

H.R. 5597, “DESERT TORTOISE HABITAT CONSERVATION PLAN EXPANSION ACT, WASHINGTON COUNTY, UTAH”; H.R. 5751, “GOLDEN SPIKE 150TH ANNIVERSARY ACT”; AND H.R. 5875, TO AMEND THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT AND THE DINGELL-JOHNSON FEDERAL AID IN SPORT FISH RESTORATION ACT, TO PROVIDE PARITY FOR UNITED STATES TERRITORIES AND THE DISTRICT OF COLUMBIA, TO MAKE TECHNICAL CORRECTIONS TO SUCH ACTS AND RELATED LAWS, AND FOR OTHER PURPOSES

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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LEGISLATIVE HEARING ON H.R. 5597, TO PROVIDE FOR THE EXPANSION OF THE DESERT TORTOISE HABITAT CONSERVATION PLAN, WASHINGTON COUNTY, UTAH, “DESERT TORTOISE HABITAT CONSERVATION PLAN EXPANSION ACT, WASHINGTON COUNTY, UTAH”; H.R. 5751, TO REDESIGNATE GOLDEN SPIKE NATIONAL HISTORIC SITE AND TO ESTABLISH THE TRANS-CONTINENTAL RAILROAD NETWORK, “GOLDEN SPIKE 150TH ANNIVERSARY ACT”; AND H.R. 5875, TO AMEND THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT AND THE DINGELL-JOHNSON FEDERAL AID IN SPORT FISH RESTORATION ACT, TO PROVIDE PARITY FOR UNITED STATES TERRITORIES AND THE DISTRICT OF COLUMBIA, TO MAKE TECHNICAL CORRECTIONS TO SUCH ACTS AND RELATED LAWS, AND FOR OTHER PURPOSES

**Tuesday, May 22, 2018
U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 2:00 p.m., in room 1324, Longworth House Office Building, Hon. Tom McClintock [Chairman of the Subcommittee] presiding.

Present: Representatives McClintock, Westerman, Curtis, Bishop; Hanabusa, Lowenthal, and McEachin.

Also present: Representatives Stewart, González-Colón; Bordallo, Sablan, and Plaskett.

Mr. McCLINTOCK. The Subcommittee on Federal Lands of the House Natural Resources Committee will come to order.

The Chair would ask unanimous consent that all Members on the witness list testifying on today's panel be allowed to sit with the Subcommittee, give their testimony, and participate in the hearing from the dais.

Without objection, so ordered.

In addition, I would ask the following Members be allowed to sit with the Subcommittee and participate in the hearing for the

consideration of the bills we have before us today: Mrs. Radewagen from American Samoa; Miss González-Colón from Puerto Rico; Mr. Sablan from the Northern Mariana Islands; and Ms. Plaskett from the U.S. Virgin Islands.

Without objection, so ordered.

Under Committee Rule 4(f) any oral opening statements at hearings are limited to the Chairman, Ranking Minority Member, and the Vice Chairman. This will allow us to hear from our witnesses sooner and help Members keep to their schedules. I would ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Subcommittee Clerk by 5:00 p.m. today.

Without objection, so ordered.

We will be continuing our parliamentary experiment into the individual consideration of bills before us. So, we will hear testimony on each of the bills in sequence. If a witness is addressing multiple bills, the complete testimony will be heard at one time. After all the testimony is heard on the first bill, Members will have 5 minutes per round to ask questions on that bill. Then we will hear from our witnesses on the next bill and repeat that process.

Be sure to tell us how you think it is working.

With that, we will begin with opening statements, starting with mine.

**STATEMENT OF HON. TOM McCLINTOCK, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. McCLINTOCK. We have three bills before us today. First we will consider H.R. 5751, the Golden Spike 150th Anniversary Act, sponsored by Natural Resource Committee Chairman Rob Bishop of Utah.

Chairman Bishop's bill prepares for the sesquicentennial celebration of the completion of the Transcontinental Railroad, which will be celebrated on May 10, 2019.

The completion of the Transcontinental Railroad, which was consummated with the driving of the final spike at Promontory Summit, literally transformed America. It finished the great race across the frontier between the Union Pacific and Central Pacific Railroads.

I think it is difficult today to fully appreciate how revolutionary this event was for our Nation. On that single day, at that single moment, for the first time, the American continent was connected both by railroad and telegraph. The 3,000-mile journey from New York to San Francisco that had taken weeks now took only days. Messages that took days to transmit by Pony Express rider now took only seconds.

The Golden Spike 150th Anniversary Act will recognize the Golden Spike National Historic Site by redesignating it as Golden Spike National Historical Park. Additionally, the bill ensures that other sites and structures critical to the history, construction, and legacy of the Transcontinental Railroad are recognized and linked together in a new Transcontinental Railroad Network.

The bill will also help to restore the Federal Government as a good neighbor by ensuring that neighboring landowners and the

Park Service can work together to expedite minor projects that crisscross park and private boundaries.

Next, we will consider H.R. 5597, offered by Congressman Stewart of Utah. H.R. 5597 reflects a well-balanced compromise that has been achieved by Congressman Stewart and his staff, who have worked diligently with local communities and experts in biology and ecology.

This bill authorizes a transportation and utility corridor through the Red Cliffs National Conservation Area in Washington County, Utah. The much-needed corridor will reduce traffic congestion while simultaneously improving the air quality of the area.

This legislation also adds 6,800 acres to the Red Cliffs Desert Reserve, created in 1996 to provide additional habitat for the Mojave Desert tortoise.

Finally, H.R. 5875, introduced by Delegate Bordallo of Guam, seeks to address parity concerns between the 50 states and the U.S. territories with regard to the formulas within the Pittman-Robertson and Dingell-Johnson conservation programs. While the territories are included in the statutory definition of "states," they are not afforded an opportunity to receive an equal share of Pittman-Robertson and Dingell-Johnson funding. Delegate Bordallo's legislation provides the Secretary of the Interior greater flexibility in apportioning conservation funds, and requires parity between the states and territories with respect to funding for basic hunter education programs.

I would like to thank our witnesses for appearing before the Subcommittee today. I look forward to hearing their testimony.

With that, I yield back.

[The prepared statement of Mr. McClintock follows:]

PREPARED STATEMENT OF THE HON. TOM MCCLINTOCK, CHAIRMAN, SUBCOMMITTEE
ON FEDERAL LANDS

We have three bills before us today.

First, we will consider H.R. 5751, the Golden Spike 150th Anniversary Act sponsored by Natural Resource Committee Chairman Rob Bishop of Utah. Chairman Bishop's bill prepares for the sesquicentennial celebration of the completion of the Transcontinental Railroad on May 10, 2019.

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Next, we will consider H.R. 5597, offered by Congressman Stewart of Utah. H.R. 5597 reflects a well-balanced compromise that has been achieved by Congressman Stewart and his staff who have worked diligently with local communities and experts in biology and ecology.

Specifically, this bill authorizes a transportation and utility corridor through the Red Cliffs National Conservation Area in Washington County, Utah. The much needed corridor will reduce traffic congestion while simultaneously improving the

air quality of the area. This legislation also adds 6,835 acres to the Red Cliffs Desert Reserve, created in 1996 to provide additional habitat for the Mojave desert tortoise.

Finally, H.R. 5875, introduced by Delegate Bordallo of Guam, seeks to address parity concerns between the 50 states and U.S. territories with regard to the formulas within the Pittman-Robertson and Dingell-Johnson conservation programs.

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I'd like to thank our witnesses for appearing before the Subcommittee today and look forward to hearing their testimony. With that, I yield back and recognize the Ranking Member for her opening statement.

Mr. McCLINTOCK. I now recognize the Ranking Member for her opening statement.

STATEMENT OF HON. COLLEEN HANABUSA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Ms. HANABUSA. Thank you, Mr. Chairman, and thank you to the witnesses for providing your testimony for this hearing.

Today, we are considering three bills related to the management, designation, and funding of Federal land that falls under the jurisdiction of this Subcommittee.

First, H.R. 5597, introduced by Representative Stewart, amends and renews the Desert Tortoise Habitat Conservation Plan developed by Washington County, Utah. This includes the 6,800-acre expansion to Red Cliffs Desert Reserve in exchange for the construction of a 300-foot-wide northern transportation corridor through the reserve.

The proposed transportation corridor would, unfortunately, run through the habitat for the threatened Mojave Desert tortoise, and would, as determined by the U.S. Fish and Wildlife Service, violate the terms of the Habitat Conservation Plan. While I respect this proposal and years-long planning effort for a transportation corridor to accommodate population growth in Washington County, the bill precludes the environmental review and public involvement process typically required when dealing with habitat of endangered or threatened species.

Disrupting the habitat of the threatened Mojave Desert tortoise could set a precedent for counties to supersede habitat conservation plans when local development conflicts with the needs of federally funded and federally protected species. We can and must work together to ensure that our public lands are managed in a manner that balances conservation with economic development.

Second, Chairman Bishop's bill, H.R. 5751, redesignates the Golden Spike National Historic Site as the Golden Spike National Historical Park, and directs the Secretary of the Interior to establish a program known as the Transcontinental Railroad Network within the National Park Service. The completion of the first transcontinental railroad in the United States took place on May 10, 1869 in Promontory, Utah. The roughly 1,900-mile system of tracks that linked the Pacific and Atlantic Coasts for the first time in the Nation's history was built mostly by hand, with workers laboring tirelessly to place each spike over the course of 6 years.

I would like to congratulate Chairman Bishop and all the members of the Utah's House congressional delegation for the introduction of this legislation. This bill is a fitting commemoration of the 150th anniversary of the historic connection of the American coasts by rail, which had a tremendous impact on our country's economic and cultural development.

However, I would also like to note that the Golden Spike National Historic Site also strives to honor the legacy of early Chinese immigrants. Once the site received Federal protection and began to develop facilities to accommodate public visitation, administrators selected a unique quartzite stone, which is visible in the rock work of the visitor center external walls.

I am actually reading from the National Park Service website that talks about a legacy from the Far East. I am hopeful that in the creation of the national park within the National Park Service of the Transcontinental Railroad Network, that the work of the Chinese immigrants that was a substantial labor force that completed the railroad is also acknowledged. Many of the Chinese Americans are attempting to rebuild that history, and I think this would be an amazing place for them to start.

The third bill we will be discussing today is H.R. 5875, from Representative Bordallo. This proposal amends the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Federal Aid in Sport Fish Restoration Act to allow United States territories and the District of Columbia to enjoy equal funding considerations for wildlife restoration efforts, sportfishing, aquatic education, wetlands restoration, and boat-related activities.

Since the inception of the Pittman-Robertson and Dingell-Johnson Acts, approximately \$18 billion of taxes have been directed from sport hunting and fishing to states for conservation and recreation projects. This bipartisan legislation would remove outdated and arbitrary caps in current law that prevent our five U.S. territories and the District of Columbia from receiving full state-equivalent shares of this Federal funding at no cost to the taxpayers.

I am pleased to see a bipartisan effort to do the right thing, and I look forward to learning more of this effort from Representative Bordallo.

With that, Mr. Chair, I yield back the balance of my time.

[The prepared statement of Ms. Hanabusa follows:]

PREPARED STATEMENT OF THE HON. COLLEEN HANABUSA, RANKING MEMBER,
SUBCOMMITTEE ON FEDERAL LANDS

Thank you, Mr. Chairman. And thank you to the witnesses for providing your testimony for this hearing.

Today, we are considering three bills related to the management, designation, and funding of Federal land that fall under the jurisdiction of this Subcommittee.

First, H.R. 5597, introduced by Representative Stewart, amends and renews the Desert Tortoise Habitat Conservation Plan, developed by Washington County, Utah. This includes a 6,800-acre expansion to Red Cliffs Desert Reserve in exchange for the construction of a 300-foot-wide northern transportation corridor through the Reserve.

The proposed transportation corridor would unfortunately run through habitat for the threatened Mojave desert tortoise, and would, as determined by the U.S. Fish and Wildlife Service, violate the terms of the Habitat Conservation Plan.

While I respect this proposal and the years-long planning effort for a transportation corridor to accommodate population growth in Washington County, the bill

precludes the environmental review and public involvement process typically required when dealing with the habitat of endangered or threatened species.

Disrupting the habitat of the threatened Mojave desert tortoise could set a precedent for counties to supersede habitat conservation plans when local development conflicts with the needs of federally-protected species. We can and must work together to ensure that our public lands are managed in a manner that balances conservation with economic development.

Second, Chairman Bishop's bill, H.R. 5751, redesignates the Golden Spike National Historic Site as the Golden Spike National Historical Park, and directs the Secretary of the Interior to establish a program known as the Transcontinental Railroad Network within the National Park Service.

The completion of the first transcontinental railroad in the United States took place on May 10, 1869 in Promontory, Utah. The roughly 1,900-mile system of tracks that linked the Pacific and Atlantic coasts for the first time in the Nation's history was built mostly by hand, with workers laboring tirelessly to place each spike over the course of 6 years.

I would like to congratulate Chairman Bishop, and all the Members of Utah's House congressional delegation, for the introduction of this legislation. This bill is a fitting commemoration of the 150th anniversary of the historic connection of the American coasts by rail, which had a tremendous impact on our country's economic and cultural development.

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Since the inception of the Pittman-Robertson and Dingell-Johnson Acts, approximately \$18 billion of taxes have been directed from sport hunting and fishing to states for conservation and recreation projects. This bipartisan legislation would remove outdated and arbitrary caps in current law that prevent our five U.S. territories and the District of Columbia from receiving full, state-equivalent shares of this Federal funding, at no cost to taxpayers. I am pleased to see a bipartisan effort to do the right thing. I look forward to learning more about this effort from Representative Bordallo.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. McCLINTOCK. Great, thank you. We will now move on to consideration of each of the bills.

We will begin with H.R. 5751.

I would ask the witnesses to keep their oral statements to 5 minutes. We have some helpful timing lights to keep you within those rails. If you have testimony on more than one bill, we would ask that you give all of that testimony within the 5 minutes the Chair allotted.

With that, I will introduce Chairman Rob Bishop to present his bill.

**STATEMENT OF HON. ROB BISHOP, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. I appreciate this opportunity of coming here and talking about this bill.

Next year will be the 150th birthday of this historic event. And I think it is bigger than just Golden Spike itself. Not only is the Golden Spike the place where the United States was finally unified for the first time and we were able to go from ocean to ocean, but in that entire area are a whole bunch of other entities that illustrate how transportation has changed the course of America.

So, we have not only areas in which we talk about pioneers coming in wagons, but other areas in which we talk about trains and

train transportation, and how that revolutionized America, but also within walking distance of the Golden Spike is also an entity that was responsible for the motors that put the space shuttle into flight.

There is an entire corridor or area in which we can talk about the significance of transportation, and it can be a learning experience for people coming up there. I am excited about the changes that could go in this place. It is a significant part of American history, and more people need to have the access that can be provided not just by the redesignation, but also by the historic trail system that is going to be resurrected, developed.

We have done this in other areas. This is going to be for transportation now, so I am excited about this. I think it is a good thing. And I am looking forward to a heck of a good celebration come May of next year, when we celebrate the 150th anniversary of the uniting of this Nation together. I invite you all out to that event.

Mr. McCLINTOCK. With that, we will first hear testimony from Mr. Daniel Smith, Deputy Director of the National Park Service.

Mr. Smith, welcome.

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE
INTERIOR, WASHINGTON, DC**

Mr. SMITH. Mr. McClintock, Ranking Member Hanabusa, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 5751, the Golden Spike 150th Anniversary Act.

I would like to submit our full statement on this bill for the record, and summarize the Department's views.

In addition, I would like to submit a statement for the record on H.R. 5597 and H.R. 5875, so that any comments on that would be referred to the BLM or to the U.S. Fish and Wildlife Service.

The Department supports redesignating Golden Spike National Historic Site as Golden Spike National Historical Park, which is in keeping with Secretary Zinke's commitment to highlight less-visited units of the National Park System as we approach the celebration of the 150th anniversary of the May 10, 1869 Last Spike Ceremony marking the completion of the first transcontinental railway. This is a fitting time to enact this redesignation.

The Department supports the goals of the other provisions of H.R. 5751, but has concerns about them and would like to work with the Committee on amendments to address those concerns.

Golden Spike preserves 2,735 acres of land where the Union Pacific Railroad and the Central Pacific Railroad came together to form the first transcontinental railroad. Set in a vast, open landscape mostly unchanged from 1869, it retains an unparalleled concentration of historic transcontinental railroad engineering features, archeological sites, and associated cultural landscape elements. It is the only National Park Service unit that preserves physical evidence of the construction, completion, and maintenance of the transcontinental railroad.

Golden Spike was first designated a 7-acre national historic site on April 2, 1957 by Secretary of the Interior Fred Seaton. Eight years later, Congress authorized the acquisition of approximately

2,200 acres of land, including 15 miles of historic railroad grade, and placed it under NPS administration. The boundary was expanded by 532 acres in 1980, mainly to protect additional cultural features.

