To provide for the expansion of the Desert Tortoise Habitat Conservation Plan, Washington County, Utah.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2018

Mr. STEWART introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the expansion of the Desert Tortoise Habitat Conservation Plan, Washington County, Utah.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Desert Tortoise Habitat Conservation Plan Expansion Act, Washington County, Utah”.

SEC. 2. DEFINITIONS.

In this Act:

(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA.—The term “Beaver Dam Wash Na-
tional Conservation Area” means the Beaver Dam Wash National Conservation Area as established by the Omnibus Public Lands Management Act of 2009 (Public Law 111–11).

(2) Desert Tortoise Habitat Conservation Plan.—The term “Desert Tortoise Habitat Conservation Plan, Washington County, Utah” means the Washington County Habitat Conservation Plan signed February 23, 1996, by the United States Fish and Wildlife Service, Bureau of Land Management, the State of Utah, Washington County, Utah, and Ivins City, Utah.

(3) Red Cliffs National Conservation Area.—The term “Red Cliffs National Conservation Area” means the Red Cliffs National Conservation Area as established by the Omnibus Public Lands Management Act of 2009 (Public Law 111–11).

(4) Secretary.—The term “Secretary” means the Secretary of the Interior.

(5) Unit of Local Government.—The term “unit of local government” means Washington County, St. George City, and other political subdivisions of the State of Utah, including municipalities of the State of Utah within the geographical boundaries of Washington County with authority over local...
planning and zoning and the Washington County
Water Conservancy District.

(6) UTILITY.—The term “utility” means exist-
ing or new sites, rights-of-way, permits, grants, in-
frastructure, edifices, facilities, and any other com-
ponents that provide public services including, but
not limited to, water, electricity, gas, sewage, and
communications.

(7) UTILITY DEVELOPMENT PROTOCOLS.—The
term “utility development protocols” means the Red
Cliffs Desert Reserve Development Protocols for
Projects agreement approved by Washington County,
Bureau of Land Management, and United States
Fish and Wildlife Service for the construction, oper-
ation, maintenance, and replacement of utilities
within the Red Cliffs Desert Reserve and/or Inci-
dental Take Areas dated August 1, 2006, as amend-
ed.

SEC. 3. AMENDMENT AND RENEWAL OF THE DESERT TOR-
TOISE HABITAT CONSERVATION PLAN, WASH-
INGTON COUNTY, UTAH.

(a) IN GENERAL.—Upon receipt from Washington
County, Utah, of a proposal to amend and renew the
Desert Tortoise Habitat Conservation Plan, Washington
County, Utah that includes an additional 6,865 acre
desert tortoise reserve zone named the Red Cliffs Desert Reserve, Zone 6, as generally depicted on a map entitled “Red Cliffs Desert Reserve, Zone 6” and dated February 23, 2018, the Secretary shall, after coordination with units of local government and in accordance with the provisions of this Act and with applicable laws, approve such amendment and renew such plan and the permit under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that was issued for such plan, for a period of 25 years.

(b) Management of Red Cliffs Desert Reserve, Zone 6.—The Red Cliffs Desert Reserve, Zone 6 shall be managed by Washington County as part of and in conformity with the provisions of the Desert Tortoise Habitat Conservation Plan, Washington County, Utah.

c) Management of Federal Lands.—The Secretary shall manage Federal lands within Zone 6 of the Desert Tortoise Habitat Conservation Plan, Washington County, Utah to enhance the natural values of such lands, including wildlife habitat, and recreational, cultural, educational, and scientific values of such lands.

(d) Amendment of St. George Field Office Resource Management Plan.—

(1) In general.—The Secretary, in consultation with units of local government including Wash-
ington County, shall amend the St. George Field Office Resource Management Plan to provide for management of Federal lands within the Red Cliffs Desert Reserve, Zone 6 area.

(2) AMENDMENT REQUIREMENTS.—The amendment shall include—

(A) management of species in accordance with the Desert Tortoise Habitat Conservation Plan, Washington County, Utah;

(B) the utility development protocols as outlined for the Red Cliffs Desert Reserve and/or Incidental Take Areas dated August 1, 2006, as amended; and

(C) management of recreation in conformance with the Desert Tortoise Habitat Conservation Plan, Washington County, Utah for other zones in the Red Cliffs Desert Reserve including rock climbing, organized events approved by the Washington County Habitat Conservation Advisory Committee, hiking, biking, horseback riding, and off-highway vehicle use on designated trails and roads.

(e) PROVISION OF MITIGATION CREDITS.—The Secretary shall manage the Red Cliffs Desert Reserve, Zone 6 as a land bank to provide mitigation credits for future
disturbances of the Red Cliffs Desert Reserve, including
utility disturbances and the construction of the Northern
Transportation Corridor identified in section 5.

