



Conserve Southwest Utah Testimony on S3297
"Desert Tortoise Habitat Conservation Plan Expansion Act, Washington County, Utah"
to the US Senate Energy and Natural Resources Committee
Submitted August 20, 2018

Conserve Southwest Utah (CSU) appreciates the opportunity to submit testimony to the Senate Energy and Natural Resources Committee on this matter that is very dear to the citizens of Washington County and, due to the precedent-setting nature of this bill, of great importance to American citizens.

As a local grassroots conservation organization in Washington County we have over 12 years of detailed experience with the subject of this bill. Over this period, we have participated in hundreds of meetings and events involving the protection of these lands, spending many thousands of volunteer hours by hundreds of the citizens throughout our county. We have watched this effort to force a highway through critical protected habitat evolve over these many years. [CSU's Testimony on HR5597](#), the companion House version of S3297, which has already been relayed to you, contains the details of our opposition. Here is a summary of our key issues:

1. The Purpose and Effects of this Bill

While this bill's title implies it is expanding habitat protection, it does the opposite. The real purpose of the bill is to enable the construction of a highway through prime protected habitat. As a false mitigation, it offers to protect a discontinuous area of relatively poor habitat that is already protected, and which is itself the target of future highway construction, and proposes that this would offset any additional future damage to the currently protected prime habitat. The [Desert Tortoise Council Testimony in Opposition to S3297](#) describes with clear scientific foundation that a highway is one of the most damaging impacts on sensitive habitat. The area that would be damaged by this highway was established as permanently protected habitat by the 1995 Washington County Habitat Conservation Plan and affirmed in the 2009 Omnibus Public Lands Management Act as mitigation for habitat destruction allowed in the rest of the county. S3297 offers this false circular mitigation for protected habitat that itself is mitigation for damage already done.

2. Local opposition

There is strong local opposition to this bill and the highway it enables, as evidenced by newspaper polls ([August 2017 poll](#), [April 2018 poll](#)), comments from the March 28 local "Open House" (the only public meeting held by the county on the bill), and numerous op-eds, all of which are in opposition except those written by county officials. A similar bill was introduced by Utah Representative Matheson and Senator Bennett in 2006 at the behest of our county commissioners, proposing this same highway and the removal of protections from a large portion of lands in Washington County. It was met by the same overwhelming opposition that this bill is receiving, resulting in what was intended to be permanent protection of the habitat via the 2009 Omnibus Public Lands Act, which established the concept of National Conservation Areas and our two local NCAs. And

yet again our local county government is trying to remove those protections, again against overwhelming local public opposition.

3. Poor public engagement process

In contrast to the massive public and shareholder engagement over an extended period of time for both the 2009 legislation and the more recent Resource Management Planning for our two NCAs, this bill was written in a rush, behind closed doors, with no public input or influence. Our local Shivwits Band of Paiutes were not even consulted regarding the significant impact to their ancestral lands, rich in their cultural heritage sites that will be damaged or destroyed.

4. An invalid solution

Our county leaders have held the concept of a “ring highway” for a long time, prior to formal protection granted to the desert tortoise. Highway construction is fundamentally incompatible with protection of the species, yet alternative solutions have not been sought after the protection was granted. Local road projects have been designed over these past 23 years under the bold assumption that this highway would be constructed. Traffic models justifying this highway disregarded several viable alternatives and not even considered many others, using invalid assumptions and constraints, with no peer review or public involvement. There should be an honest and open analysis before such a damaging solution is forced upon us, and upon the threatened species we are trying to protect. Repeated requests for this analysis have gone unanswered.

5. Values

Our county, and all of southern Utah, has some of the most impressive and sensitive majestic landscapes anywhere in the world, from Zion National Park on the eastern edge of our county to our two National Conservation Areas on the western edge. They drive our outdoor recreation economy and are the major reason this is one of the fastest growing areas in the US. These vistas, so close to our urban center, giving the sense of expansive natural beauty, are our economic and spiritual foundation, not to mention the fragile homes they provide to other species. This highway would damage that foundation, heavily impacting the human experience with them as much it would other species. Despite our elected officials’ pronouncements, it is not “essential”; rather, it is essential that we protect our foundation, and find viable solutions to our growth challenges by working together, rather than force a highway through the protected habitat and through the core of our values.

Our elected officials have lost contact with their constituents on this issue, as they did 12 years ago when public opposition reversed their plans. Over 2,000 supporters of our organization and the vast majority of county residents who have spoken in polls and public comments ask you to please not approve S3297.

Sincerely,

Tom Butine
Board President, Conserve Southwest Utah