Today, Golden Spike is the second-largest national historic site in the National Park System. Given its size and the complexity of the resources, the Department believes that it is wholly appropriate to redesignate Golden Spike National Historic Site as Golden Spike National Historical Park.

This bill would also establish the Transcontinental Railroad Network program. The Department supports the goal of raising the profile of other transcontinental railroad sites and resources, and promoting opportunities for visitors to learn about this chapter of our Nation's history. However, we note that there has been no study conducted to define the significance of the objects or sites that would be commemorated or highlighted as transcontinental railroad sites and resources.

The Department would like to work with the Committee to further clarify how the proposed network would function. At the time when the Department is focusing resources on reducing the NPS's \$11.6 billion deferred maintenance backlog and addressing other critical National Park Service needs, the network and the infrastructure needed to support it would be difficult to prioritize at this time.

The bill also includes sections regarding activities adjacent landowners may propose to undertake on NPS lands that meet the definition of "historical crossing" and related to invasive species. The Department is concerned that these sections would create an unnecessary new process that is too broad and does not align with laws, regulations, and policies that generally apply to all NPS units.

In keeping with our desire to be a good neighbor, we would like to work with the Committee to address adjacent landowners' interests and concerns about rights-of-way and special use permits without establishing a park-specific process to address issues that also affect other parks.

Mr. Chairman, this concludes my statement, and I would be pleased to answer any questions you may have.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

STATEMENT ON H.R. 5751

Chairman McClintock, Ranking Member Hanabusa, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 5751, a bill to redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network.

The Department supports redesignating Golden Spike National Historic Site as Golden Spike National Historical Park, which is in keeping with Secretary Zinke's commitment to highlight less-visited units of the National Park System (System). As we approach the celebration of the 150th anniversary of the May 10, 1869, "Last Spike" ceremony marking the completion of the first transcontinental railway, this is a fitting time to enact this redesignation. The Department supports the goals of the other provisions of H.R. 5751, but has concerns about them, as explained in this

statement, and would like to work with the Committee on amendments to address those concerns.

Section 3 of H.R. 5751 would redesignate Golden Spike National Historic Site (Site) as Golden Spike National Historical Park (Park) and include it in the Transcontinental Railroad Network that would be established by Section 4. The Site preserves 2,735 acres of land where the Union Pacific Railroad and the Central Pacific Railroad came together to form the first transcontinental railroad, linking the United States politically, economically and physically. Set in a vast open landscape mostly unchanged from 1869, the Site retains an unparalleled concentration of historic transcontinental railroad engineering features, archeological sites, and associated cultural landscape elements. It is the only System unit that preserves physical evidence of the technology and methods involved in construction, completion, and maintenance of the transcontinental railroad. The National Park Service (NPS) operates replica locomotives “Jupiter” and “No. 119” daily in the summer. These provide visitors with a unique opportunity to learn about the transcontinental railroad.

The transcontinental railroad was among the greatest technological feats of the 19th century and represents one of the most ambitious and expensive projects ever undertaken by the Federal Government. The daunting task of construction across vast expanses of the country, within a relatively short time frame, required the government to forge creative partnerships with private corporations to accomplish this unprecedented construction feat. The legacy of this government-corporate partnership, and the fierce competition it spawned between rival railroad companies, is clearly reflected in the parallel grades and other features. Thousands of people, including Civil War veterans, Buffalo Soldiers, Mormons, and American Indians, as well as immigrants from Ireland, China, and other nations, were employed in the railroad’s construction, often toiling under the harshest of conditions in some of the most remote and difficult landscapes of the West.

The Site offers a walking trail and two opportunities to drive the transcontinental railroad grade and see what workers were building in 1869, including the “10 Miles of Track, Laid in one Day” sign where the Central Pacific Railroad built 10 miles and 56 feet of track on April 28, 1869.

Golden Spike National Historic Site was first designated a national historic site on April 2, 1957, by Secretary of the Interior Fred Seaton using the authority of the 1935 Historic Sites Act. The Site consisted of 7 acres of land owned by the Central Pacific Railway Company. Eight years later, through Public Law 89-102, enacted July 30, 1965, Congress authorized the acquisition of approximately 2,200 acres of land for the Site and placed it under the administration of the NPS. Most of the land acquisition, which included 15 miles of historic railroad grade and associated archeological features that remained from the construction, was completed in 1966 and 1967. The Site’s boundary was expanded by 532 acres through Public Law 96-344, enacted September 8, 1980, mainly to protect additional cultural features.

The NPS encourages Congress to follow a standard pattern of nomenclature for units of the System, and prefers that the term “national historical park” be reserved for units of greater physical extent and complexity than typical national historic sites, which are sometimes smaller than 1 acre with a single historic structure. Today, among System units that are designated “national historic sites,” Golden Spike, at 2,735 acres, is second in size only to the Sand Creek Massacre National Historic Site. Given the Site’s size and the complexity of the resources that are managed at the Site, the Department believes that it is wholly appropriate to redesignate Golden Spike National Historic Site as Golden Spike National Historical Park.

Section 4 would establish a Transcontinental Railroad Network program (Network). The Department supports the goal of raising the profile of other transcontinental railroad sites and resources and promoting opportunities for visitors to learn about this chapter in our Nation’s history. However, we note that there has been no study conducted to define the significance of the objects or sites that would be commemorated or highlighted as transcontinental railroad sites and resources. The Department would like to work with the Committee to further clarify how the proposed Network would function. At a time when the Department is focusing resources on reducing the NPS’s \$11.6 billion deferred maintenance backlog and addressing other critical national park needs, the Network and the infrastructure needed to support it would be difficult to prioritize.

Section 5 would require the Park Superintendent to enter into agreements with adjacent landowners regarding activities the landowners may propose to undertake on NPS lands that meet the definition of “historical crossing.” This term is not commonly found in NPS legislation. It is defined in H.R. 5751 as “a corridor across historical railroad rights-of-way within the Park that have been used by adjacent

landowners in an open manner in the past 10 years for vehicle, farm machinery, or livestock travel, or where existing utility or pipelines have been placed.” Adjacent landowners may propose any activity. H.R. 5751 does not limit the types of proposed activities to only activities that have occurred previously. Within 30 days of the notice from an adjacent landowner’s proposed activity, the Park Superintendent would be required to approve or disapprove the proposed activity.

This section would create a Park-specific process and timeline and name the Park Superintendent as the official to whom the processes are delegated. NPS superintendents currently have the delegated authority to approve or deny requests from stakeholders related to many types of activities on NPS lands, including issuing special use permits, approval of amendments, and renewals of existing rights-of-way, pursuant to Director’s Order #53: Special Park Uses. Authority to approve new requests for rights-of-way is delegated to NPS regional directors, also pursuant to Director’s Order #53. The Department is concerned that this section would create an unnecessary new process that is too broad and does not align with laws, regulations, and policies that generally apply to all units of the System. In keeping with our desire to be a good neighbor, we would like to work with the Committee to address adjacent landowners’ interests and concerns about rights-of-way without establishing a Park-specific process to address issues that other parks also face.

Section 6 would require the Park Superintendent to authorize adjacent landowners to participate in the eradication of invasive species on NPS land within 30 days of such a request. This section, like Section 5, would create a Park-specific process and timeline and name the Park Superintendent as the official to whom the processes are delegated. NPS superintendents currently have the delegated authority to approve or deny requests from stakeholders to participate in eradication of invasive species, pursuant to Director’s Order #7: Volunteers-in-Parks. The Department is concerned that Section 6, like Section 5, would create an unnecessary new Park-specific process that is too broad and does not align with laws, regulations, and policies that generally apply to all units of the System. Again, in keeping with our desire to be a good neighbor, the Department would like to work with the Committee to address adjacent landowners’ interests and concerns about invasive species eradication without establishing a Park-specific process to address issues that other parks also face.

With visitation at Golden Spike National Historic Site on the rise for several years now, the NPS looks forward to working with partners to host a grand and memorable 150th anniversary event. The sesquicentennial year presents unique opportunities to increase partnerships in support of the park, as well as increase awareness and understanding of the transcontinental railroad’s significant role in our Nation’s history.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

QUESTIONS SUBMITTED FOR THE RECORD BY REP. McEACHIN TO DEPUTY DIRECTOR
P. DANIEL SMITH

Question 1. I am extremely displeased with the National Park Service’s announcement yesterday that it is proposing to roll back a regulation prohibiting inhumane and scientifically unjustified methods of hunting on National Preserve lands in Alaska. I have opposed attempts to roll back this regulation and continue to believe that these hunting methods have no place on Federal lands. NPS is statutorily mandated to conserve wildlife species on National Preserve lands and in 2015, after an extensive, multi-year engagement process, NPS implemented the current common-sense wildlife management regulations. Please explain how the Service can disregard all of that work and do a complete 180 on its position.

Answer. Since the 2015 final rule (Alaska; Hunting and Trapping in National Preserves, 80 FR 64325) was implemented, Secretary Zinke has issued two Secretarial Orders (3347, 3356) regarding how the Department should manage recreational hunting and trapping in the lands and waters it administers. These orders include direction representing the Secretary’s desire to better collaborate with state, tribal, and territorial partners.

The proposed changes to regulations (Alaska; Hunting and Trapping in National Preserves, Docket Number 1024–AE38), are part of the National Park Service’s (NPS) efforts to work cooperatively with the state of Alaska to ensure that hunting regulations for adjacent lands and waters are complementary. Taking into account the Secretarial Orders described above, NPS has reconsidered its earlier conclusions

and has proposed allowing these previously prohibited practices, consistent with the goal of aligning its rules with those of the State.

The proposed rule was published in the Federal Register on May 22, 2018, and is currently open for public comment. NPS will also be conducting an environmental assessment of the proposed changes, pursuant to the National Environmental Policy Act. Once the public comment period ends and the environmental assessment is completed, the NPS will review the comments and that input will inform the final rule, which would also be published in the Federal Register. The final rule would be effective 30 days after this publication.

Mr. McCLINTOCK. Great. Thank you for your testimony.

I will defer to the Committee Chairman to make our next introduction.

Mr. BISHOP. Yes. I appreciate all the witnesses who are here. I have worked with almost all of you very significantly over the past. But I would like to introduce Mr. Foxley before he gives his testimony this time.

Mr. Foxley comes from Box Elder County, which is my home county, as well. Admittedly, his father was mayor of the other town in Box Elder, and he graduated from the wrong high school in the county. But despite that fact, he still survived in some particular way.

I met him in the beginning when I was a young legislator and he was the Deputy Lieutenant Governor for the state of Utah. Since that time, we have worked on a whole number of issues specifically to help benefit the state of Utah and its citizens. This is only the recent of a whole litany of collaborative efforts we have had. I appreciate him being here, although I believe in your vast history this is the first time you have actually addressed Congress, in which case it isn't that big of a deal. So, I welcome Mr. Foxley, and I appreciate you for recognizing it, Mr. Chairman.

Mr. McCLINTOCK. Mr. Foxley.

STATEMENT OF DOUG FOXLEY, CHAIRMAN, TRANSCONTINENTAL RAILROAD, 150TH CELEBRATION COMMISSION, SALT LAKE CITY, UTAH

Mr. FOXLEY. Thank you, Chairman Bishop. Thank you, Chairman McClintock and Ranking Member Hanabusa, and members of the Subcommittee. My name is Douglas Foxley, and I am Chair of the Transcontinental Railroad Celebration Spike 150 Commission to celebrate and commemorate the "wedding of the rails" with the driving of the Golden Spike. The celebration will be held at Promontory Summit on Friday, May 10, 2019, as you have heard, in Congressman Bishop's district.

The Spike 150 Commission was established in early 2017 by an act of the legislature and the governor of the state of Utah. I think all those who have spoken today have talked about the historical importance of this, so I will not go into that.

I was asked by Governor Gary Herbert to chair this event, and I asked Congressman Bishop and my good friend, Spencer Ficklin Stokes, to co-chair this event with me. Mr. Stokes was at the 100th anniversary celebration, carried on his shoulders, on his father's shoulders, because his father wanted Spencer to appreciate later in life that which occurred here.

At the 100th Celebration of the Driving of the Golden Spike, many Federal and state dignitaries came to Promontory Summit, along with John Wayne. Mr. Wayne will not be at the 150th celebration, at least I don't think so, but we invite you to join Congressman Bishop and also Congressman Curtis, who will be celebrating his birthday there, along with Congressman Stewart at this landmark event next year.

To celebrate the 150th, Union Pacific is bringing in from Cheyenne, Wyoming two historic steam engines: the 4014, called "The Big Boy" because it is the largest steam engine ever built, along with the 844. They will be at Ogden Union Station in the Champagne Pose, where a large gala will be held on the night of May 9. Move over, Winter Olympics, we are going to have the big celebration.

The next day, we will have a presentation from a world class historian of Promontory Summit and enjoy a performance by the world-renowned Tabernacle Choir, the Utah Symphony, and a yet-to-be-announced major guest artist. Yes, the actual Golden Spike will hopefully make its reunion debut at the site that day.

In anticipation of the May 10 event, I met with Congressman Bishop and his staff almost a year ago, and they suggested this idea of designating the current historic site as a national historic park. Congressman Bishop charged me with getting all of the ranchers and adjacent landowners, along with the elected Box Elder County officials, on board before proceeding with this initiative. I am proud to say that in working with Utah State Representative Scott Sandall, who brought the ranchers together and who also happens to be one of the adjacent landowners, we accomplished this task. This effort is supported by the Utah State Legislature, the governor of Utah, and the entire Utah congressional delegation.

Why is this national historic park designation important? Why is it worth doing? In the history of this amazing country, this place, virtually unspoiled, recognizes that President Lincoln and others thought big. President Lincoln envisioned a transcontinental railroad. And even though the Civil War was raging, he encouraged Congress to pass the Transcontinental Railroad Act in 1862, which they did. We are hoping, actually, to have a copy of that Act on display at the State Capitol building.

After the Civil War ended, this effort came together, and many worked together: Chinese, Mormon Graders, Irish, and Civil War veterans of both parties. It is our hope and our belief that if this designation occurs, that it will once again re-engage a new generation with the great historic event which occurred here this time.

Members, I encourage you to support this bill, and I thank you for this opportunity of being able to speak today.

[The prepared statement of Mr. Foxley follows:]

PREPARED STATEMENT OF DOUGLAS S. FOXLEY, CHAIRMAN OF THE UTAH
TRANSCONTINENTAL RAILROAD CELEBRATION SPIKE 150 COMMISSION

STATEMENT ON H.R. 5751

Chairman Bishop, Chairman McClintock, Ranking Member Hanabusa and members of the Subcommittee, my name is Douglas S. Foxley and I am the Chair of the Utah Transcontinental Railroad Celebration Spike 150 Commission to commemorate the “wedding of the rails” with the driving of the Golden Spike. The celebration at Promontory Summit will take place on May 10, 2019, in Congressman Bishop’s district. The Spike 150 Commission was established in early 2017 by an act of the Utah State Legislature and governor of the state of Utah.

One of the most iconic and life-altering events in America’s history—the completion of the Transcontinental Railroad—happened in Utah on May 10, 1869. Through a series of activities and events, the Spike 150 Commission aims to inspire, educate, and reflect on the Transcontinental Railroad legacy as it unifies Americans to see that great things are possible with vision, hard-work, dedication, and collaboration.

As you know, but for the Civil War, this event was the most historic event of the 19th century. It was at the time the equivalent of the moon shot. Ironically, a hundred years later rockets made near the site by Orbital ATK allowed man to walk on the moon.

I was asked by Governor Gary Herbert to chair this event and I asked Congressman Bishop’s and my good friend Spencer Ficklin Stokes who is here today to co-chair this event with me. Mr. Stokes was at the 100th anniversary celebration, carried on his shoulders by his father to appreciate what it signified. At the 100th Celebration of the Driving of the Golden Spike, many Federal and state dignitaries came to Promontory Summit along with John Wayne. Mr. Wayne will not be at the 150th celebration, at least I don’t think so, but we invite you to join Congressman Bishop and the many other dignitaries slated to attend this landmark event next year.

To celebrate the 150th, Union Pacific is bringing in from Cheyenne, Wyoming two historic steam engines: the 4014, called “The Big Boy” because it is the largest steam engine ever built along with the 844. They will be at Ogden Union Station in the “Champagne Pose” where a large Gala will be held on the night of May 9. The next day we will have a presentation from a world class historian at Promontory Summit and enjoy a performance by the world renowned Mormon Tabernacle Choir, the Utah Symphony, and a yet-to-be announced major guest artist. Yes, the actual Golden Spike will hopefully make it’s reunion debut on-site that day too.

