

# Desert Tortoise Habitat Conservation Plan Expansion Act

*This provides a detailed background and summary of the draft bill.*

## AMENDMENT AND RENEWAL TO THE WASHINGTON COUNTY, UTAH HABITAT CONSERVATION PLAN

The original Habitat Conservation Plan (HCP) agreement expired in 2016. By agreement with the Fish and Wildlife Service, Washington County is operating the HCP under a temporary extension that is valid as long as we are actively working toward renewal. Over a year ago Washington County, federal agencies and other stakeholders began discussions on a long-term extension. This bill is the result of the many meetings to finalize renewal of the HCP agreement.

The bill, if passed into law would:

- Expand the HCP by creating an additional 6,865-acre reserve with rich desert tortoise habitat known as Zone 6.
- Renew the HCP agreement for 25 years,
- Require Washington County and the BLM to manage Zone 6 in accordance with the provisions of the existing HCP agreement,
- Apply the existing utility development protocols to include Zone 6 as well as other areas covered by the HCP,
- Allow for recreation to continue in Zone 6 on designated trails, including hiking, biking, horseback riding, and OHV use,
- Provide mitigation credits for the tortoises protected in Zone 6, and
- Require BLM to amend the existing plans to accommodate Zone 6.

## RED CLIFFS AND BEAVER DAM NATIONAL CONSERVATION AREAS

The current Record of Decision (ROD) for the Red Cliffs NCA requires some language changes to clear up management issues that are inconsistent with this new bill including restoring access to groundwater rights through the utility development protocols. Additionally, the current ROD has provisions that are inconsistent with the designation of the northern utility and transportation corridor route, as required by the 2009 Lands Bill. During the discussions on this bill, the County has worked with federal and state tortoise biologists and transportation engineers to develop new, optimal alignment for a route that causes the least disturbance to tortoise habitat while still being buildable. That alignment is included in this bill.

The bill, if passed into law would also:

- Clarify the width of the right of way (ROW) for Old Highway 91 as a 300 foot ROW on federally managed lands,

- Make explicit that the utility development protocol agreements developed for the HCP are included in the management plan for the NCAs,
- Clarify that the NCAs are not entitled to any federal water rights,
- Grant a 300 foot ROW for the northern corridor along the biologists' preferred route for a northern corridor in the Red Cliffs NCA, and
- Preserve existing utility and grazing rights in Beaver Dam NCA.