

**Statement of
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House Natural Resources Committee
Subcommittee on Federal Lands
*“Ensuring Local Input, Legal Consistency and Multiple-Use Resource Management in St.
George BLM Planning”***

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Thank you for the opportunity to discuss the Bureau of Land Management’s (BLM’s) development of Resource Management Plans (RMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas and an RMP Amendment for the St. George Field Office, as called for by the Omnibus Public Land Management Act of 2009. The BLM is committed to hearing from the public and engaging with cooperating governments and agencies as part of this planning process. Consistent with this commitment, the BLM has held numerous formal cooperating agency meetings and many informal meetings to discuss topics of importance with the State of Utah, local counties and municipalities, area tribes, stakeholders, and Federal partners, and has sought to maximize opportunities for public input into the plans. Under the Federal Land Policy and Management Act and the National Environmental Policy Act (NEPA), the BLM has an obligation to consider a broad range of potential resource scenarios and management approaches – referred to as “alternatives” – under the principles of multiple use and sustained yield, recognizing that other provisions of law may set forth specific management requirements. No final decisions have been made, and the BLM will engage further with cooperating agencies and carefully consider all public comments on the draft plans before issuing final plans.

Background

Washington County, Utah, covers nearly 2,500 square miles, and has been among the fastest growing counties in the country, with a population increase of 52 percent between 2000 and 2010. Population growth has direct impacts on public lands within the county and poses management challenges for a variety of resources. For over twenty years, the BLM has worked closely with Washington County, the State of Utah, area tribes, and Federal agency partners to manage sensitive resources in a way that prevents conflicts and facilitates continued growth. As part of this effort, Washington County and the U.S. Fish and Wildlife Service (USFWS) undertook a collaborative public process, including meetings between private land owners and state and Federal land managers, to develop a Habitat Conservation Plan (HCP) that allowed for continued growth while ensuring protection of the threatened Mojave desert tortoise. This effort mirrored similar conservation efforts across the Mojave Desert, including the successful Clark County Multiple Species HCP that has facilitated sustainable growth in the Las Vegas Valley.

The HCP Implementation Agreement, signed by Washington County, the State of Utah, the City of Ivins, the BLM, and the USFWS in February 1996, established the Red Cliffs Desert Reserve, a multi-jurisdictional wildlife reserve of 61,022 acres largely composed of Federal and state lands. According to the HCP, uses within the Reserve are to be managed in a way that “will

place the desert tortoise as the highest priority,” while allowing continued development of desert tortoise habitat outside of the Reserve. The HCP and associated Implementation Agreement provide a comprehensive approach to preserving and protecting desert tortoise habitat in Washington County, while at the same time allowing controlled growth and development in those areas of the county that are less essential to species recovery.

Omnibus Public Land Management Act of 2009

In early 2009, Congress passed H.R. 146, the Omnibus Public Land Management Act (Public Law 111-11, hereafter referred to as “OPLMA” or “the Act”), which included major provisions affecting future land management in Washington County, Utah. The Act established the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs) to be managed by the BLM, and designated new wilderness areas to be managed by the BLM, Forest Service, and National Park Service. The Act directed the Secretary of the Interior (Secretary) to develop comprehensive management plans for both of the NCAs, including direction for the Secretary, through the BLM, to “identify areas located in the County where biological conservation is a priority; and undertake activities to conserve and restore plant and animal species and natural communities within such areas.”

The Congressionally-designated boundary of the Red Cliffs NCA encompasses approximately 44,859 acres of public land managed by the BLM, including about 70 percent of the Red Cliffs Desert Reserve. The Act states that the purposes of the Red Cliffs NCA are “to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources” of the NCA and to protect each threatened or endangered species located in the NCA. The Act further provides that the Secretary shall only allow uses of the NCA that would further the purposes for which it was designated.

The Act also directed the BLM to execute a number of land actions, including the transfer of land into trust for the Shivwits Band of Paiute Indians and the conveyance of land for a variety of public purposes and uses, both of which the BLM completed in 2010.

St. George Resource Management Plans

Based on the Congressional direction in OPLMA, the BLM is preparing RMPs and an associated Environmental Impact Statement (EIS) as required under NEPA for the Beaver Dam Wash and Red Cliffs NCAs. As required by OPLMA, the BLM is also preparing an amendment to the St. George Field Office RMP to identify and manage priority biological conservation areas and to facilitate the development of a comprehensive travel management plan. The BLM is currently under a Federal Court order to have final RMPs by June 30, 2016. On January 8, 2016, at the BLM’s request, the United States Attorney’s Office filed a motion with the court to extend the deadline for the final RMPs to December 31, 2016, to allow for additional time to complete further outreach and analysis. As of the date of this testimony, the court has not acted on the motion.

