the Red Cliffs National Conservation Area to grant Utah, or one or more units of local government, a right of way for the northern transportation and utility route.

Section 6. Beaver Dam Wash National Conservation Area. Affirms the preservation of existing established rights, including an utility corridor, interests in water rights, utility development protocols, and rights to utilities and grazing permits within the Beaver Dam Wash National Conservation Area.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

The Department of the Interior provided a written statement in support of H.R. 5597 while also suggesting clarifications on some remaining technical concerns.

Anticipated Amendments

There is potential for technical amendments.

Effect on Current Law (Ramseyer)

None.