In anticipation of the May 10 event, I met with Congressman Bishop and his staff almost a year ago where they suggested the idea of designating the current National Historic Site as a National Historical Park. Congressman Bishop charged me with getting all of the ranchers and adjacent landowners along with the elected Box Elder County officials on board before proceeding with this initiative. I am proud to say that in working with Utah State Representative Scott Sandall, who brought the ranchers together and who also happens to be one of the adjacent landowners, we accomplished this task. This effort is supported by the Utah State Legislature, the governor of Utah, and the entire Utah congressional delegation.

Why is this National Historical Park designation important? Why is this worth doing? In the history of our amazing country, this place, virtually unspoiled, recognizes that President Lincoln and others ‘thought big.’ President Lincoln envisioned a transcontinental railroad and even though the Civil War was raging, he encouraged Congress to pass the Transcontinental Railroad Act in 1862 which they did. In fact, President Lincoln personally established the eastern terminus of the railroad, Mile Marker Zero, in Council Bluffs, Iowa.

After the Civil War, attention was focused on bringing this vision to life. Competing groups, one from the east, The Union Pacific, and one from the west, The Central Pacific Railroad, started their Race to Promontory and neither side at the time knew where they would meet. Construction of this nationally unifying project was performed by many ethnic and cultural groups including the Chinese, African Americans, Irish, Mormon Graders, veterans of the Civil War from both sides, and many others. They were successful in achieving this amazing accomplishment with their picks and shovels, their horsepower, and black powder. The country was finally connected coast to coast by rail and telegraph. A journey from New York City to San Francisco now took only a week instead of months.

It is the hope of Mr. Stokes, myself, and the Commission that we will connect the next generation of young men and women who will be carried on the shoulders of

their parents that day. We hope that they will take it upon themselves the duty and obligation to think big and find ways that we can continue to unite and connect this great country together but also to the entire world.

For this, along with many other reasons, the Commission to Celebrate the 150th Anniversary of the Driving of the Golden Spike overwhelmingly supports Congressman Bishop's H.R. 5751 redesignating the Golden Spike National Historic Site and establishing the Transcontinental Railroad Network. I hope that this Committee takes the appropriate action to make this happen thereby honoring and preserving this historic site and the effort by so many Americans to unite our Nation by rail.

Mr. McCLINTOCK. Great, thank you very much. That concludes our testimony on H.R. 5751. We will now move to questions on the bill. I will begin.

Mr. Foxley, you mentioned Lincoln. I have a town in my district named Lincoln. It was formed in 1859. But it was not named after Abraham Lincoln, it was named after Charles Lincoln Wilson, who was one of the directors of the California Central Railroad. It was testimony to how important the railroad was to my district.

So, I may be a little biased in this. The first depot on the transcontinental route moving out of San Francisco and Sacramento was actually in Rocklin and later moved to Roseville, where the Union Pacific still has a major yard. You can travel the foothills in my district and still see the original tunnels, original railwork that were part of the first transcontinental railroad route.

I also have Sutter's Mill in my district, which was, of course, the genesis of the Gold Rush. But what really made California economically, and what really made California an integral part of the Nation was the transcontinental railroad, so this is a pretty big deal, I think, for the country and particularly the many parts of it that were integral to the railroad itself.

I guess the only question I really have is how would this network that you have mentioned work? Or maybe Mr. Smith can address that, as well.

Mr. SMITH. Mr. Chairman, the network would be akin to what we have now in the Underground Railroad to Freedom Network. It could be akin to the Civil Rights Sites Network that was just passed by Congress this last year and signed into law by the President.

We do recommend that there be some type of a theme study or a resource study done so that we would really be able to find the truly significant sites that would be associated with this important happening of the transcontinental railroad. But we have those two exact examples, which went through theme studies so that we would know exactly what we were talking about that would be included in that type of network.

Obviously, it would relate most directly to those areas on that first line connecting transcontinentally. But then again, there may be people who make a case for other sites along that line. And that is why a study would really help us see what is most significant.

Mr. McCLINTOCK. And does this include the authority for the study?

Mr. SMITH. I am sorry?

Mr. McCLINTOCK. Does this include the authority for the study?

Mr. SMITH. At this current time it does not. We would request that that be added to the bill.

Mr. MCCLINTOCK. OK. And that is the concern that you expressed regarding your deferred maintenance backlog and the other resource demands on the Department?

Mr. SMITH. Yes, those are certainly our concerns. But Congress is giving us studies at this time, and we do find the money for studies, Congressman.

Mr. MCCLINTOCK. When you look at the broad history of this country, and those seminal moments that really were turning points, I think that the meeting of the rails at Promontory is a sadly neglected part of our history, because it really did make a quantum leap in the connectivity of the country. It literally joined the country together. We don't really appreciate that today. But when you think about that quantum leap of weeks to cross the continent down to days, from days to send a message across the continent to minutes and even seconds, it really was remarkable.

Mr. SMITH. Mr. Chairman, I would associate myself with both your remarks and Chairman Bishop's remarks about the national significance of this rail line being completed in Utah, yes.

Mr. MCCLINTOCK. Thank you.

Ms. Hanabusa.

Mr. FOXLEY. Mr. Chairman? Mr. Chairman?

Mr. MCCLINTOCK. Yes, Mr. Foxley?

Mr. FOXLEY. If I may, my great-grandfather, General Lot Smith, had been mustered out of the Mormon Battalion, and was actually at Sutter's Mill when gold was discovered. He was called back to Salt Lake City by Brigham Young. It took him 3½ weeks to get from Sutter's Mill to Salt Lake City. So, I would be extremely supportive of what is going on here, but as you know, your city of Sacramento has an amazing railroad museum, the premier railroad museum. And we are hoping that sites like that: Reno, Omaha, Ogden, and others, would be incorporated in this network. It is a great story to be told.

Mr. MCCLINTOCK. Even better.

Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chairman.

Mr. Smith, the bill authorizes adjacent landowners to participate in the removal of invasive species on Park Service land. I assume that you have had this done before. How does that process work?

Mr. SMITH. Yes. The Park Service across the country, in removing invasive species, has asked for all the help we can get. We have many programs where we have volunteers who help us do that. I am not familiar with the exact species that have overtaken the natural species of sagebrush and all that used to be there. But obviously, if there are issues where invasives need to be removed, we would coordinate and cooperate with landowners to help us accomplish that.

Anything that helped this landscape appear as it did in 1869 would be something that, from the historical aspect, we would try to recreate.

Ms. HANABUSA. You mentioned this yourself in your testimony, but the bill does not authorize any additional money for the management of the Golden Spike National Historic Site. Do you

anticipate the need for additional funds to carry out what is anticipated by this bill?

Mr. SMITH. At this time I don't. I do know that we are working currently to prepare to update the exhibits that will be at the visitor center there.

There is deferred maintenance. The visitor center is a Mission 66 visitor center, so I know we have deferred maintenance monies that we will certainly be concentrating on to help that facility be ready for this anniversary.

As far as staffing at this time, we do not think that this would be necessary. And the network would not necessarily be run out of Golden Spike National Historical Park. That would probably be run out of Washington, as we run those other sites currently.

Ms. HANABUSA. The bill also authorizes the National Park Service to enter into agreements with adjacent landowners to expedite approval of projects within existing historical crossings. The terms of the agreement includes a 30-day time limit for approving the actual permit. Is that a sufficient amount of time for you?

Mr. SMITH. In some cases it might not be. As the superintendent at Colonial National Historical Park, I issued not hundreds, but certainly close to 100 special use permits. Those permits, when they are negotiated, in this case with landowners, can be very flexible. They can be established for up to 5 years before they have to be renewed. They can be amended.

One of the reasons I would like to coordinate and cooperate with the Committee is that I think it could be done under the existing special-use permits that park superintendents have at their disposal. If there is something more unusual that I don't understand about the situation there at Golden Spike, I certainly would take that in consideration as we look for a way to resolve that.

On some of these things, there might be Section 106 consultation that is required, and that type of thing. But a special use permit, once it is negotiated between the park and the landowners, it shouldn't take any time at all to execute. And I would be very surprised if it is really quite the problem that the bill seems to think it is.

I would say that I do not know the total specifics of the adjacent landowners next to this rather linear corridor that we have, but I had a 23-mile parkway that I was able to do special-use permits on while I was 10 years at Colonial, so I think there is a way to do that under existing processes that the Park Service has.

Ms. HANABUSA. I think you can probably work with the Committee to have both, so that if for some reason your special-use permit doesn't work, that this provision could then kick in.

Mr. SMITH. Yes, Congresswoman, I look forward to that being something that we work together to make sure we assure that the Park Service's concerns are covered, but also that adjacent landowners have their issues covered.

Again, Secretary Zinke wants us to be a good neighbor, and I will work to make sure that we assure that in this bill.

Ms. HANABUSA. And, remember, we are looking at less than a year for the opening of this event, so you have to move very quickly, Mr. Smith.

Mr. SMITH. I am very much aware of that. And with the two chairmen looking at me, I certainly don't need much more direction.

Ms. HANABUSA. Thank you. With that I yield back.

Mr. MCCLINTOCK. Chairman Bishop.

Mr. BISHOP. Thank you. I appreciate both of you here, testifying on this.

Mr. Foxley, if I could just ask you, is there private-sector involvement in this project?

Mr. FOXLEY. Yes, there is. The state of Utah, in the recent 2018 general legislature, appropriated \$1 million for the celebration.

In addition, Union Pacific Railroad has given us a very significant grant. They will contribute over \$1 million, not only in money, but also in other things.

The O.C. Tanner Foundation has given us a grant. If you were going to put a dollar amount on it, it would be in excess of \$1 million, to have the Mormon Tabernacle Choir, the Utah Symphony, a major guest artist, and others. Several prominent families and foundations in Utah have promised and will be committing money to this event.

This is, I think, an excellent example of a public-private partnership. We are working in conjunction with this site. We can make the site an even more attractive site for visitors and others.

Mr. BISHOP. Mr. Smith talked briefly about the network that we are establishing at the same time. Do you also think that that is going to bring attention, maybe visitation, to some of the lesser-known areas of interest that are around there that are all connected with this same story of history?

Mr. SMITH. Mr. Chairman, I think that is what happens with these types of networks. It brings the type of national attention to get to a site in Utah that has that national significance.

So, I think that when the network is established, it would bring more attention and certainly possibly more visitation to the historical park.

Mr. BISHOP. Thank you. I actually was asking Mr. Foxley for that one, but I do appreciate your answer. It was a good one.

Mr. SMITH. I apologize.

Mr. BISHOP. No, no, that is fine.

I am totally fascinated and happy that you are in the position you are right now. You have shown your ability to work marvels in every assignment that you have had. That is why I am totally confident in your ability of making sure that the network we have for the Underground Railroad, as well as the African-American Civil Rights Network will go forward. And I am also totally confident that this network will go forward, too, and will be managed brilliantly.

So, if you want authorization for a study, I promise you, you have it. It is going to be in the bill.

At the same time, I also want you to know to be careful. He wrote the bill. If he had my ideas in it, you may not like it nearly as much as the one you already have here.

Mr. Foxley, are there some parts of history, though, that can be emphasized simply by making this change, and maybe some increases in not only the programs at the visitation facility?

Mr. FOXLEY. One of the things we are working in conjunction with the Utah State Parks, Box Elder County, and others is to augment activities next year at the site, which will hopefully drive visitorship at the park. There will be a lot of attention brought upon this. Major media, both national and local, are highlighting what is going to happen here. And we want patrons who will come to the site to have a good experience.

Close to the historic site, there is a world-renowned public land art, the spiral jetty. And there are many things of interest. We want to tie all of these together so that people can come to Box Elder County, and especially Brigham City, and eat at the Idle Isle, and enjoy the Golden Spike.

Mr. BISHOP. Thank you. And I appreciate your emphasis on Brigham City and not your hometown of Tremonton. You are getting that down properly.

Mr. FOXLEY. It pains me, but I understand the politics of the Committee.

[Laughter.]

Mr. BISHOP. If I can have you wearing purple instead of red, is that taking it too far?

Mr. FOXLEY. Maybe socks.

[Laughter.]

Mr. BISHOP. Mr. Chairman, I appreciate all the testimony. I am looking forward to this event next year. I think it is a significant one for the history of this country, and something which we have to remember. I will yield back.

Mr. MCCLINTOCK. Thank you.

Are there further questions on H.R. 5751 by members of the Committee?

Mr. Curtis.

Mr. CURTIS. Thank you, Mr. Chairman and Ranking Member Hanabusa. I was pleased to be asked by Chairman Bishop to be a co-sponsor of this, and that delights me. As was referred to by Mr. Foxley, I share a birthday with this commemoration. And I can't imagine a better way to celebrate my birthday than to have the Mormon Tabernacle Choir sing to me and the railroad. I just want to express my support not only for this bill, but for the celebration, as well.

Because I shared my birthday with this, I think as a young man, when this was taught to me in school, I paid special attention. And I am worried that many of our youth don't appreciate what has happened there, and the commemoration. Mr. Foxley, maybe you can address any efforts we are making through the public schools to help them with an awareness of this issue, and anything that we can do here on a congressional level to bring awareness to the issue.

Mr. FOXLEY. Thank you very much, Congressman. We have been working with the State Office of Education Superintendent, Sid Dixon. I am pleased to say that the Beverley Taylor Sorenson Arts Foundation is going to emphasize this project next year in grades K through 6. There is also a revised curriculum which is being developed for the high schools. There are library kits, there is going to be a massive effort.

Craig Jessop, the former conductor of the Mormon Tabernacle Choir, is working with Kurt Bestor and others to have songs sung. There will be major coverage of the events, which will be broadcast that day to all of the public schools in Utah through KSL TV and others. So, it is a major effort.

We have also reached out to many of the communities, in particular the Chinese-American community. It is our hope that while we cannot change the past, we can write the future. It is the hope of our commission that the signage at the site will be in both English and Chinese, for our Chinese friends and visitors.

We are also hoping, and are working with a major foundation at this time, to have a film in Chinese for our Chinese tourists, so they can appreciate what happened here.

I think, as was mentioned in earlier comments, this site—and I didn't realize this until I got involved with this—how important this is to many communities, but in particular the Chinese communities. I recently addressed a group of Chinese historical workers. Congresswoman Grace Meng from New York was there, and others. But this site is important, and we need to make certain that this is a time when we are uniting all groups who worked on this site.

Mr. CURTIS. That is fantastic. Finally, let me just express my appreciation. The efforts that you have described, with that comment and earlier about the private partnership, demonstrate a tremendous amount of work on your part and on the Committee's part. Let me just say it is impressive, and I look forward to participating with the celebration next year.

Mr. FOXLEY. I think you don't realize, but you accepted an invitation to be an honorary chair, along with Congressman Stewart and Congressman Bishop.

Mr. CURTIS. Yes, I didn't mention that because I haven't done any work. But I am pleased to be honorary chair, as well.

Mr. FOXLEY. We are willing to do it for you, as long as you pass the bill.

Mr. CURTIS. Good. Thank you. I yield my time.

Mr. BISHOP. John has to realize when you are 149 you forget these things.

Mr. CURTIS. That is true. I might also just interject that as a Chinese speaker, I am really pleased to hear about the work that has taken place with that community, and would offer my services as an honorary chairman if I can be helpful in that regard at all.

Thank you. I yield my time.

Mr. MCCLINTOCK. That concludes our hearing on H.R. 5751.

Mr. Smith, I know you have submitted written testimony on the bills before us, and at this point both you and Mr. Foxley are certainly welcome to stay, but you are also free to go. Thank you again for your testimony.

Mr. FOXLEY. Thank you, Mr. Chairman.

Mr. MCCLINTOCK. Next we will hear H.R. 5597, and the Chair would introduce Congressman Chris Stewart to explain the bill.

**STATEMENT OF HON. CHRIS STEWART, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF UTAH**

Mr. STEWART. Thank you, Chairman. And before Mr. Foxley leaves the room I would like to welcome him and other members from my home state. And I would like to thank the Chairman and Ranking Member, Chairman Bishop, the Full Committee members, as well as members of the Subcommittee, for allowing me the opportunity to speak to you regarding my bill.

This is a long title, hang in with me here, The Desert Tortoise Habitat Conservation Plan Expansion Act. Hereafter, we will just call it H.R. 5597. And Mr. Chairman, I ask for unanimous consent that the letters of support be added to the record.

Mr. MCCLINTOCK. Without objection.

[The information follows:]

ACCESS FUND

April 16, 2018

Hon. CHRIS STEWART,
323 Cannon House Office Building,
Washington, DC 20515.

Re: Desert Tortoise Habitat Conservation Plan Expansion Act, Washington County,
Utah

Dear Congressman Stewart:

Access Fund and the local rock climbing community in Washington County, Utah have been closely tracking the Desert Tortoise Habitat Conservation Plan Expansion Act—Draft Bill (HCP) which proposes creating additional 6,865 acre reserve for tortoise habitat known as Zone 6. Legislative language of the bill has not yet been disclosed to the public.

