

**Testimony of
Commissioner Victor Iverson, Board Chairman
Washington County, Utah**

**House Natural Resources Subcommittee on Federal Lands
Hearing on H.R. 2423 Washington County, Utah, Public Lands Management
Implementation Act**

May 23, 2017

Good Morning, Chairman McClintock, Ranking Member Hanabusa, Chairman Bishop and Members of the Subcommittee. Thank you for inviting me to come here today and talk to you about my county, Washington County, Utah. I'm Victor Iverson, Chair of the Washington County Commission. I also wish to thank Congressman Stewart for introducing H.R. 2423. Let me tell you a bit about my home.

As you see from the map, my county is known for its unique geological beauty. Washington County is home to iconic Zion National Park, and breathtaking Snow Canyon State Park. We are right in the corner of Utah with Nevada on the West and Arizona on the South. With the Grand Canyon and the Colorado River Drainage below us, the Pine Valley Mountain rising up to 10,000 ft in elevation above us, the Hurricane Cliffs on one side, and the Bull Valley Mountains on the other, we are in a beautiful and protected spot. That topography that I get so excited about is part of the reason I am here today. We have infrastructure needs that are extremely limited because of lay of the land. Utility lines and roadways have to be sited according to Mother Nature, and not bureaucratic boundaries. To illustrate this point, I will tell you a story about Washington County's natural resources policies.

The story of Washington County is not about conflict. It is a story about people who care very deeply for their environment who work together to find the right balance between protecting resources and enjoying them. Two decades ago, we proactively struck a balance between protecting the threatened Mojave Desert Tortoise and protecting the growth of our county by developing a habitat conservation plan.¹ Rather than destroying the growth potential in my county, the tortoise has become a friendly neighbor.

¹ Washington County, Utah Desert Tortoise Habitat Conservation Plan, 1996. Signatories to the HCP are: Washington County, City of Ivins, Utah Department of Natural Resources, Bureau of Land Management, and US Fish and Wildlife Service.

A few years later, Washington County engaged in a process to resolve multiple resource issues in our county. In 2009, after several years of cooperative work, the Washington County lands bill passed Congress and was signed into law by President Barack Obama—the only county lands bill in Utah.² We are proud of the fact that the county worked with environmental groups and other stake holders to solve problems.

The lands bill designated fifteen wilderness areas plus over 100,000 acres of wilderness within Zion National Park for a total of about 250,000 acres of wilderness, designated thirty 39 wild and scenic river segments, created eight new areas of critical environmental concern, and created two large national conservation areas. My county gave up a lot of acres to special designations in that process. We gave it up in exchange for assurances about access for roadways, water lines, and traditional uses. It was hailed as the new standard for natural resources management.

Now I will tell you the sad part of my story. The promises that were made during the lands bill process have not been kept.³ I am here today to respectfully request your help to honor the promises made to my county in that legislation. Two of the promised pieces of the lands bill are a road we call the northern corridor and the utility development protocols that are part of the habitat conservation plan for the tortoises.

The Northern Corridor will be a 4 mile long road way that will bypass bottle necks created by natural topography. The roadway is necessary to accommodate our anticipated traffic demands and it is estimated it will reduce traffic delays by an estimated 300,000 hours per year by the year 2040 helping to maintaining our air quality. Washington County committed to the idea that the construction of the northern Corridor will be done in a way that will not harm our work in the recovery of the tortoise.

In regards it to utility corridors, as I mentioned before, the natural topography is very restrictive to rights of way. We have to make use of the feasible options we have to site utilities. Washington County is the driest county in the second driest state. Water lines are essential. For

² Omnibus Public Lands Management Act of 2009 (Public Law 111-11)

³ BLM's final Record of Decision on the Red Cliffs National Conservation Area Resource Management Plan, on pages 66 and 68, precludes future consideration of both the northern corridor and the utility development protocols by applying layers of impossible requirements even though the bill requires the BLM to consider northern corridor routes at the next planning stage – the transportation management plan. For example, LAR-13(c) says the when considering rights of way (ROWs), BLM will ensure that new ROWs share, parallel, or adjoin existing ROWs. The northern corridor cannot be built if it must share an existing ROW, no such ROW exists at present. LAR-13(e) says that ROWs can only be authorized if they will not result in any take of tortoises. Take includes picking up tortoises and moving them out of the way. The county has an incidental take permit, and therefore should be allowed to move tortoises out of the way to build a road. The “no take” requirement is an impossible standard. That same section creates an impossible barrier to maintenance or upgrades of existing utility lines or any future utility development. Half of the drinking water for the City of St. George, the largest city in the county, comes from an aquifer that lies beneath the Red Cliffs NCA. Without the ability to access that water, the county will face huge water problems in the future.

that reason, the protocols were developed by the same partners who created the tortoise plan. Rights of way were always anticipated through tortoise habitat. Now the BLM, an agency that is a signatory to the protocol agreement, is trying to eliminate them.

I owe it to my constituents to assure that our utility and transportation needs can be met. The wilderness, wild and scenic rivers, and other designations are being actively managed. Now we just need the access we bargained for to be treated the same way. I am here to ask you to help my county. Please support H.R. 2423, which clarifies the intent of Congress in protecting our utility access and our ability to meet our future transportation needs.