



## History of the Red Cliffs National Conservation Area

- The Red Cliffs National Conservation Area (NCA) was established by U.S. Congress in the Omnibus Public Land Management Act in 2009 (Public Law 111-11) to permanently protect tortoise habitat in St. George, Utah.
- Representative Chris Steward introduced a bill HB 2423, May 2017 that designates a four lane highway through this prime critical habitat of the tortoise in the NCA. It would exclude the highway from environmental federal regulations to protect the environment of the Red Cliff National Conservation Area for which it was set aside by Congress.
- Stewart's bill HR 2423 claims it is to implement Public Law 111-11 yet it undermines the public law 111-11 that was established to protect the tortoise in the NCA. It is actually a violation of 111-11 Public law. Hence the need for new legislation.
- In 1990, the U.S. Fish and Wildlife Service listed the tortoise as threatened under the Endangered Species Act. This could stop development on private lands in the county. So in 1995, local officials signed an agreement to establish a Habitat Conservation Plan (HCP) to protect Red Cliffs Desert Reserve. In trade 300,000 acres of private land was released for development. HCPs are developed to reduce the regulatory burden on private landowners while addressing the habitat needs of listed species. The Reserve was not only for the tortoise. Washington County has some of highest density of endangered, threatened and special status species in Utah.
- However, local officials want to go back on their pledge and now build a highway through the NCA.
- Stewart's bill H.R.2423 is called the *Washington County, Utah, Public Lands Management Implementation Act. To implement certain measures relating to management of Washington County, Utah, required by Public Law 111-11*. But, the claim the highway was in the public law 111-11 is not correct. It was not in the bill and in fact it was deleted from the 2009 bill.
- Sen. Orrin Hatch introduced a bill S1053 in the senate May 2017 directing the BLM to scrap its Resource Management Plan (RMP) entirely and start over. Because the RMP does not allow for a highway that will harm wildlife habitat.
- Currently, the local officials want to renew the Habitat Conservation Area (HCP) so that lands outside the reserve can continue to be developed. The U.S. Fish and Wildlife Service has denied the highway in the HCP several times. Hence the need for legislation to exclude the implementation of federal laws that protect the current NCA.
- Local officials have now proposed an Amendment to the HCP in the renewal that would allow a highway through pristine high quality critical habitat ZONE 3 and fragment 10,000 acres into two areas. In exchange a new area ZONE 6 between Bloomington and the Santa Clara River Reserve would be established for the tortoise that is about 10,000 acres also split in two by a proposed western corridor highway. They claim a highway will recover and enhance tortoise habitat by building culverts. But studies show culverts are not successful because of noise, lights and pollution from the highway keep tortoise from going near a highway. Zone 6 is already highly used for grazing, ATV riding, target shooting and heavily used with no environmental protection. The presence of tortoises is the only reason

given with no scientific studies provided to support a smaller, disconnected area that will have less genetic diversity in ZONE 6.

- There is already a highway that goes through the Reserve from east to west called the Red Hills Parkway. The Dixie Metropolitan Planning Organization (DMPO) that plans highways should make a good-faith effort to study alternative routes and/or ways of meeting the transportation needs the Northern Corridor highway is intended to resolve by running Travel Demand models that avoid a route through the Red Cliffs Desert Reserve that violates the Public Law 111-11.
- Biologists on the Habitat Conservation Advisory Committee (HCAC) Technical Committee oppose the highway route through prime tortoise habitat. Their preferred route would follow the border of the Red Cliffs NCA from Green Springs to the Red Hills Parkway.
- The proposed Northern Corridor highway is justified by results from traffic modeling. The results don't seem to make logical sense in relation to the supposed purpose of facilitating east-west traffic along the north side of St George and easing congestion between the intersection of SR18 and Red Hills Parkway and the Red Hill Parkway – 1000E – St George Boulevard – I-15 intersections. The proposed route would indeed bypass latter but would then dump traffic into a new light on Red Hills Parkway, moving the congestion point. This modeling should undergo an independent technical review to understand the assumptions, data values, and alternatives and their underling basis.
- The HCP allowed for the extensive economic development of tortoise habitat outside the reserve in exchange for the protection of tortoise populations inside the reserve. Now that the county and adjacent cities have largely developed the tortoise habitat outside the reserve and benefitted from the revenue, they want to place highway inside the reserve (the place they pledged to protect 23 years ago).
- \$60-\$100,000,000.00 federal funds have been spent on the HCP buying habitat for the desert tortoise that they want to build a highway through.
- 2018 UDOT recently applied for another Right-of-Way application to BLM for the highway through the NCA.
- Since there is no bill for the public to review it is premature to approve a resolution to support the County's *Washington County Desert Tortoise Habitat Conservation Plan Expansion Bill*.



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