The proposed boundary of Zone 6 encompasses numerous highly valued rock climbing resources (cliffs and boulders) known as Moe's Valley and the Zen area. Moe's Valley (Zone 6) is an international climbing destination that draws climbers both locally and from around the world to experience high quality rock climbing. Access Fund and the local climbing organization Southern Utah Climbers Association (SUCA) support continued access to Moe's Valley are committed to continued stewardship of the climbing area and the surrounding environment.

We request language be included in the HCP bill that explicitly notes "*rock climbing as an appropriate recreational activity*" within the proposed Zone 6 under the HCP. In addition, existing trails to access climbing resources should be recognized and allowed along with appropriate stewardship and maintenance within Zone 6. Access Fund and SUCA are available to provide detail maps and locations of all existing climbing resources and access trails within Zone 6 to assist in land use planning efforts associated with the HCP bill.

Thank you for your consideration of adding language to list "rock climbing as an appropriate recreational activity" within Zone 6 of the Desert Tortoise Habitat Conservation Plan Expansion Act—Draft Bill. Access Fund and SUCA have the experience, local contacts, and resources to help planners craft alternatives that encourage climbing while sustaining the health, diversity and productivity of this important habitat. Feel free to contact me via telephone (303-552-2843) or email (katie@accessfund.org) to discuss this matter further.

Sincerely,

KATIE GOODWIN,
Public Land Associate

THE CONSERVATION FUND,
LAS VEGAS, NEVADA

March 27, 2018

Hon. CHRIS STEWART,
323 Cannon House Office Building,
Washington, DC 20515.

Re: Desert Tortoise Habitat Conservation Plan Expansion Act

Dear Congressman Stewart:

The Conservation Fund (TCF) is a national nonprofit 501(c)(3) organization dedicated to preserving America's land legacy by acquiring and protecting open space, wildlife habitat, and historic sites throughout the nation. TCF also assists partners in business, government, and the nonprofit sector with projects that integrate economic development and environmental protection.

Through its distinct vision of environmental protection while advancing economic vitality, TCF has worked closely with Washington County and the State of Utah for over thirty years protecting over 117,00 acres. We replace the premise of "or" with the promise of "and" believing we can have a healthy environment and vibrant economy; protect nature and create jobs; conserve natural resources and use them sustainably; and support development and develop responsibly.

We have also been involved with Washington County in furtherance of implementing the original Habitat Conservation Plan (HCP) agreement and support its renewal and continuation. We have reviewed the draft "*Desert Tortoise Habitat Conservation Plan Expansion Act*" providing for the expansion of the Washington County HCP and believe it represents a continued balanced approach consistent with the goals and objectives of TCF. Expanding the HCP by creating an additional 6,865 acre reserve, renewing the HCP agreement for an additional 25 years, and including many other conservation and recreation provisions as set forth in the legislation, will ensure the County's commitment to conserve resources vital to the area while using them in a way that invigorates future prosperity and the conservation.

On behalf of TCF we are glad to support this important legislation and look forward to continuing our work and partnership with Washington County and the State of Utah advancing future environmental protection and economic vitality. If you have any questions or concerns about the role of TCF, or our support for this effort, please contact me directly at (702) 655-8167 or via email at mford@conservationfund.org.

Sincerely,

MIKE FORD,
Nevada and Southwest Director

DIXIE METROPOLITAN PLANNING ORGANIZATION,
ST. GEORGE, UTAH

May 17, 2018

Hon. CHRIS STEWART,
323 Cannon House Office Building,
Washington, DC 20515.

Re: Support for the Desert Tortoise Habitat Conservation Plan Expansion Act

Dear Congressman Stewart:

The Dixie Metropolitan Planning Organization (Dixie MPO) supports the Desert Tortoise Habitat Conservation Plan Expansion Act based on our understanding that The Act would accelerate this area's ability to build critical transportation facilities, particularly the Northern Corridor and the Western Corridor.

The Act preserves open space, adds protections to the Mohave Desert Tortoise, protects current recreational activities that are conducive to tortoise habitat, and allows for needed transportation development in the greater St. George area. These goals are consistent with those of our long-range Regional Transportation Plan and are respectful of both the natural and built environments of this area.

The Act, while serving to prevent Utah School and Institutional Trust Land (“SITLA”) development through the creation of Zone 6, protects the Desert Tortoise and would still allow future development of two major roads of regional significance: The Northern Corridor—a vital transportation facility planned to prevent traffic gridlock, improve air quality, and aid economic development within the St. George Urban Area, and the Western Corridor (needed to meet transportation demands in 2040 and beyond).

We must be able to build the transportation and utility infrastructure necessary to meet the needs of our growing community. We need the Northern Corridor, The Western Corridor, and the ability to get water and electricity into the area. The bill ensures we can meet these needs and offsets any negative impact on the desert tortoise and other environmental concerns.

Thank you for your consideration and efforts on our behalf. Our area needs this bill.

Sincerely,

MYRON W. LEE, MPA,
Director.

May 17, 2018

Hon. ORRIN HATCH,
*United States Senate,
104 Hart Senate Office Building,
Washington, DC 20510.*

Re: Support for the Desert Tortoise Habitat Conservation Plan Expansion Act

Dear Senator Hatch:

I write you in support of the Desert Tortoise Habitat Conservation Plan Expansion Act. The Act preserves open space, protects the Mohave Desert tortoise, protects current recreational activities that are conducive to tortoise habitat, and allows for needed transportation development in the greater St. George area. It is a great bill and should be passed!

I live in the St. George area and recreate on our public lands regularly. The proposed Zone 6 will prevent the Utah School and Institutional Trust Lands (“SITLA”) from developing an area where people commonly mountain bike, run, hike, and rock climb. Also, this bill will not only protect these lands but also insure the continued use of this area for special events that we have personally been part of over the past decade. The area helps enhance to the beauty of the St. George area and draws many tourists in that support our local economy. The area also has a thriving desert tortoise population as well.

Please support this bill and help it get passed. Our area really needs it.

Sincerely,

STEVEN B. HOOPER,
St. George, Utah

RESOLUTION NO. 2018-09R

**A RESOLUTION SUPPORTING THE WASHINGTON COUNTY DESERT
TORTOISE HABITAT CONSERVATION PLAN EXPANSION BILL**

WHEREAS, the Washington County Desert Tortoise Habitat Conservation Plan (HCP) has expired and needs to be renewed;

WHEREAS, Ivins City has benefited from the HCP since 2006 by having open recreation space in the tortoise reserve and the ability to work easily with the County for tortoise recovery;

WHEREAS, the city would like the HCP to be renewed so that the residents can continue to benefit from the HCP;

WHEREAS, the utility development protocols (UDPs) are essential to the continued growth and vitality of the cities in Washington County;

WHEREAS, the northern corridor is an important part of the infrastructure plan for future growth in the County; and

WHEREAS, the creation of Zone 6 of the HCP ensures more open recreation space, mitigates for impacts from the northern corridor, and assists in tortoise recovery; and

WHEREAS, it is in the best interest of the citizens of Ivins City for the bill to be passed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH, AS FOLLOWS:

That the Ivins City Council supports the Washington County Desert Tortoise Habitat Conservation Plan Expansion Bill.

This Resolution shall become effective immediately upon adoption by the City Council.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS 5th DAY OF APRIL, 2018 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	X			
Cheyne McDonald	X			
Jenny Johnson	X			
Miriah Elliott		X		
Ron Densley	X			

CHRIS HART, MAYOR

ATTEST:

Kari Jimenez, City Recorder

May 17, 2018

Hon. MIKE LEE,
United States Senate,
 361 Russell Senate Office Building,
 Washington, DC 20510.

Re: Support for the Desert Tortoise Habitat Conservation Plan Expansion Act

Dear Senator Lee:

I write you in support of the Desert Tortoise Habitat Conservation Plan Expansion Act. The Act preserves open space, protects the Mohave Desert tortoise, protects current recreational activities that are conducive to tortoise habitat, and allows for needed transportation development in the greater St. George area. This bill is a great example of positive collaboration between government entities and considers the needs and wants of the local citizens. I believe it should be passed!

I live in the St. George area and recreate on our public lands regularly. I personally participate in the local cycling, hiking, and climbing communities, thus I know how important both Zone 6 and the current Desert Tortoise habitat areas are to those who love to recreate in the majestic beauty of Southern Utah. This bill protects areas important to these communities. The proposed Zone 6 will prevent the Utah School and Institutional Trust Lands ("SITLA") from developing an area where people commonly mountain bike, hike, and rock climb. The area also has a thriving desert tortoise population that will benefit if this bill is passed.

Please support this bill and help it get passed. Our area needs it.

Sincerely,

DANNIELLE LARKIN,
St. George, Utah

LA VERKIN CITY

RESOLUTION NO. R-2018-09

A RESOLUTION SUPPORTING THE WASHINGTON COUNTY DESERT TORTOISE HABITAT CONSERVATION PLAN EXPANSION BILL

WHEREAS, the Washington County Desert Tortoise Habitat Conservation Plan (“the HCP”) has expired and needs to be renewed; and

WHEREAS, LaVerkin City (“the City”), a municipality within Washington County, Utah, has benefited from the HCP since 2006 by having open recreation space in the tortoise reserve and the ability to work easily with the County for tortoise recovery; and

WHEREAS, the City would like the HCP to be renewed so that the residents can continue to benefit from the HCP; and

WHEREAS, the utility development protocols (UDPs) provided for therein are essential to the continued growth and vitality of the municipalities in Washington County; and

WHEREAS, the northern corridor is an important part of the infrastructure plan for future growth in the County; and

WHEREAS, the creation of Zone 6 of the HCP ensures more open recreation space, mitigates for impacts from the northern corridor, and assists in tortoise recovery; and

WHEREAS, the *Washington County Desert Tortoise Habitat Conservation Plan Expansion Bill* (“the Bill”), currently proposed to be introduced in Congress later this Spring:

- Expands the Red Cliffs Desert Reserve and orders the renewal of the HCP; and
- Addresses the route for and construction of the northern corridor in Washington County; and
- Re-implements the UDPs; and
- Clarifies and/or otherwise cleans up the Bureau of Land Management (“the BLM”) Resource Management Plans (“the RMPs”)

WHEREAS, passage of the Bill by Congress is in the best interest of the citizens of the City.

NOW THEREFORE BE IT RESOLVED by the LaVerkin City Council:

1. That the City Council hereby **declares and publishes its support** for the *Washington County Desert Tortoise Habitat Conservation Plan Expansion Bill* proposed to be introduced in Congress, for consideration and possible action, in the Spring of 2018; and
2. That this Resolution shall be effective upon adoption; and
3. That the City hereby declares that (a) if any part of this resolution shall be declared invalid, such declaration shall not affect the validity of the remainder of this resolution; (b) all resolutions or policies in conflict herewith are hereby repealed; and (c) this resolution shall take effect immediately upon passage.

PASSED, ADOPTED AND APPROVED this 18th day of April, 2018.

RICHARD M. HIRSCHI, MAYOR

ATTEST:

Christy Ballard, City Recorder

SOUTHERN UTAH CLIMBERS COALITION

Hon. CHRIS STEWART,
323 Cannon House Office Building,
Washington, DC 20515.

Re: Desert Tortoise Habitat Conservation Plan Expansion Act—Washington
County, Utah

Dear Congressman Stewart:

As president of the Southern Utah Climbers Coalition, I would like to voice our organizations support of the expansion to the Red Cliffs Desert Conservation area, via your bill.

The area that comprises the expansion has been a vital area for numerous forms of outdoor recreation to both the residents of and visitors to Washington County. As the growth of the area accelerates the few remaining areas of open space close to town become even more of a refuge for both recreationalists as well as a wide range of endemic species like the endangered desert tortoise.

The proposed Zone 6 expansion in your bill features numerous areas for rock climbing, bouldering, mountain biking, hiking, rappelling, and even responsible off road vehicle usage on already existing 4wd roads. These uses have historically co-existed with numerous desert species that call the cliffs and rocks home. Several recreational uses in Zone 6 have attained world renowned status such as the bouldering in Moe's Valley, the rock climbing on the Zen Wall, and the mountain biking on the Zen Trail. These uses draw outdoor recreationalists from all over the world and as such are the fuel that powers the tourist sector of the Southwestern Utah economy.

We request that language be included in the HCP bill that explicitly notes these uses as "appropriate recreational activities within the proposed Zone 6 of the HCP." It might be valuable to note that public law 111 which brought the HPC into the conservation program included language that requires the building of the roads such as the new corridor road, and also requires recognition of existing roads in conservation zones which are necessary and used to access the recreation. There is one road on the February map shown as a "proposed trail" that provides access to the Zen wall and the upper gap climbing areas. Many times folks with disabilities have hired guiding services for zip lining or climbing in these areas and this dirt road that runs from east to west, less than ¼ mile long, has very light traffic, but needs to be included as a continued access road for motorized travel on zone 6 to access recreation, otherwise it would not comply with Public law 111, and the provisions of the Congressional Disabilities Act. Everything else in the map and bill we support and are grateful for you and the WCWCD commissioner's, the local City councils, the TC committee in working hard to congressionally recognize such uses as required continued access.

Thank you for your consideration of this additional language to the bill. The Southern Utah Climbers Coalition has been involved in the preservation of the areas within this proposed expansion since 2004 and has worked with SITLA since that time to foster understanding of the unique nature and value of this area to local recreationalists. We also have a program in place working with state parks and other areas within the conservation zones to regulate new climbing, bolting, clean up areas, and are actively involved in managing and protecting both the recreational and the habitat in the existing areas and will continue to do so for the new zone 6. The turtle habitat numbers have increased in zone 6, we believe it is directly related to the recreational uses scaring away natural predators and being present to protect the species and the land we all want preserved for further generations to come.

Sincerely,

TODD GOSS,
President

RESOLUTION NO. 2018-04-001R

A RESOLUTION SUPPORTING THE WASHINGTON COUNTY DESERT TORTOISE HABITAT CONSERVATION PLAN EXPANSION BILL

WHEREAS, the Washington County Desert Tortoise Habitat Conservation Plan (HCP) has expired and needs to be renewed;

WHEREAS, St. George City has benefited from the HCP since 2006 by having open recreation space in the tortoise reserve and the ability to work easily with the County for tortoise recovery;

WHEREAS, the city would like the HCP to be renewed so that the residents can continue to benefit from the HCP;

WHEREAS, the utility development protocols (UDPs) are essential to the continued growth and vitality of the cities in Washington County;

WHEREAS, the northern corridor is an important part of the infrastructure plan for future growth in the County; and

WHEREAS, the creation of Zone 6 of the HCP ensures more open recreation space, mitigates for impacts from the northern corridor, and assists in tortoise recovery; and

WHEREAS, it is in the best interest of the citizens of St. George City for the bill to be passed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ST. GEORGE CITY IN WASHINGTON COUNTY, UTAH, that the city council supports the Washington County Desert Tortoise Habitat Conservation Plan Expansion Bill.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 5th day of April, 2018.

Members of the Council Voting Aye

- Jimmie Hughes
- Michele Randall
- Joe Bowcutt
- Bette Arial
- Ed Baca

CITY OF ST. GEORGE
JONATHAN T. PIKE, MAYOR

ATTEST:
Annette Hansen, Deputy City Recorder

WASHINGTON CITY RESOLUTION R2018-06

A RESOLUTION OF WASHINGTON CITY SUPPORTING THE WASHINGTON COUNTY DESERT TORTOISE HABITAT CONSERVATION PLAN EXPANSION BILL

WHEREAS, the Washington County Desert Tortoise Habitat Conservation Plan (HCP) has expired and needs to be renewed; and

WHEREAS, Washington City has benefited from the HCP since 2006 by having open recreation space in the tortoise reserve and the ability to work easily with the County for tortoise recovery; and

WHEREAS, the city would like the HCP to be renewed so that the residents can continue to benefit from the HCP; and

WHEREAS, the utility development protocols (UDPs) are essential to the continued growth and vitality of the cities in Washington County; and

WHEREAS, although the northern corridor is an important part of the infrastructure plan for future growth in the County; the City Council has grave concerns about the close proximity of the northern corridor (as currently proposed) to Washington City homes and the additional traffic which would flow onto Washington Parkway once it connects to the northern corridor and the City Council is looking for all possible mitigations prior to that occurring; and

WHEREAS, the creation of Zone 6 of the HCP ensures more open recreation space, mitigates for impacts from the northern corridor, and assists in tortoise recovery; and

WHEREAS, it is in the best interest of the citizens of Washington City for the bill to be passed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WASHINGTON CITY IN WASHINGTON COUNTY, UTAH, that the city council supports the Washington County Desert Tortoise Habitat Conservation Plan Expansion Bill.

VOTED UPON AND PASSED by the City Council at a Regular Meeting held on the 25th day of April, 2018.