On July 17, 2015, the BLM released the draft plans for a 90-day public review and comment period. The BLM later extended the comment period by an additional 30 days to ensure full

public opportunity to comment. As required by statute, the draft plans outline a range of alternatives and offer a variety of proposed management objectives and actions. During the planning process, the BLM held nine formal cooperating agency meetings and many informal meetings to discuss topics of importance with the State of Utah, local counties, interested tribes, and partnering Federal agencies, and has allowed for maximum public input into the plan.

Section 1977(b)(2) of OPLMA also requires the BLM to identify one or more alternatives for a “northern transportation route in the County” as part of a comprehensive travel management plan and in consultation with Washington County, the City of St. George, and other local governments. During the planning process for the NCAs and the amendment to the St. George RMP, the BLM received a formal request from Washington County to evaluate proposed alignments for a multi-lane road through the Red Cliffs NCA that could serve as this northern transportation route. Accordingly, the BLM has included an alternative that would designate a new utility and transportation corridor within the Red Cliffs NCA, accommodating all of the potential alignments that Washington County provided to the BLM for the northern transportation route.

During public scoping, the BLM received many written comments that suggested possible conflicts associated with the construction of a new multi-lane road through the Red Cliffs NCA, including the risk of undermining the 1996 HCP Implementation Agreement and the possible invalidation of Washington County’s associated incidental take permit, which could negatively affect future growth in the county. In light of these potentially significant conflicts, the BLM’s preferred alternative would retain existing designated right-of-way corridors along State Route 18 and Interstate 15, but would not designate a new utility and transportation corridor within the Red Cliffs NCA. This preferred alternative is consistent with the HCP and with the direction expressed by Congress in its establishment of the Red Cliffs NCA.

Since release of the draft plan, the BLM has heard from some stakeholders who believe that the Washington County Growth and Conservation Act, which was passed as part of OPLMA, requires the BLM to approve or otherwise establish a transportation route through the Red Cliffs NCA. However, a plain reading of the statute (OPLMA section 1977[b][2]) does not direct the BLM to do this. Instead, the Act prohibits such a route through the NCA unless it furthers one of the purposes for which the NCA was established.

Comprehensive Travel & Transportation Management Plan

OPLMA also requires the BLM, in consultation with appropriate Federal agencies and state, tribal, and local governments and after opportunity for public comment, to develop a comprehensive travel management plan for BLM-administered land in Washington County. In addition, the BLM must also ensure that the travel management plan contains a map that depicts the “High Desert Off-Highway Vehicle Trail” and must designate a system of areas, roads, and trails for mechanical and motorized use.

BLM off-highway vehicle (OHV) area designations provide the framework within which individual route designations are made. The OHV area designations in the 1999 St. George Field Office RMP are inconsistent with current BLM Travel and Transportation Management policy.

Each of the proposed alternatives in the draft plans (other than the “no action” alternative) would update OHV area designations and provide options to facilitate development of the required travel management plan.

Following final approval of the two NCA RMPs and the amendment to the St. George Field Office RMP, the BLM will prepare a Washington County Comprehensive Travel and Transportation Management Plan and a supporting Environmental Assessment in cooperation with the State of Utah and Washington County, and with full public participation and review. In addition to addressing OHV use and the High Desert OHV Trail, the travel management plan will include consideration of a northern transportation route within Washington County, as required by OPLMA.

Lands with Wilderness Characteristics

The BLM remains subject to the requirement of section 201 of FLPMA to “maintain on a continuing basis an inventory of all public lands and their resource and other values.” Just as wildlife habitat, visual resources, conventional and renewable energy production, grazing, mining, OHV use, hunting, and myriad other land uses and resources are considered in the development of an RMP, lands with wilderness characteristics must also be considered during the planning process. In order to fulfill our statutory commitments, the BLM has inventoried lands with wilderness characteristics within the planning areas and is analyzing the impact of the various alternatives in the EIS on these lands, and one alternative includes proposed prescriptions that would protect lands with wilderness characteristics. Consideration of these alternatives allows the BLM to complete a comprehensive plan under section 202 of FLPMA, and to address the interests and concerns of the wide array of public land users.

Conclusion

The BLM is committed to working with state, tribal, and local partners as we consider land management plan provisions for the Beaver Dam Wash and Red Cliffs NCAs and our St. George Field Office. As discussed above, the BLM is considering a broad range of potential resource management scenarios and provisions. No final decisions have been made, and the BLM will carefully consider all public comments and engage further with cooperating agencies before issuing final plans and amendments. Thank you for the opportunity to provide this testimony, and I am happy to answer any questions.