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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Desert Tortoise Habi-
5 tat Conservation Plan Expansion Act, Washington Coun-
6 ty, Utah”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

7 (2) DESERT TORTOISE HABITAT CONSERVATION
8 PLAN.—The term “Desert Tortoise Habitat Con-
9 servation Plan, Washington County, Utah” means
10 the Washington County Habitat Conservation Plan
11 signed February 23, 1996, by the United States
12 Fish and Wildlife Service, Bureau of Land Manage-
13 ment, the State of Utah, Washington County, Utah,
14 and Ivins City, Utah.

15 (3) RED CLIFFS NATIONAL CONSERVATION
16 AREA.—The term “Red Cliffs National Conservation
17 Area” means the Red Cliffs National Conservation
18 Area as established by the Omnibus Public Lands
19 Management Act of 2009 (Public Law 111–11).

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

22 (5) UNIT OF LOCAL GOVERNMENT.—The term
23 “unit of local government” means Washington
24 County, St. George City, and other political subdivi-
25 sions of the State of Utah, including municipalities

1 of the State of Utah within the geographical bound-
2 aries of Washington County with authority over local
3 planning and zoning and the Washington County
4 Water Conservancy District.

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

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

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

24 (a) IN GENERAL.—Upon receipt from Washington
25 County, Utah, of a proposal to amend and renew the

1 Desert Tortoise Habitat Conservation Plan, Washington
2 County, Utah that includes an additional 6,865 acre
3 desert tortoise reserve zone named the Red Cliffs Desert
4 Reserve, Zone 6, as generally depicted on a map entitled
5 “Red Cliffs Desert Reserve, Zone 6” and dated February
6 23, 2018, the Secretary shall, after coordination with
7 units of local government and in accordance with the pro-
8 visions of this Act and with applicable laws, approve such
9 amendment and renew such plan and the permit under
10 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
11 seq.) that was issued for such plan, for a period of 25
12 years.

13 (b) MANAGEMENT OF RED CLIFFS DESERT RE-
14 SERVE, ZONE 6.—The Red Cliffs Desert Reserve, Zone
15 6 shall be managed by Washington County as part of and
16 in conformity with the provisions of the Desert Tortoise
17 Habitat Conservation Plan, Washington County, Utah.

18 (c) MANAGEMENT OF FEDERAL LANDS.—The Sec-
19 retary shall manage Federal lands within Zone 6 of the
20 Desert Tortoise Habitat Conservation Plan, Washington
21 County, Utah to enhance the natural values of such lands,
22 including wildlife habitat, and recreational, cultural, edu-
23 cational, and scientific values of such lands.

24 (d) AMENDMENT OF ST. GEORGE FIELD OFFICE RE-
25 SOURCE MANAGEMENT PLAN.—

1 (1) IN GENERAL.—The Secretary, in consulta-
2 tion with units of local government including Wash-
3 ington County, shall amend the St. George Field Of-
4 fice Resource Management Plan to provide for man-
5 agement of federal lands within the Red Cliffs
6 Desert Reserve, Zone 6 area.

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

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

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

16 (C) management of recreation in conform-
17 ance with the Desert Tortoise Habitat Con-
18 servation Plan, Washington County, Utah for
19 other zones in the Red Cliffs Desert Reserve in-
20 cluding rock climbing, organized events ap-
21 proved by the Washington County Habitat Con-
22 servation Advisory Committee, hiking, biking,
23 horseback riding, and off-highway vehicle use
24 on designated trails and roads.

1 (e) PROVISION OF MITIGATION CREDITS.—The Sec-
2 retary shall manage the Red Cliffs Desert Reserve, Zone
3 6 as a land bank to provide mitigation credits for future
4 disturbances the Red Cliffs Desert Reserve, including to
5 utility disturbances and the construction of the Northern
6 Transportation Corridor identified in section 5.

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

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

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

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

1 (h) HABITAT CONSERVATION PLAN NOT OTHERWISE
2 AFFECTED.—Except as provided in this section, Nothing
3 in this Act otherwise limits, alters, modifies, or amends
4 the Desert Tortoise Habitat Conservation Plan, Wash-
5 ington County, Utah .