Washington City
KENNETH F. NEILSON, MAYOR

Attest:

Danice B. Bulloch, MMC City Recorder

Mr. STEWART. One of the counties I am honored to represent in Utah's 2nd District is Washington County. This is a place unlike anywhere else in the world. It is home to beautiful red rocks of southern Utah, and it spreads across a stunning landscape from St. George to Zion National Park. Washington County is one of the fastest-growing counties not only in Utah, but actually in the entire Nation. And clearly, for a good reason. For those of you who have had a chance to visit this stunning part of the country, you would understand why.

In 2009, the Red Cliffs National Conservation Area, known as the NCA, was added to the Red Cliffs Desert Reserve through legislation sponsored by my good friend, former Senator Bob Bennett, and signed into law by President Obama. The law clearly states that the government entities identify one or more alternatives for a northern transportation route. However, this corridor has not been implemented, and my bill seeks to fully implement congressional intent of this bipartisan compromise by authorizing a northern corridor route that is desperately needed.

Over the last year, Federal and state biologists have been working tirelessly with Washington County, the Bureau of Land Management, U.S. Fish and Wildlife Service, the Utah Division of Wildlife Services, and other stakeholders to form a compromised solution that would create a convenient corridor that would reduce traffic congestion, improve air quality, and allow the county's economy to flourish.

But also, and this is important, to minimize the effects on the desert tortoise and its designated conservation area.

The plan that resulted from this coalition has become H.R. 5597, my legislation that is being discussed today. The plan consists of a 300-foot-wide corridor that disrupts, and please listen to this, this

is important, it disrupts 147 acres of the NCA, but makes up with that by more than 6,000 acres of prime tortoise habitat.

If I could invest \$147 and get more than \$6,000 back I would certainly do that, and I think this is a good example of where we have made extraordinary progress in protecting this prime habitat.

Not only does this bill protect the tortoise, but it also continues to protect recreational activities in the area, such as hiking, biking, and rock climbing, something that I love to do. It will allow residents and visitors alike to continue to enjoy the beauty of this region.

The corridor created by the Desert Tortoise Habitat Conservation Plan is essential to the growth of Washington County, and the legislation has the support of cities surrounding the county.

I am confident that it will benefit the current and future residents of Washington County and the tortoise population. The corridor is a big win for the conservation efforts for the desert tortoise and for the county, and I urge this Subcommittee to support this important legislation.

Before I conclude, Mr. Chairman, I would like to recognize a good friend of mine, someone who I greatly respect, Washington County Commissioner, Dean Cox. He is new to the position of a commissioner, but he has been working tirelessly for the county for many generations and he is doing a wonderful job, and he is a man that I have great respect for.

With that, Mr. Chairman, thank you for this opportunity, and I yield back.

Mr. McCLINTOCK. Great, thank you very much. We will now hear from Mr. Paul Van Dam, a member of the Board of Directors for Conserve Southwest Utah. He comes to us today from, is it Ivins, Utah? Ivins.

Welcome to the Committee.

STATEMENT OF PAUL VAN DAM, MEMBER, BOARD OF DIRECTORS, CONSERVE SOUTHWEST UTAH, IVINS, UTAH

Mr. VAN DAM. Thank you, Mr. Chairman, members of the Committee. My pleasure to be here today. My name is Paul Van Dam, and I represent Conserve Southwest Utah, which is a local, grass-roots conservation organization in Washington County. We have over 10 years' experience with the matter under consideration.

I was Executive Director of the organization in 2008, when a bill involving the Northern Corridor, the road now included in H.R. 5597, first brought it to the public's attention. I also testified in January of 2016 at a hearing on the issue in St. George, where Mr. Stewart was also present.

Congressman Stewart's bill deals with more than just the Northern Corridor. But this is the thrust of the bill. We have watched this effort to get a highway through critical habitat evolve in the Red Cliffs Desert Reserve, most of which is now Red Cliffs NCA, with county and national leaders taking many approaches.

Our written testimony provides background and information to support our position, and reinforces our opposition to current efforts to force a road that was never formally planned during the

official reserve process. My oral testimony focuses on significant issues pertaining to the bill, but not all of our concerns.

The highway is incompatible with protections of the threatened Mojave Desert tortoise and other protected species, and was clearly presented in the May 15, 2018 letter by the Desert Tortoise Council, which is the definitive desert tortoise organization containing biologists dedicated to the furtherance of the tortoise. I present their letter to be included in the record.

The purpose of the reserve and NCA is to provide permanent habitat protection to the threatened tortoise. The reserve was a mitigation for the take, harm or death, of tortoises that opened up over 300,000 acres in Washington County for growth and economic development, as is made clear on the Red Cliffs Desert Reserve website information. The ESA specifically prohibits a take via habitat destruction, which a highway would certainly do. It is scientifically false that the road could enhance the habitat.

Other transportation solutions exist that have not been seriously considered by our local government. With no independent review, we do not feel that leaders and planners have done the due diligence necessary to deal with infrastructure in our county.

Proposed Zone 6, as mentioned by the Congressman, is not mitigation, and should not be presented as such. The addition of Zone 6 on 7 or 8 miles from the existing reserve NCA is a disconnected area containing a segment of tortoise habitat, and cannot be accepted as mitigation for several reasons.

One, the best habitat of Zone 6 is not equal to the prime habitat in Zone 3.

Two, Zone 6 habitat is already protected under ESA and NEPA. Zone 3 is, in itself, mitigation. So, Zone 6 would become mitigation for mitigation. Zone 6 cannot be a land bank. Damage to one protected habitat cannot be balanced by another protected habitat. Local governments should not get more control of the habitat.

The county commission controls the Habitat Advisory Committee, exerts play of control on the ACP administration, and appoints a local HCAC representative, usually from government. The utility development protocol that works with the HCP allows utility development project decision making to rest with the commissioners if there are conflicts. Some development projects should not have been allowed during tortoise inactive seasons, but were.

The county needs to renew the HCP and its take permit to harm or kill tortoises to allow further development. The bill circumvents the ESA and usurps U.S. Fish and Wildlife responsibilities. The bill does not encourage fiscal responsibility—\$100 million dollars have been spent on buying land inside the reserve that was private land, public, or other land. BLM has traded land outside the reserve for the private land in the reserve. Fish and Wildlife grants have been spent buying land. The bill undermines these expenditures. Adding a \$100 million road to these potentially wasted expenditures is not fiscally acceptable.

Finally, but importantly, the bill sets a bad precedent, nationally. Nowhere is a local government allowed authority to decide take and mitigation requirements. Any local government could use this bill as precedent to remove protections for listed species. That may

be the sponsor's purpose, but it is certainly not good for our NCA or others in this great country.

Utah's effort to wrest control of public land is clearly evident. An open process resulting in the HCP and RPM is opposed to this bill that resulted from closed-door meetings——

Mr. MCCLINTOCK. Mr. Van Dam, I am afraid I am going to have to interrupt you there.

Mr. VAN DAM. Thank you.

Mr. MCCLINTOCK. The time has expired.

Mr. VAN DAM. I am sorry, sir.

Mr. MCCLINTOCK. It is quite all right. It happens all the time. But we do try to keep to the schedule. But your testimony in full will be in the record, and I am sure you will have the opportunity to elaborate on those remarks shortly.

[The prepared statement of Mr. Van Dam follows:]

PREPARED STATEMENT OF CONSERVE SOUTHWEST UTAH ON H.R. 5597

This testimony provides the historical and logical reasons H.R. 5597 should not pass. It is presented in terms of a summary of the history, the proposed bill and our issues with it; and is then followed by the details providing the basis for our position.

SUMMARY

Introduction

Conserve Southwest Utah (CSU) appreciates this opportunity to submit testimony to the Federal Lands Subcommittee of the House 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 10 years of detailed experience with the subject of this bill. We have regularly attended Habitat Conservation Advisory Committee meetings (the committee that oversees the Habitat Conservation Plan (HCP) for the Red Cliffs Desert Reserve, most of which is now Red Cliffs National Conservation Area—RCNCA) and public meetings held by county elected officials and the BLM. We have met face-to-face with local elected officials and organized public forums in attempts to reach understanding and resolution. We organized citizen participation in the development of the 2006 "Vision Dixie" long-range county development concept, the 2009 Omnibus Public Lands Management Act (OPLMA), the 2016 Resource Management Plans (RMPs) for the two National Conservation Areas (NCAs), and testified in the 2016 field hearing for the Federal Lands Subcommittee. Hundreds of us have spent thousands of volunteer hours achieving the protections that this bill would throw aside.

We have watched this effort to enable a highway through critical habitat evolve over these many years. Our testimony will provide background information and bring the Subcommittee up to date on current efforts by Congressman Stewart and our county elected officials to force a road where one was never formerly planned and certainly never approved.

Thank you for your consideration of our thoughts and concerns on the matter under review today. Additionally, thank you for your service to this Nation and its citizens. We look forward to a well-considered decision from this body.

Summary of H.R. 5597

The following describes our understanding of the bill. The sections of the bill are referenced below in "**Issues with H.R. 5597.**"

- Section 1 provides a short title for the bill.
- Section 2 provides definitions.
- Section 3 describes the HCP Amendment directed by the bill.
 - 3a states that the Department of the Interior (DOI) must approve an HCP amendment and renew the permit in accordance with this and other applicable laws.

- 3b and c states that the county and the BLM will manage Zone 6 as they manage the other zones (to enhance the natural values of such lands, including wildlife habitat).
- 3d states RMP amendment requirements, addressing the HCP, recreation and easements.
- 3e and f defines “mitigation credits,” stating that Zone 6 can be used to mitigate damage in other zones, including the highway, and to mitigate “take” (tortoise harm or death) throughout the county.
- 3g states that the DOI must accept the amendment within a year.
- 3h states there are no other effects to the HCP.
- Section 4 addresses RMP/NCA Adjustments, requiring the DOI to amend RMPs to incorporate this act, with coordination and cooperation of local governments.
- Section 5 addresses the RCNCA, stating the existing Rights-of-Way (ROW) will remain in tack, provides for the highway, and disallows BLM from water rights.
- Section 6 addresses the BDWNCA, stating that ROWs are not to be more restrictive than RCNCA, disallows the BLM from water rights, and preserves grazing rights.

Summary of Our Position

H.R. 5597 takes a tremendous leap backward for Washington County, Utah, by undermining the open, transparent citizen engagement that created the Red Cliffs Desert Reserve/National Conservation Area (Reserve/RCNCA) and the Beaver Dam Wash National Conservation Area (BDWNCA) many years ago. These sensitive habitats and scenic signature vistas of our area represent the best of the National Landscape Conservation System, the Endangered Species Act (ESA), and the National Environmental Policy Act (NEPA). The bill also takes a tremendous leap backward for the entire country by undermining the ESA and NEPA by basically giving control of listed species to a local government. To grant the provisions defined in H.R. 5597 would not only do irreparable damage to our local public lands but also undermine the foundation of these basic environmental protections across the entire country. There are appropriate processes in place to fairly address the county’s issues, using scientific and proper alternatives analyses. The county has refused.

Background

Washington County and the city of St. George in the far southwest corner of Utah is one of the fastest growing areas in the country. Over half the land in the county is federally-managed, including its signature landscape, a large section of rugged, red-rock canyon, plateau and mesa area immediately bordering the northern urban area. In the 1980s, after many years of study, the Mojave Desert tortoise was listed as “threatened” under the Endangered Species Act. A Habitat Conservation Plan (HCP) was adopted in 1990 to allow growth and economic development of 300,000 acres of habitat while protecting 62,000 acres of land, 45,000 of which is BLM-managed. The HCP, while offering permanent protection, requires periodic renewal every 20 years (it has now lapsed). A layer of permanent protection was added by the creation of the Red Cliffs National Conservation Area in the 2009 OPLMA. Public support for these protections has been very high at every step.

These protections presented a challenge not unlike many cities face: an area bordering an urban center that cannot be developed. Washington County’s local governments welcomed the HCP elements that enabled growth and economic development to continue but have chafed at those elements restricting development on the protected federally-managed public lands. Utah and Washington County have a long history of resisting Federal influence, especially in public lands. The stage has been set for this end-run around public support for protections and around bi-partisan laws enacted to protect these lands.

Local governments agreed to the HCP because it was more acceptable than consulting individually with the U.S. Fish and Wildlife Service (USFWS) on every development proposal in tortoise habitat. Due to this agreement, development and subsequent loss of desert tortoise habitat in most of Washington County was permitted to continue because the Red Cliffs Desert Reserve and the Red Cliffs National Conservation Area were permanently set aside and protected. The HCP process under the Endangered Species Act has generally worked well in Washington County up to this point and provides a win-win scenario, enabling growth and economic development and habitat protection. To build a highway through the

designated critical protected area (Zone 3) now will encroach on the already limited desert tortoise habitat and violate the spirit and letter of the law agreed upon years ago. (See “MAPS”.)

H.R. 5597 is the latest installment of a series of actions by Washington County to force a highway through protected habitat. Their latest twist is to propose an addition to the HCP (Zone 6, an unconnected parcel of mostly BLM- and SITLA-managed land) as mitigation for damage done by the highway to tortoises and their habitat in the prime Zone 3 area of the Reserve/NCA.

The proposal is presented by the county as a win-win-win: habitat and the tortoise win because the highway will do no harm and an expanded habitat is recognized; the people win because gridlock is eliminated, and the economy will not suffer. This is an erroneous characterization: it is actually a lose-lose-lose:

- Habitat will be significantly damaged (as evidenced by scientific consensus).
- Zone 6, even though it is already protected by the ESA, will decline (only superficial short-term protections are proposed and the Western Corridor highway will inflict the same damage as the proposed Northern Corridor highway).
- The Northern Corridor highway will not solve our traffic issues.
- The action to reverse the environmental protections will damage our economy rather than help it.

The public lands in Washington County contribute to our quality of life, providing areas for world class outdoor recreation, protecting water quality and clean air as well as providing wildlife habitat. CSU works to ensure the irreplaceable cultural, scenic, ecological and scientific values are protected and properly conserved. We hope that county, state and national leaders will work with us, too.



*The Red Cliffs Desert Reserve/National Conservation Area
Looking at the area where the proposed Northern Corridor Highway would be built, through the prime habitat of the Mojave Desert tortoise, taken from the existing highway through the habitat, the Red Cliffs Parkway.*

See “**The History**” for more details.

Issues with H.R. 5597

This section describes our major issues with the bill. A reference is provided for each issue to the pertinent section of the bill summarized in “**Summary of H.R. 5597.**”

Highway Incompatibility With Protection

The purpose of the Reserve and NCA is to provide permanent habitat protection for the threatened Mojave Desert tortoise. The Reserve was a mitigation for the “take” (harm or death) of tortoises in habitat opened for growth and economic development. A highway must be prohibited as it would be counter to the purpose of the HCP and NCA. The ESA specifically prohibits a “take” via habitat destruction, and the highway would certainly do that. The county has argued (Washington Parkway Study) that a highway will not harm and may indeed enhance the habitat. This

position is scientifically false (See Desert Tortoise Council Report) and has no support in the scientific community. The county will argue they were given assurances the highway would be allowed. This position is also false, as evidenced by meeting minutes of the county's Habitat Conservation Advisory Committee (HCAC).

Ref: This issue pertains to the bill's section 3a (which requires applicable laws to be followed, which state, in essence, that a highway is not allowed), b and c (which state that the NCA is to be managed to enhance the habitat, which a highway does not do), and section 5 (which directs the highway to be allowed).



Best map available to us, showing the 6 zones and the proposed highway (black line in middle).

Highway Not Needed

(See **“Transportation Studies and Modeling”** for more details)

There is no need for the highway—other solutions exist that have for some reason not been considered by our local governments, such as mass transit, zoning to avoid choke points, revisions to existing roads, additional interstate connections. The county has fixated on what they erroneously believe is the one and only solution. No independent or public review has been allowed.

Ref: This issue pertains to the underlying presumption of the bill that the highway is needed.

Zone 6 Not Mitigation

The addition of Zone 6, a discontinuous area containing a segment of tortoise habitat, cannot be accepted as mitigation for a highway through the Reserve's original prime Zone 3 habitat for several reasons:

- (a) By law a highway cannot be mitigated.
- (b) Some of proposed Zone 6 is not habitat, and even the best habitat in Zone 6 is not comparable for mitigation of prime habitat in Zone 3 where the proposed highway would be located.
- (c) The proposed Zone 6 habitat area will be in danger from the planned Western Corridor highway.
- (d) The proposed Zone 6 habitat area is already protected by the ESA and NEPA.
- (e) The existing Reserve/NCA, including Zone 3, is itself a mitigation for the habitat destruction throughout Washington County. That leaves the proposed Zone 6 “a mitigation for a mitigation,” which should not be allowed.
- (f) It is also proposed that Zone 6 be used as a “land bank” for further damage to the current Reserve/NCA habitat and other listed species throughout the county. This concept is invalid: damage to one protected habitat cannot be balanced by another protected habitat.