(f) MITIGATION CREDITS IN RENEWED TAKE PER-
MIT.—In the permit extended under subsection (a), the
Secretary shall credit Washington County as follows:

(1) Washington County shall receive mitigation
credit for the tortoises protected on non-Federal
lands in Zone 6; and

(2) Washington County shall receive mitigation
credit, in yearly installments, for those tortoises suc-
cessfully translocated and surviving, based on survi-
vorship and juvenile recruitment estimates as deter-
mined by the United States Fish and Wildlife Serv-
ice.

(g) ADOPTION OF AMENDMENT.—The Secretary
shall adopt the amendment to the St. George Field Office
Resource Management Plan within one year after receipt
of Washington County’s proposal to amend and renew the
Habitat Conservation Plan including the Red Cliffs Desert
Reserve, Zone 6.

(h) HABITAT CONSERVATION PLAN NOT OTHERWISE
AFFECTED.—Except as provided in this section, nothing
in this Act otherwise limits, alters, modifies, or amends
the Desert Tortoise Habitat Conservation Plan, Washington County, Utah.

SEC. 4. ADJUSTMENT TO RESOURCE MANAGEMENT PLANS AND CONSERVATION AREAS.

Not later than one year after the date of enactment of this Act, the Secretary shall amend the resource management plans for the Beaver Dam Wash National Conservation Area, the Red Cliffs National Conservation Area, and the amendment to the St. George Field Office Resource Management Plan—

(1) in accordance with section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9));

(2) in coordination and cooperation with units of local government in the State of Utah including Washington County, St. George City, and other political subdivisions, including municipalities of the State of Utah within the geographical boundaries of Washington County with authority over local planning and zoning, and the Washington County Water Conservancy District; and

(3) consistent with the provisions of this Act.

SEC. 5. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) Boundaries and Public Access.—
(1) IN GENERAL.—The Red Cliffs National Conservation Area shall consist of approximately 45,000 acres of public and non-Federal land in Washington County, Utah, identified on the Red Cliffs National Conservation Area Management Map dated February 23, 2018.

(2) AVAILABILITY OF MAP.—An updated map and legal description of the Red Cliffs National Conservation Area shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(b) PRESERVATION OF EXISTING UTILITY CORRIDOR.—The Secretary shall recognize on federally managed lands a 150-foot-wide transportation utility corridor in each direction from the centerline of SR 18 through the Red Cliffs National Conservation Area.

(c) UTILITY DEVELOPMENT PROTOCOLS FOR HABITAT CONSERVATION PLAN.—The Secretary shall adhere to the Utility Development Protocols dated August 1, 2006, as amended, within the Red Cliffs National Conservation Area and/or Incidental Take Area as the suitable mechanism for new and existing utility management within the Red Cliffs National Conservation Area.

(d) WATER RIGHTS ASSOCIATED WITH ACQUIRED LAND AND INTERESTS FOR RED CLIFFS NATIONAL CON-
SERVATION AREA.—The Secretary may not acquire any water rights in the Red Cliffs National Conservation Area or any water rights related to any land or interest in land in the Red Cliffs National Conservation Area.

(e) NORTHERN TRANSPORTATION AND UTILITY CORRIDOR.—The Secretary of the Interior shall grant to the State of Utah or to one or more units of local government a 300 foot wide right-of-way for the northern transportation and utility route pursuant to section 1977(b)(2)(A) of Public Law 111–11 identified on the Red Cliffs National Conservation Act Management Map dated February 23, 2018.

SEC. 6. BEAVER DAM WASH NATIONAL CONSERVATION AREA.

(a) Preservation of Existing Utility Corridor—The Secretary shall recognize on federally managed lands a 150-foot-wide transportation and utility corridor in each direction from the centerline of old US 91 through the Beaver Dam Wash National Conservation Area.

(b) WATER RIGHTS ASSOCIATED WITH ACQUIRED LAND AND INTERESTS FOR BEAVER DAM WASH NATIONAL CONSERVATION AREA.—The Secretary may not acquire any water rights in the Beaver Dam Wash National Conservation Area or any water rights related to
any land or interest in land in the Beaver Dam Wash National Conservation Area.

(c) Utility Development Protocols.—The Secretary shall adopt utility development protocols for the construction, operation, maintenance, and replacement of utilities within the Beaver Dam Wash National Conservation Area that are no more restrictive than the Red Cliffs Desert Reserve Utility Development Protocols dated August 1, 2006, as amended. The Beaver Dam Wash Utility Development Protocols shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the identification and consideration of potential impacts to fish and wildlife resources and habitat.

(d) Preservation of Existing Utilities and Grazing Permits.—Access to utilities and grazing permits and maintenance of utilities that are located in Beaver Dam National Wash National Conservation Area, shall be preserved.