6 **SEC. 4. ADJUSTMENT TO RESOURCE MANAGEMENT PLANS**
7 **AND CONSERVATION AREAS.**

8 Not later than one year after the date of enactment
9 of this Act, the Secretary shall amend the resource man-
10 agement plans for the Beaver Dam Wash National Con-
11 servation Area, the Red Cliffs National Conservation
12 Area, and the amendment to the St. George Field Office
13 Resource Management Plan—

14 (1) in accordance with section 202(c)(9) of the
15 Federal Land Policy and Management Act of 1976
16 (43 U.S.C. 1712(c)(9));

17 (2) in coordination and cooperation with units
18 of local government in the State of Utah including
19 Washington County, St. George City, and other po-
20 litical subdivisions, including municipalities of the
21 State of Utah within the geographical boundaries of
22 Washington County with authority over local plan-
23 ning and zoning, and the Washington County Water
24 Conservancy District; and

25 (3) consistent with the provisions of this Act.

1 **SEC. 5. RED CLIFFS NATIONAL CONSERVATION AREA.**

2 (a) BOUNDARIES AND PUBLIC ACCESS.—

3 (1) IN GENERAL.—The Red Cliffs National
4 Conservation Area shall consist of approximately
5 45,000 acres of public and non-Federal land in
6 Washington County, Utah, identified on the Red
7 Cliffs National Conservation Area Management Map
8 dated February 23, 2018.

9 (2) AVAILABILITY OF MAP.—An updated map
10 and legal description of the Red Cliffs National Con-
11 servation Area shall be on file and available for pub-
12 lic inspection in the appropriate offices of the Bu-
13 reau of Land Management.

14 (b) PRESERVATION OF EXISTING UTILITY COR-
15 RIDOR.—The Secretary shall recognize on federally man-
16 aged lands a 150-foot-wide transportation utility corridor
17 in each direction from the centerline of SR 18 through
18 the Red Cliffs National Conservation Area.

19 (c) UTILITY DEVELOPMENT PROTOCOLS FOR HABI-
20 TAT CONSERVATION PLAN.—The Secretary shall adhere
21 to the Utility Development Protocols dated August 1,
22 2006, as amended, within the Red Cliffs National Con-
23 servation Area and/or Incidental Take Area as the suitable
24 mechanism for new and existing utility management with-
25 in the Red Cliffs National Conservation Area.

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

7 (e) NORTHERN TRANSPORTATION AND UTILITY COR-
8 RIDOR.—The Secretary of the Interior shall grant to the
9 State of Utah or to one or more units of local government
10 a 300 foot wide right-of-way for the northern transpor-
11 tation and utility route pursuant to section 1977(b)(2)(A)
12 of Public Law 111–11 identified on the Red Cliffs Na-
13 tional Conservation Act Management Map dated February
14 23, 2018.

15 **SEC. 6. BEAVER DAM WASH NATIONAL CONSERVATION**
16 **AREA.**

17 (a) Preservation of Existing Utility Corridor—The
18 Secretary shall recognize on federally managed lands a
19 150-foot-wide transportation and utility corridor in each
20 direction from the centerline of old US 91 through the
21 Beaver Dam Wash National Conservation Area.

22 (b) WATER RIGHTS ASSOCIATED WITH ACQUIRED
23 LAND AND INTERESTS FOR BEAVER DAM WASH NA-
24 TIONAL CONSERVATION AREA.—The Secretary may not
25 acquire any water rights in the Beaver Dam Wash Na-

1 tional Conservation Area or any water rights related to
2 any land or interest in land in the Beaver Dam Wash Na-
3 tional Conservation Area.

4 (c) UTILITY DEVELOPMENT PROTOCOLS.—The Sec-
5 retary shall adopt utility development protocols for the
6 construction, operation, maintenance, and replacement of
7 utilities within the Beaver Dam Wash National Conserva-
8 tion Area that are no more restrictive than the Red Cliffs
9 Desert Reserve Utility Development Protocols dated Au-
10 gust 1, 2006, as amended. The Beaver Dam Wash Utility
11 Development Protocols shall comply with the National En-
12 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
13 including the identification and consideration of potential
14 impacts to fish and wildlife resources and habitat.

15 (d) PRESERVATION OF EXISTING UTILITIES AND
16 GRAZING PERMITS.—Access to utilities and grazing per-
17 mits and maintenance of utilities that are located in Bea-
18 ver Dam National Wash National Conservation Area, shall
19 be preserved.