Ref: This issue pertains to bill's section 3e, which declares how Zone 6 is to be used for mitigation of damage in Zone 3 and elsewhere in the county.

Local Government Usurping Federal Authority

There is still some property to develop in tortoise habitat within the county, and since the prior HCP is expired, the county needs to renew it and its "take" permit (to harm or kill tortoises). This bill, and the HCP amendment it directs the BLM to approve, allows the county to usurp the U.S. Fish and Wildlife Service (USFWS) responsibilities and issue the "TAKE PERMIT RENEWAL" for 25 years. The Endangered Species Act (ESA) prohibits the "take" of listed species through direct harm or habitat destruction, which this highway certainly does. However, the ESA allows a "take" if there is an approved HCP. Therefore, the county needs to renew the HCP and the take permit to allow continued development, and this bill is their vehicle to circumvent the ESA to get this unneeded highway at the same time, in exchange for the Zone 6 habitat that is already protected and not a viable mitigation.

Ref: This issue pertains to bill's section 4, which in ambiguous language puts the county in control of habitat impact decisions over the judgment of the BLM and USFWS, allowing existing laws (OPLMA, ESA, NEPA) to be ignored.

Fiscal Irresponsibility

\$60–100 million have been spent on buying land inside the reserve, with more expense pending. For 20 years BLM has traded their land outside the reserve for the private land inside the reserve. Fish and Wildlife grants for millions of dollars have been spent on buying land inside the HCP to preserve tortoise habitat. H.R. 5597 undermines the basic purpose of these expenditures.

Ref: This issue pertains to the assumption that any bill should support fiscally-responsible actions.

Setting a Bad National Precedent

Even more significant than the localized issues above are the nation-wide, multi-state issues of completely undermining the basic concepts and processes of the ESA and NEPA. Nowhere in the country is a local government allowed this authority to decide "take" and mitigation requirements. Any local government could use this bill as a precedent to remove protections for threatened or endangered species.

Ref: This issue pertains to the bill's sections 3, 4, 5 and 6, which when implemented for Washington County, Utah, would open the same considerations for any county in any state.

Redundant / Confusing / Misleading Elements in the Bill

There are many detailed issues with the bill. A number of them stem from misinterpretations county officials had with the Resource Management Plan (RMP). These misinterpretations were cleared up in a number of meetings with the BLM and it was agreed that the RMP was correct, yet these issues are again brought up in this bill, as if they had not been resolved. They should be removed from the bill.

The title of the bill is misleading, implying that the primary purpose is to expand and enhance the habitat for threatened or endangered species in Washington County. Its real purpose is to direct a highway to be built through prime sensitive habitat for a listed species, and to upset Federal control of environmental protections.

Ref: This issue pertains to the bill's sections 1, 5 and 6, which each have elements that are redundant to elements already in the approved Resource Management Plans (RMPs) for the NCAs or are redundant/confusing.

Lack of Public Engagement

(See "**The History**," especially "*Public Process*" below for details)

The listing of the Mojave Desert tortoise and the creation of the HCP, the OPLMA, the NCAs and the RMPs all had many opportunities for public engagement and input which had significant impact on the end products. By contrast, H.R. 5597 had almost no opportunity for public engagement or input. It was developed in private and in a hurry. Our local elected officials are the first to complain about Federal Government actions that do not allow local engagement, and yet they foster that very action. Perhaps they think local engagement only applies to those with elected status and not their constituencies. The development of this bill is a very poor example of an open and transparent process.

Ref: This issue pertains to the assumption that any bill should have adequate public engagement opportunities in an open and transparent manner.

THE DETAILS

The History

The historical background in Washington County of the Mojave Desert tortoise, the protections afforded it and the public engagement processes used to grant the protections are presented below.

Washington County: Growth and the Tortoise

Washington County, in the southwest corner of Utah, was a quiet area of slow growth until the advent of affordable air conditioning for homes and cars and until I-15 was completed between Salt Lake City and Los Angeles. This made the area tolerable in the heat of summer and accessible year around. Thanks to its climate and its environment based in the scenic vistas of protected, federally-managed public lands, it was discovered as a tourist and outdoor recreation mecca. There was not much need for transportation planning, and “ring roads.” And it started to grow. The Mojave Desert tortoise was long known to be in danger in the early 1980s, but it was not an issue until the growth started. When it was listed as a threatened species, with plenty of warning and communication, the growth was just starting to build, and the listing threatened the growth.

HCP and Reserve Purpose

In 1990, the U.S. Fish and Wildlife Service listed the Mojave Desert tortoise as threatened under the Endangered Species Act. This would have impeded development on private and state lands in the county.

In 1995, local officials signed an agreement to establish a Habitat Conservation Plan (HCP) to protect habitat of the tortoise by establishing a Reserve, named the Red Cliffs Desert Reserve. The U.S. Fish and Wildlife Service issued a Section 10 incidental take permit which allowed for the loss of approximately 1,100 desert tortoises and 12,000 acres of desert tortoise habitat during land development over the next 20 years. In trade, 300,000 acres of private and state land were released for growth and economic development.

HCPs are developed to reduce the regulatory burden on private and state land-owners while addressing the habitat needs of listed species. The HCP gave economic certainty to be able to develop those lands outside the Reserve. Washington County and this Reserve, have some of the highest density of endangered, threatened and special status species in Utah. The only road improvement mentioned in the HCP was to improve the Red Hills Parkway, which was done. New roads were not allowed.

1993 Steering Committee meeting minutes make no mention of a needed highway corridor. Habitat Conservation Advisory Committee meeting minutes from 1996–1998 when the Reserve was first being established make only one cursory reference to a road through the Reserve with no details. All other references pertain to existing roads.

Washington County Growth & Conservation Act 2006

In 2006 Senator Robert Bennett and Congressman Jim Matheson together with Washington County commissioners created the Washington County Growth & Conservation Act of 2006, which dealt mainly with the designation of wilderness areas, but also contained a provision for a Northern Corridor. This was the bill that spawned the creation of Citizens for Dixie’s Future (now CSU). Citizen opposition to the road and land transfer was strong and resulted in a public process named Vision Dixie that involved nearly 3,000 county citizens, an effort we believe the county thought would bolster their position. It did not. Although the process revealed strong support for a good transportation network it did not clearly support a road through the Reserve. Habitat Conservation Advisory Committee (HCAC) meeting minutes in 2006 when the Washington County Growth & Conservation Act was being developed reveal the road was clearly rejected by a majority of committee members.

Washington County citizens have repeatedly voiced the opinion that this amazing area deserves protection by rejecting the 2006 Lands Bill and supporting our local Vision Dixie process in 2007 that preferred protection of sensitive and scenic public lands such as those now enacted as NCAs. Vision Dixie’s Principle 3 states, “Guard our ‘Signature’ Scenic Landscapes.”

Omnibus Public Lands Bill 2009

The Bennett/Matheson bill languished until 2008 when it was revived for inclusion in an omnibus bill. In Subtitle O in the Omnibus Public Lands Management Act (OPLMA) of 2009 there is a provision for BLM to do a comprehensive Travel and Transportation Management Plan, in accordance with the Federal Land Policy

and Management Act (FLPMA); the Secretary of Interior in consultation *with appropriate Federal agencies*, state, tribal, and local government entities (including the County and St George, Utah), *and the public*, identify one or more alternatives for a northern transportation route in the County. The language in that bill does not, by any reasonable interpretation, require the Northern Corridor to be built: it required the identification of options to be considered for a northern transportation route in the County, in consultation with agencies, local entities, the state, tribes, and the public in development of the BLM's Travel Management Plan. These routes were to then be reviewed in accordance with Federal environmental law for suitability. The Lands Bill does not require BLM to designate a northern transportation route in the Transportation Management Plan.

Not long before the 2008 version of the Washington County Land Bill was finalized as part of the 2009 OPLMA, Citizens for Dixie's Future (now Conserve Southwest Utah) was contacted by Representative Jim Matheson's aide to discuss support for the latest version, and was assured the highway was not included. Bill sponsor Senator Robert Bennett's April 22, 2008 on S. 2834 hearing comment makes it clear: "Congressman Matheson and I have made significant changes to the previous proposal. We have permanently protected large amounts of biologically significant public land in Washington County, including additional wilderness and a new national conservation area. We have removed the designations for the Lake Powell Pipeline Corridor and the Northern Corridor that bisected the Red Cliffs Desert Reserve."

Red Cliffs NCA Creation

In 2009, the Red Cliffs National Conservation Area (NCA) was established by U.S. Congress (Public Law 111-11), adding a layer of *permanent* protection to the Red Cliffs Desert Reserve Mojave Desert tortoise habitat. In 2015, the draft Resource Management Plan (RMP), which further studied and rejected a highway through the NCA, was released for public comment, causing much distress to county leaders. BLM was following laws set up by Congress to protect this habitat.

44,725 acres within the 61,000-acre Red Cliffs Desert Reserve were designated as NCA. Here is what is clearly stated in Section 1974 of the OPLMA concerning the NCA and its purpose. The purpose of the NCA is "*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 National Conservation Area; and to protect each species that is located in the NCA and listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the ESP of 1973.*" Once the NCA was created, work began on the Resource Management Plan and the Travel Management Plan with this "purpose" as the driving force for the BLM's decision making.

County Challenge

Our current local elected representatives today want to rescind the county's past agreements, which protected the publicly-managed habitat in the Reserve in exchange for ease of development of 300,000 acres of habitat in privately and state-held lands. This agreement included disallowing a highway through the protected lands. Now that those lands are mostly developed, our representatives seem to think renegeing on the agreement is an honorable course of action, so they have encouraged our Federal elected officials to undermine the prior Federal laws to allow a highway by proposing this new legislation in Congress.

Several efforts have been made to try and force this road in the past. In 2013 an application for a right-of-way (ROW) that would have authorized construction, operation and maintenance of the four-lane highway through public land was made by the county. The case was set aside and remanded to BLM for further action.

Senator Orrin Hatch introduced a bill in the Senate May 2017, directing BLM to scrap its excellent RMP that took 4 years of study and offered many opportunities for public comment. This is because the RMP does not allow a four-lane highway through the reserve. This bill has not gone to committee and sits in Congress.

Representative Chris Stewart's 2017 bill H.R. 2423 (*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*) claimed the highway was in the Public Law 111-11. That is untrue and the title of bill is very deceptive. It was not in the 2009 bill and in fact was deleted from the bill by Utah's Senator Bennett in 2008 as shown in April 2008 congressional testimony mentioned above. Rep. Stewart's bill passed a house committee, but never went to Floor vote of the Full House and it never allowed public comment before it was introduced.

Now the county has again enlisted the help of Congressman Stewart to run H.R. 5597 that adds a section of SITLA and BLM land known as Zone 6 as theoretical mitigation for the highway in Zone 3.

HCP Renewal

In 2016 the 20-year HCP came up for renewal. At this point, the county is operating under the old HCP that has been extended by the USFWS while the county works in “good faith” to renew the permit. The Washington County Commission needs to renew the HCP because there are still private and state lands that could be developed in county. However, they also want to amend the HCP renewal to allow the highway in legislatively protected prime habitat—Zone 3—in exchange for less-desirable habitat in the proposed Zone 6 that also has a proposed major highway on its western border. This concept is the basis for Rep. Stewart’s new bill, *Desert Tortoise Habitat Conservation Expansion Act*.

The county commissioners asked all the cities to pass a resolution to support the bill. But legislative language of the bill had not at that time been disclosed to the public and they told CSU the bill’s text would be disclosed after introduction in Congress. In essence, Washington County’s town and city leaders were being asked, it appeared, to support that about which they had few if any details.

Many questions remain. What is the proposed budget for managing Zone 6, who would pay for this management, and would there be a long-term funding commitment sufficient to provide the required high level of public education, resource monitoring, and law enforcement to ensure that the Zone 6 mitigation objectives are actually achieved.

Public Process

Until the last couple of years, the Reserve/NCA RMP process seemed very open and transparent. The HCP and Reserve creation process was very open and public and had large engagement in the community. The HCP steering committee had members from Federal and local government, U.S. Fish and Wildlife Service, environmental organizations, mayors, developers, and more. The meetings were open to the public and members of the audience were allowed to make public comments. However, in spite of the Northern Corridor being reputed to have been such an important matter and in plans for decades, early meetings (January and February 1993) made no mention of this critical infrastructure so necessary in the minds of current leaders for Washington County’s future. However, Ron Thompson, Washington County’s water manager, did mention in the first Steering Committee meeting that 1993 had been a banner year for growth and developers were losing money due to the hold up in HCP planning. So, it was clear the area was growing rapidly and yet no mention of the road.

The Reserve was established and all seemed to be going well. Then during the early days of the Washington County Growth & Conservation Act of 2006, which gave rise to the very Vision Dixie process mentioned earlier (see “*Washington County Growth & Conservation Act 2006*”). After that, with modification of the 2006 bill and passage in 2009 established the NCAs, providing direction to the BLM for their Resource Management Plan, the public felt comfortable that the road issue had been somewhat settled.

The RMP public process began in June 2010 with open houses for public involvement in the process. 269 members of the public and representatives from Federal agencies, as well as state and local governments attended. In 2015, the public was invited to comment on the draft RMP which was finalized by the BLM’s Record of Decision (ROD) in December 2016, which has led us to this challenge by Congressman Stewart and county leaders to overturn the ROD regarding the road and some other matters.

In 1993, meeting minutes show that the HCP Steering Committee became the Habitat Conservation Advisory Committee (HCAC). The HCAC has held open meetings during which the public has been allowed to make comment and share their thoughts and concerns. In early 2015 the issue of HCP renewal came up since the 20-year permit would expire in 2016. From then until 2017 the HCAC conducted open work meetings focused on the renewal process.

In 2017 things changed. The Washington County commissioners decided to take the renewal process under their wing and started holding closed meetings to discuss the Northern Corridor issue. The result of those meetings was their plan to expand the Reserve by adding the proposed Zone 6 to be used as mitigation for the building of the Northern Corridor, resulting in the bill before us today. This process has been the antithesis of the previous open and transparent efforts to engage the public and account for their input.

In March of this year, the county presented its idea to the citizens of Washington County and asked local city and town leaders to support the county's efforts to expand the Reserve and build the highway. The county's meeting was well attended but that meeting, and a St. George meeting, revealed much opposition to the road and pitted recreationists against conservationists. By adding Zone 6, a heavily recreated area, to the H.R. 5597 bill, with the threat that if not added recreational activities might be stopped due to development, leaders effectively set up a red herring. Zone 6 land had not been developed for many years, apparently due to soil and geological issues, but it was enough to scare the recreational community into thinking they needed to support the Northern Corridor to get their Zone 6.

The 2017 county effort that led to this bill did not provide the public process citizens needed on this important matter. CSU has asked Federal and local leaders to please support the prior agreements understood by constituents to have been made in good faith. We've asked they support an open and transparent decision-making process, environmental protection as our brand, economic development with, not instead of, environmental protections, a transportation vision for the future rather than an unneeded highway. All of these elements support a well-balanced quality of life for Washington County's constituents.

Transportation Studies and Modeling

Studies do not support need for the road. In 2007, UDOT's study of ideas for a Northern Corridor dealt with the county's preferred route (Red Hills Parkway to I-15 at MP 13) in a chapter titled: "Alternatives Considered but Eliminated from Further Consideration." There it was stated that the Northern Corridor Alternative would not meet the objective of minimizing impacts to the reserve. The city of St. George, UDOT, and FHWA determined that the anticipated implementation challenges and potential environmental effects, as previously described, would be substantial and thereby eliminated the Northern Corridor Alternative from further consideration. Of course, that was before this new idea of adding a Zone 6 to provide mitigation for the highway acres used, but the addition of Zone 6 does not eliminate the environmental issues considered in the transportation report.

The 2011 Washington Parkway Cost/Benefit Study and the 2015–2040 Regional Transportation Plan revealed the road would not relieve traffic congestion on other busy roads. As noted, the road had been eliminated from further consideration in UDOT's 2007 study. Options to deal with ever-increasing traffic in Washington County have been suggested but ignored. HCAC 2006 meeting minutes include a suggestion by committee members to consider a further-north, outside the Reserve/NCA option, which local elected officials have rejected.

There is already a highway, Red Hills Parkway, which goes across the NCA and was included in the HCP. There are alternatives for a highway that would by-pass the NCA that have not been properly considered. The data used to back up the model used to determine the need for this highway has not been opened to public scrutiny although CSU has asked for that data.

In a 2012 letter from our organization to the Utah Department of Transportation regarding "Comments on the Proposed UDOT Feasibility Study for a Northern Corridor Parkway Through the Red Cliffs Desert Reserve" CSU stated that if UDOT proceeds to study the feasibility of a Northern Corridor route, we suggested that it should look at more than just traffic needs and projections and take into consideration the reasons why in 2006 seven members of the Habitat Conservation Advisory Committee voted unanimously against allowing the Northern Corridor.

The reason for that 2006 highway rejection by the HCAC—a road bisecting Zone 3 would cause irreparable harm—is still reasonable today as we consider H.R. 5597's suggested changes to mitigate for the highway's acceptance.

Washington County officials assert that the UDOT study, 2012 Washington Parkway Study, done by UDOT's biologist showed that culverts could be installed to "actually help" the tortoise population. It has not been established that culverts would help. If the road is built, there will be no "undoing" it. In fact, the Desert Tortoise Council has challenged UDOT's biological study with their own biology. So, it's one biologist and his study, for which he was paid by the state and could provide questionable findings given that it's not an "independent" study, against a group whose mission is to support the well-being of the Mojave Desert tortoise.

The proposed Northern Corridor highway's purpose is to alleviate traffic around two I-15 exits by taking traffic around them, through the Reserve, connecting the next exit north to a new intersection on the existing highway that bisects the Reserve (as was approved by the original HCP), basically moving the congestion point. It is very unclear if this proposal has any real utility. There has been no known technical or public review of the traffic model indicating this change makes any significant difference. It is likely that the model merely extrapolated existing

traffic on existing roads, with no other improvements made, and no consideration of significant mass transit or the retirement/tourist demographic. Our elected officials (our county commissioners, city councils and Congressman Stewart) have described this road as “essential” to Washington County, yet they have not supplied any definition of that label or evidence that it is true. It is doubtful that they know what alternatives to bisecting the protected habitat could address the same traffic concerns. Dictating this highway as the solution is not justified.

There is a need for alternative ways to carry the ever-increasing traffic in Washington County. A more robust transit system seems to be on the horizon. CSU has made several suggestions that have not been considered:

- Run the Travel Demand Models with the Northern Corridor excluded from the assumptions to study other singular or combinational options to meet our transportation needs.
- Include more robust multimodal transportation projections in the modeling (expanded transit, Active Transportation, circulator trolleys, vanpools, future light rail).
- Modify General Plans from the political subdivisions to project desired future land use and destinations rather than relying on current plans that are constantly changing with rezoning approvals, and often need updating to reflect the rapid pace of development in the County.
- Complete the Southern Parkway as a through-traffic bypass route.
- Remove or drastically modify I-15 through Washington City and downtown St. George in order to reconnect as many surface streets as possible in the congested core of the metro area.
- Give incentives to industrial and distribution businesses in the old industrial park by the Middleton Tunnel to move to the Fort Pierce Industrial Park to eliminate much of the heavy truck traffic using Exit 8-St George Boulevard and Exit 10-Green Springs.
- Ask Intermountain Health Care to give DRMC employees transit passes and start van pools for shift workers to reduce automobile traffic. (DSU has led the way by partnering with SunTran transit system on free transit passes for students with a valid DSU student ID.)

REFERENCES

H.R. 5597 and proposed HCP amendment:

<https://www.govtrack.us/congress/bills/115/hr5597/text>

<http://conserveswu.org/wp-content/uploads/HCP-Amendment-3-22-18.pdf>

Prior hearing testimony:

<http://conserveswu.org/wp-content/uploads/Van-Dam-Paul-public-hearing-testimony-Jan-22-2016.pdf>

Desert Tortoise Council findings—highway impact on tortoise habitat:

<http://conserveswu.org/wp-content/uploads/Desert-Council-Stewart-letter-May-16-2018.pdf>

MAPS

Proposed Northern Corridor highway through existing Reserve Zone 3:

<http://conserveswu.org/wp-content/uploads/Northern-Corridor-map-2018.pdf>

Proposed Western Corridor highway through proposed Reserve Zone 6:

<http://conserveswu.org/wp-content/uploads/Western-proposed-highway-map.pdf>

Proposed Zone 6:

<http://conserveswu.org/wp-content/uploads/ZONE-6.pdf>

Various options for Northern Corridor (blue is the proposed):

<http://conserveswu.org/wp-content/uploads/HCP-Northern-Corridor-map-BLM.pdf>

Mr. McCLINTOCK. The Chair will now defer to Mr. Stewart to make the introduction of our next witness.

Mr. STEWART. Once again, Chairman, thank you. I have introduced Commissioner Cox already. Once again, he is just a great leader in the community, and has enormous respect.

So, Commissioner Cox.

STATEMENT OF DEAN COX, COMMISSIONER, WASHINGTON COUNTY COMMISSION, ST. GEORGE, UTAH

Mr. COX. Thank you, Chairman Bishop, Chairman McClintock, and Ranking Member Hanabusa, for the opportunity to testify in support of H.R. 5597. I especially want to thank Representative Chris Stewart for his work on this balanced legislation, which is vital to the future of the desert tortoise and Washington County, Utah. I also thank the city councils, recreation enthusiasts, and conservation organizations that supported this effort.

I am proud of this bill and the process we followed to develop balanced solutions. H.R. 5597 expands and extends the Desert Tortoise Habitat Conservation Plan in Washington County by adding 6,835 acres of new, high-quality tortoise habitat called the Red Cliffs Desert Reserve Zone 6.

For the past 22 years, Washington County has managed the HCP. We are not new at species recovery, and we are darn good at it. Our HCP boasts the highest densities of tortoise throughout its range by a significant margin. We have also taken far fewer than our permit authorized. The tortoises we did remove from developing areas were successfully relocated to the reserve, where they are now thriving. And many are reproducing.

While we cannot control wildfire or drought, our HCP has been successful and has held out as a model in the U.S. Fish and Wildlife Service's HCP handbook. The original HCP agreement expired in 2016. We have continued to manage the HCP on a temporary extension. For over a year, we have met with representatives of Federal and state agencies and other stakeholders, including conservation groups, recreation enthusiasts, and others.

One of our goals was to negotiate an extension that would be good for the tortoise and help the county and our cities deal with the rapid growth we are experiencing. According to data released by the U.S. Census Bureau earlier this year, the St. George Metro Area is the fastest-growing city in the United States. This growth has funded our HCP. Our development fees are $\frac{2}{10}$ of 1 percent of building costs, at \$250 an acre. The county has raised approximately \$15 million, which is more than \$6 million than what was originally budgeted and committed when the HCP was signed in 1996.

For more than 20 years, since before the creation of the reserve, the county has had a transportation route on our long-term plan that we call the Northern Corridor. As we worked on the HCP renewal, it became clear that we needed to tackle the issues of utility access and transportation. We consulted with Federal and state desert tortoise biologists and traffic engineers to find the optimum combination of traffic flow and tortoise movement as we sought a new alignment for the roadway.

The new 4-mile-long route proposed in the bill is located as close to the NCA's southern boundary as is feasible. The 300-foot-wide corridor is 4.3 miles long, covering only 147 acres of the Red Cliffs

Reserve. I want to emphasize, however, that the roadway crosses only 1.9 miles of the National Conservation Area and impacts only 65 acres.

H.R. 5597 does not circumvent the procedures required by the Endangered Species Act and its accompanying regulations. That means the combination of building this new road and adding Zone 6 must not be detrimental to the recovery of the tortoise. H.R. 5597 provides more than ample mitigation for the full implementation of Public Law 111-11, as mitigation.

For these impacts on the reserve and the NCA, the county is prepared to add an additional 6,835 acres of prime tortoise habitat, most of which is owned by the State of Utah School and Institutional Trust Lands. Not only are the state lands in that area developable, but they are also highly recreated. Rather than allowing the area to be developed and lose the recreation and tortoise habitat, we are proposing to add area to the reserve, manage recreation, and use it to mitigate for the possible impacts from utility and transportation development.

Thank you for giving us a chance to speak to you.

[The prepared statement of Mr. Cox follows:]

PREPARED STATEMENT OF DEAN COX, WASHINGTON COUNTY COMMISSION

STATEMENT ON H.R. 5597

Thank you, Chairman Bishop, Chairman McClintock, and Ranking Member Hanabusa for the opportunity to testify in support of H.R. 5597, the Desert Tortoise Habitat Conservation Plan Expansion Act. I especially want to thank Representative Chris Stewart for his work on this balanced legislation which is vital to the future of the desert tortoise and of Washington County, Utah. I also want to thank all of the City Councils, recreation enthusiasts and conservation organization that supported this effort which were referenced by Rep. Stewart.

I am proud of this bill and the process we followed to develop balanced solutions to help expand the habitat for the threatened Mojave desert tortoise while planning for the welfare of our citizens. H.R. 5597 expands and extends the Desert Tortoise Habitat Conservation Plan in Washington County by adding 6,835 acres of new high-quality tortoise habitat called Red Cliffs Desert Reserve—Zone 6 (Zone 6). In 1996, the County entered into an agreement with the U.S. Fish and Wildlife Service, the Bureau of Land Management, the Utah Department of Wildlife Resources, and city partners to create a habitat conservation plan, or HCP, for the Mojave desert tortoise. For the past 22 years, Washington County has been managing the HCP, with the help of state and Federal partners, for the recovery of the Mojave desert tortoise. We aren't new at species recovery. We are good at it. Our HCP boasts the highest densities of tortoise throughout its range by a significant margin. We have also "taken" far less tortoises than our permit authorized. The tortoises we did remove from developing areas were successfully relocated to the Reserve where they are thriving, and many are reproducing. While we cannot control wildfire or drought, our HCP has been successful and is held out as a model in the U.S. Fish and Wildlife Service's HCP Handbook.

The Red Cliffs Desert Reserve that we created as part of the HCP has become a popular recreation spot, a valuable area of open space, and a real asset for educating the public about the tortoise. The incidental take permit that is also part of the HCP agreement has allowed continued development of private property in the county through a process where developers work with the county to clear and protect tortoises. The original HCP agreement expired in 2016 and we have continued to manage the HCP on a temporary extension subject to negotiations of a long-term extension of the HCP.

For over a year, we have met with representatives of the Bureau of Land Management, U.S. Fish and Wildlife Service, Utah Division of Wildlife Services, the Utah State School and Institutional Trust Lands Administration (SITLA), the Dixie Metropolitan Planning Organization (MPO) and other stakeholders including conservation groups and recreation enthusiasts. One of our goals was to negotiate an extension that would be good for the tortoise and help the County and our cities

deal with the rapid growth we are experiencing. According to data released by the U.S. Census Bureau earlier this year, the St. George metro area is the fastest-growing city in the United States. There were an estimated 165,662 people in 2017 in the designated metro area, which includes most of Washington County, up 4 percent from 2016. This brings many challenges that include managing transportation alternatives, including increased use of transit, providing for utilities and land use decisions.

This growth has funded our HCP. Our development fees are .2 percent of building costs and \$250 per acre. The County has raised approximately \$15 million which is over \$6 million more than originally expected and committed to by the 1996 HCP.

For more than 20 years, since before the creation of the Reserve, the County has had a transportation route on our long-term plan that would move traffic from the east to west in the densely populated part of the county. Just like with the utilities, the routes are limited by our stunning geography.

We call the future transportation route the Northern Corridor. As the population grows, the city surface streets that allow east/west transport will be inadequate to handle the demand. We don't want cars bottlenecking and idling on our city streets. Our traffic experts have been saying for decades that for a Northern Corridor route to carry enough east/west traffic to help ease the congestion, it will have to pass through the Reserve.

As we worked on the HCP renewal, it became clear that we needed to tackle the issues of utility access and transportation. A small portion of the Northern Corridor route must cross the Red Cliffs National Conservation Area (NCA). We have consulted with Federal and state desert tortoise biologists and traffic engineers to find the optimum combination of traffic flow and tortoise movement as we sought a new alignment the roadway. (Attachment #1—Northern Corridor Alignments Map). The new 4-mile long route proposed in the bill is located as close to the NCA southern boundary as is feasible. The 300-foot wide corridor is 4.3 miles long covering only 147 acres of the Red Cliffs Reserve. I want to emphasize that the roadway crosses only 1.9 miles of the National Conservation Area created in P.L. 111-11 (the 2009 Omnibus Public Lands Act) impacting only 65 acres. The route minimizes fragmentation of habitat and requires two large span bridges that would allow tortoises to pass below without ever noticing a road. It will also include large culverts designed for tortoise connectivity. H.R. 5597 does not circumvent the procedures required by the Endangered Species Act and its accompanying regulations. That means that the combination of building this new road and adding Zone 6 must not be detrimental to the recovery of the desert tortoise.

Water and power lines that run across the Red Cliffs Reserve are necessary to supply the needs of our growing population. Much of our communities' groundwater is in the sandstone aquifers in the Reserve. In 1996, the partners in the HCP recognized that need, so we jointly and cooperatively developed utility development protocols that set standards for how utility development and maintenance can be managed to avoid harm to the tortoises. The utility development protocols have been in place and working for years. In fact, Congress recognized the value of the protocols when it codified their applicability to the Red Cliffs National Conservation Area in Public Law 111-11. The language of the bill specified that the creation of a National Conservation Area didn't affect the continued use of the utility development protocols in the areas where the Reserve and National Conservation Area overlap.

H.R. 5597 provides more than ample mitigation for full implementation of P.L. 111-11. Public Law 111-11 (which was signed by President Obama in 2009) created the 45,000 acre Red Cliffs National Conservation Area (NCA) and directed BLM to identify a transportation/utility corridor across the NCA. The corridor is vital to reduce traffic congestion and improve air quality.

As mitigation for these impacts on the Reserve and NCA, the County is prepared to add an additional 6,835 acres of prime tortoise habitat, called Zone 6, (Attachment #2—Zone 6 Map) most of which is owned by the State of Utah's School and Institutional Trust Lands Administration (SITLA). Not only are the state lands in that area developable, but they are also highly recreated. As we studied the area, we learned that the tortoise densities there are higher than densities in the Reserve. Rather than allow the area to be developed and lose the recreation and the tortoise habitat, we are proposing to add the area to the Reserve, manage the recreation, and use it to mitigate for possible impacts from utility and transportation development.

Washington County biologists and Utah Division of Wildlife Resources (UDWR) conducted comprehensive tortoise surveys in the proposed Zone 6 during the spring of 2017. The tortoise density is actually higher than our estimate for the rest of the Red Cliffs Desert Reserve. Approximately 30 percent of our tortoise observations

were of juvenile tortoises, indicating a growing reproductive population. Washington County also initiated a citizen science project in the adjacent areas soliciting tortoise observations by local trail users. Citizens have submitted photos and locations of over 80 tortoises they encountered while hiking or biking on trails in the area. This data, in combination with our survey results and historic sightings, indicate a healthy tortoise population that would be a valuable addition to the Red Cliffs Desert Reserve. Protection of these lands from development will also benefit federally endangered plants and other sensitive species unique to our area.

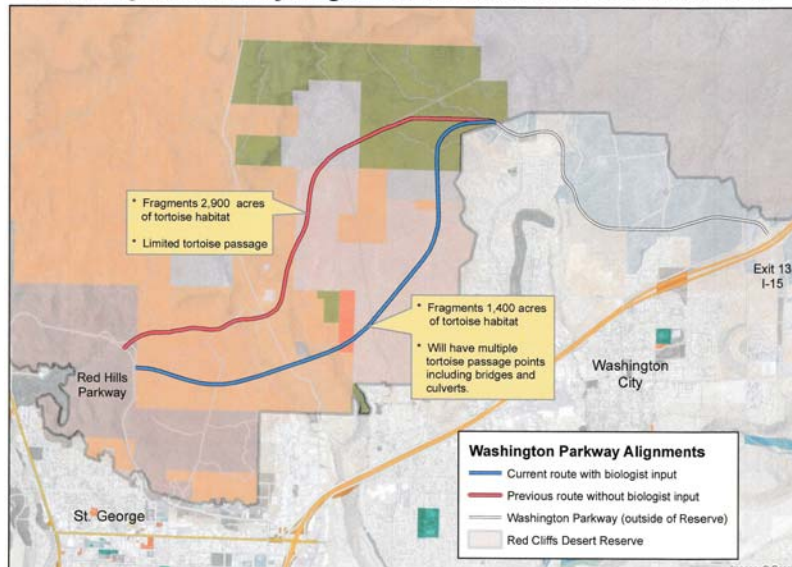
The acres not necessary to mitigate for the Northern Corridor will be banked against future needs as was done in the Clark County, Nevada desert tortoise HCP.

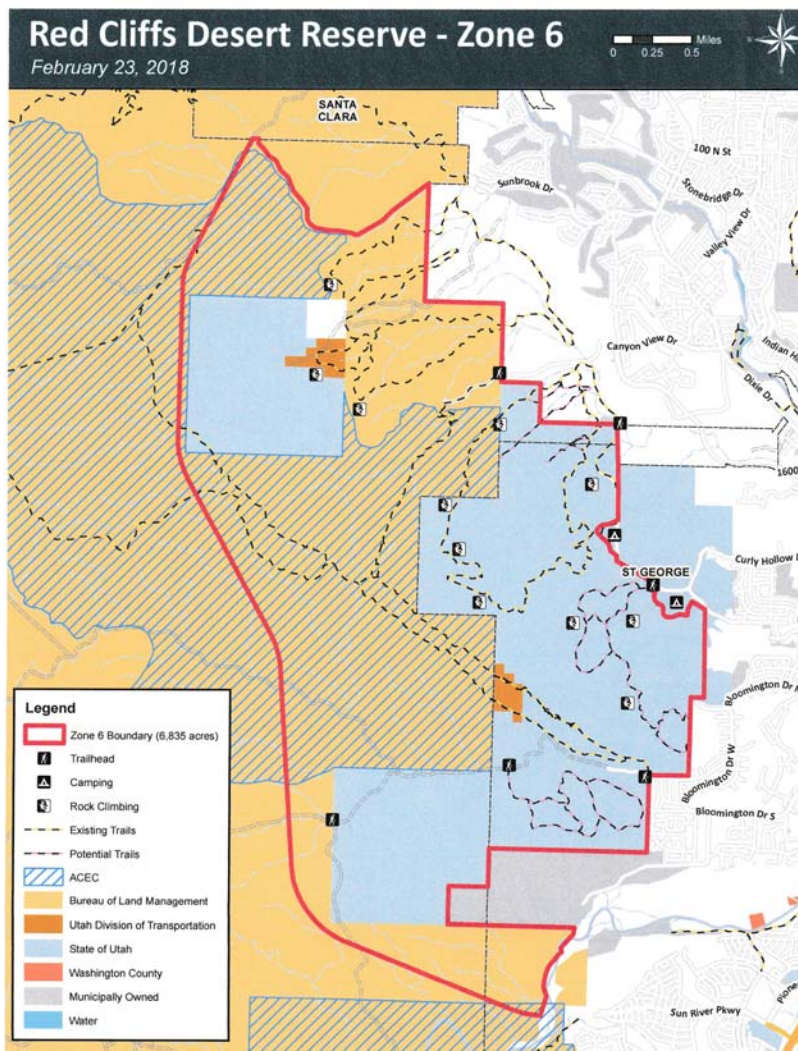
In summary, the bill, if passed into law would:

- 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 on designated roads,
- Provide mitigation credits for the tortoises protected in Zone 6,
- Allow for the eventual construction of a northern corridor crossing 4.3 miles of the Red Cliffs Desert Reserve,
- Require BLM to amend the existing plans to accommodate Zone 6,
- Clarify the width of the right of way (ROW) for Old Highway 91 as a 300 foot ROW on federally managed lands,
- Clarify that the NCAs are not entitled to any Federal water rights, and
- Preserve existing utility and grazing rights in Beaver Dam Wash.

I really appreciate the work that Congressman Stewart and his staff have put in with us on solving these problems. Passage of this bill creates a win for all of the stakeholders. Thank you.

Washington Parkway Alignments in Red Cliffs Desert Reserve





Mr. McCLINTOCK. Great, thank you for your testimony.

That concludes our testimony on H.R. 5597. We will now go to the Committee questions, and I will begin.

Mr. Cox, I grew up in Southern California. As a kid, I found desert tortoises very easy to please. One of the over-arching objectives of this Subcommittee is to be a good neighbor to local communities. Does this bill have the full support of Washington County?

Mr. COX. This bill is really necessary for us. I appreciate your position. Being from Southern California, we share a lot of things in common with you, in fact, a lot of desert tortoise habitat.

In California and, in fact, anyplace else in its habitat, the highest density of tortoise is just over seven animals per square kilometer. In Washington County, we have more than 15 tortoises per square kilometer on the average, and this area that we are planning to add has surveyed, and we estimate that it has more than 500 tortoises in it.

This little piece of roadway that we would need to develop the Northern Corridor we estimate would disturb 10 to 20 animals. And we would work very hard to make that disturbance as absolutely minimal as possible by designing porosity and other factors in the road to maintain the integrity of that for—

Mr. McCLINTOCK. Let me get back to the principal question I have, and that is do the local communities of Washington County support this bill?

Mr. COX. Oh, yes. We have resolutions that support it—and I am a little hard of hearing, but we have resolutions that support from St. George City, which has about half of the county's population. In addition, Washington City has passed a resolution of support, La Verkin has passed one, Ivins has passed one, Hurricane has just passed it, and Santa Clara has it on their agenda.

Mr. McCLINTOCK. These are all the elected representatives of the people of Washington County?

Mr. COX. That is correct. I would say this would represent more than 80 percent of the county's population.

Mr. McCLINTOCK. Commissioner Cox, how did you come upon that title, "Commissioner"?

Mr. COX. How did I do what?

Mr. McCLINTOCK. How did you come upon that title of yours, "Commissioner"? Was that conferred upon you by a majority of the voters?

Mr. COX. Yes, I was elected by the voters of Washington County and I received 75 percent of the vote of the county.

Mr. McCLINTOCK. Just out of curiosity, Mr. Van Dam, which voters in the jurisdictions of Washington County do you represent?

Mr. VAN DAM. Well, I am simply a former attorney general of the state of Utah, the only Democrat to be elected in a long time.

Mr. McCLINTOCK. Yes, but do you represent any of the communities currently in Washington County?

Mr. VAN DAM. No. I represent none of the communities.

Mr. McCLINTOCK. Did you represent a homeowners association within Washington County?

Mr. VAN DAM. No, I represent an organization that is interested in—

Mr. McCLINTOCK. Thank you. Commissioner Cox. How did you come upon this new habitat? How was it selected?

Mr. COX. This has been a very intriguing process. We have known for some time that the area west of Bloomington, south of Santa Clara, west of St. George, had a lot of tortoises. It was also pre-eminently state institutional trust land property.

We have developed a close working relation with SITLA and many other entities and recognized that the renewal of the HCP is good for the county, it is good for our residents. And SITLA wanted to know, really, what they could do to help. This investment is good for the state institutional trust lands because it

allows them to move forward with other lands in more developable areas of the county.

We had the Department of Wildlife Resources do transects. In fact, more than 340 kilometers of transects were done to get an accurate count or estimation of the number of tortoise in this Zone 6. This really is great mitigation. It is going to be consistent with a process we called Vision Dixie, which calls for us to preserve our signature scenic landscapes and maintain our air and water quality by keeping our vital transportation system functional and moving. It serves all of those purposes.

Mr. MCCLINTOCK. Just one final question and that is, is there a precedent for this kind of arrangement?

Mr. COX. I am actually not aware if this precedence has happened someplace else in an NCA. But I can tell you that Public Law 111-11—that is the omnibus act that was the Washington County lands bill—directed the BLM to identify one or more routes for a northern corridor. They failed to do that. We feel that there is a lot of precedence from Congress for this route, and we are working hard to make that also environmentally secure.

Mr. MCCLINTOCK. Great, thank you.

Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chairman.

Mr. Van Dam, you were finishing your testimony when you ran out of time. Is there anything more you would like to add before I ask you any questions?

Mr. VAN DAM. I would just like to respond to some of the information that has gone back and forth here, because there is another side to that.

Ms. HANABUSA. Yes. Well, we will get to that with the questions.

Mr. VAN DAM. No, I was virtually to my last two lines thanking you for the opportunity in the time I had left.

Ms. HANABUSA. Oh. Just so that I am clear, you are here representing the Conserve Southwest Utah organization?

Mr. VAN DAM. That is correct.

Ms. HANABUSA. What is your position with the Conserve Southwest Utah?

Mr. VAN DAM. I am a member of the board and an advisor.

Ms. HANABUSA. And is this conservation organization in Washington County?

Mr. VAN DAM. Yes.

Ms. HANABUSA. It is?

Mr. VAN DAM. Exclusively.

Ms. HANABUSA. So, it deals only with Washington County, the subject of this testimony today.

Mr. VAN DAM. That is correct.

Ms. HANABUSA. You also mentioned that you were the elected attorney general in the state of Utah. The only Democrat, I think you said.

Mr. VAN DAM. Yes, a lonely Democrat in Utah.

Ms. HANABUSA. So, when this whole thing occurred, and I am talking about the existing Habitat Conservation Plan and what happened in Washington County, were you in the position of the attorney general at that time?

Mr. VAN DAM. When what occurred, ma'am?

Ms. HANABUSA. When the Habitat Conservation Plan was established under the Endangered Species Act.

Mr. VAN DAM. No, I was not. I was a new resident of Washington County. I had lived in Salt Lake City. I have owned property in Washington County for over 40 years and I moved there 10 years ago. This is about the same time I moved down.

Ms. HANABUSA. OK. You wanted to clarify some points that were being made. And as I was listening to Mr. Cox it seemed like there was not an agreement on certain things like the road. Can I have your position on that?

Mr. VAN DAM. One of the things that bothers me is that in 2008, our Senator Bennett and Representative Matheson at the time passed a bill, an omnibus bill, that affected much of the property in our county. And in that bill it is commonly said that it provided for a northern corridor.

And the fact of the matter is that that bill did not pass in its first iteration and underwent extensive changes. When it got back for re-passage, that part of it had been taken out, because the bill provided for a right-of-way for the Lake Powell pipeline, and it provided for a northern corridor. And that had been taken out of the bill. And the Senator said in a public statement that those two things had been changed.

The other thing is it is very important to understand that even though they say they are only going through a small part of this preserve, that is not technically correct, because they are going through another part of the reserve that is not rated in the same way. And the allegation that our tortoise population is the highest among these types of tortoises is correct, but it has declined 40 percent over the last 7 years. So, it is not doing as well as we would like it to do, but doing better than other places in the country.

Our great fear is that the precedent established by allowing a road, a highway through an NCA is going to be a very difficult matter for us to deal with. So, we would rather not have that as a precedent.

Ms. HANABUSA. In your written testimony, you were talking about the Omnibus Public Lands Bill of 2009, and you were talking about the original bill of 2006, and that it languished all the way through, and when it finally passed—these are the series of bills that you are talking about, right?

Mr. VAN DAM. Yes.

Ms. HANABUSA. In the short period of time that you have left, when you said that the population of tortoises have declined about 40 percent from what they were when you originally moved there, is that correct?

Mr. VAN DAM. That is correct.

Ms. HANABUSA. And what caused the decline?

Mr. VAN DAM. There have been natural wildfires, there have been upper respiratory problems we have had there, and the habitat that they are in now is not like the habitat that they had when they lived in the valley and had to be removed some 20 years ago. It is just simply a more difficult place for them to survive.

But our county then had 300,000 acres opened up for development and for people by moving the tortoises up. We really feel

strongly that should be left alone at this point. They have given up everything they could and this is their habitat.

Ms. HANABUSA. Thank you. We are out of time.

Mr. MCCLINTOCK. Further questions on this bill?

Mr. Curtis.

Mr. CURTIS. Yes, thank you.

Commissioner, it is nice to have you here in Washington, DC. I do have some questions, but I would actually prefer to yield my time to Congressman Stewart.

Mr. STEWART. I would like to thank my friend, Mr. Curtis. And I will be brief, so we can retain some time for you, if I could.

Commissioner Cox, I am going to read you the language—and this is not a press release, this is not a private statement, this is not a comment in front of a group of people—this is the actual language of the bill, as it currently exists, not something that was removed or deleted in an omnibus. This is the language of the bill. It clearly states that the government entities identify one or more alternatives for a northern transportation route.

As you read that, can you read that in any other way than it would allow you and encourage what they foresaw, and that is the necessity for this road to eventually be built?

Mr. COX. I can't read that any other way, and I have read that bill several times. It is quite clear that the BLM was directed to identify one or more routes in its travel management plan.

Mr. STEWART. So, it seems to me that this current law, what we are doing here is just complying with the intent of Congress, as expressed in this piece of legislation.

Mr. COX. It is consistent with it. And in fact, the utility development protocols are also in Public Law 111–11, and they are clearly defined. It states that BLM may use these protocols in its resource management plan. The BLM chose not to do that in the Record of Decision that was signed in December of 2016. And had they had done that, as I feel was the intent of Congress, this wouldn't be necessary in this bill again today.

Mr. STEWART. Yes, thank you. I agree with you on that.

One other thing I want to mention is, look, let me just state the obvious. It is your intention, and you representing, as you said, 75 percent of the voters, but more broadly, you do represent, as the leader, the commissioner there. This county that I love and represent, they want to protect this tortoise. Have you ever talked to anyone who does not want to protect this tortoise?

Mr. COX. No, I haven't. I think that the desert tortoise is dear to all of us. And that is why we have taken such effort to make sure that the tortoises that have been displaced with this growth have actually been relocated and are thriving.

In Nevada, California, and other places that has not happened. They have just bulldozed over them. But we care about the tortoise—

Mr. STEWART. Which is my point, and that is—you alluded to it and mentioned some of it, and that is the remarkable achievement of the county under county leadership and others to talk about the tortoise population.

Could you give us an idea? Do you know the answer to the question, have these tortoise populations increased under this county plan, or decreased over the last—

Mr. COX. I could tell you that the tortoise population decreased from when the plan was signed to 2007. In 2005 and 2006, Washington County was ravaged by fire. I am sure all of our friends from California can relate to the fire. In fact, in those 2 years, 25 percent of all 1,500 square miles in Washington County burned. It was an unfortunate event, and it had tortoise mortality.

But I actually have reports from the Utah Division of Wildlife Resources, page 9, and we have that in the record, that says since 2007 tortoise populations within the Red Cliffs Desert Reserve appear to have stabilized, and there is no evidence of further declines in tortoise densities.

In fact, the population trend since 2007 has not only stabilized, but it is a positive trend, according to the figures on pages 46 and 47 of that report.

Mr. STEWART. Thank you. And I guess there is nothing that you or anyone else could have done about those fires.

Mr. COX. It was an unfortunate thing. But we had years of drought, and then massive amounts of water that caused a lot of fuel. We had the cheatgrass invasion that fueled that. And the important thing is those populations have stabilized and are growing for the past 11 years.

Mr. STEWART. Thank you.

Mr. Curtis, I yield the remaining 15 seconds to you. I was selfish, I apologize.

[Laughter.]

Mr. CURTIS. No problem. In those few seconds, I think I would just like to confirm.

Your county, I am assuming, is growing like the rest of the state and you are under huge pressures for growth and planning. And I know you don't have time to answer that question, but I would like to make sure that is on the record. Thank you.

Mr. COX. Thank you.

Mr. MCCLINTOCK. Further questions on this bill?

Mr. Lowenthal.

Dr. LOWENTHAL. Thank you, Mr. Chairman. My question first is for Mr. Van Dam. You are a Washington County resident. Would you say that part of the reason that you live there is because of the beautiful protected lands? Tell us how you see this highway corridor would affect the integrity of these protected spaces.

Mr. VAN DAM. My concern with this highway corridor, and I do love the county and I am living there happily, is that it sets a precedent in the most protected area, a precedent that I know a lot of other people in this country would like to follow. And I think we have to be very careful with precedent.

I have Senator Bennett's words here. And after his bill in 2008 had been changed, he said, "We have removed the corridor designations for the Lake Powell pipeline corridor and the northern corridor that bisected the Red Cliffs Desert Reserve." That is his own quote.

The Northern Corridor was meant for a different purpose than what it is being quoted for here, because it was meant to take off

from our main highway, I-15, and go quite a ways up a highway that goes north. Its purpose was quite different than what the commissioner is making it to be.

The other thing you need to know is this road is going to meet up with another road. There is a road called the Red Hills Parkway that goes around and carries most of the traffic northward above the city. This road duplicates that road, and then it actually joins that road about a mile from Highway 18 that they want to get people to. And there is going to be a traffic jam there of epic proportions because this road coming across the reserve and going into an existing parkway that is only a four-lane parkway, eight lanes then going that direction, does not resolve the traffic problem.

Another one of our issues is that independent studies have not been concluded to see what else could be done to move traffic more efficiently in that direction. This is not even a resolution to their problem.

So, the corridor has a lot of negative aspects to it, and it will not solve the problem. As the fastest-growing community or county and state in the Nation, our community is absolutely an amazing thing to watch. You can almost see it grow from up on the hill. This road does not solve the problem, that's for sure, because of its very design. I don't know if anything more can be done, and I believe nothing more can be done.

But the fact that it joins up with the very road it is supposed to supplement a mile before the junction with the main highway will be a traffic nightmare of almost unimaginable proportions. And we think that a lot better can be done than endangering endangered species.

Dr. LOWENTHAL. Following up, have you spoken to the original administrator of the Washington County Habitat Conservation Plan about this proposed corridor? And what did he say about it?

Mr. VAN DAM. If I may, sir, my hearing is not very good.

Dr. LOWENTHAL. Have you spoken to the original administrator of the Washington County Habitat Conservation Plan regarding the proposed corridor? And what did he say about it?

Mr. VAN DAM. The proposed corridor is not favored by the administrator.

Dr. LOWENTHAL. It is not?

Mr. VAN DAM. That is correct.

Dr. LOWENTHAL. You mentioned you were the former attorney general. Do you think that building a highway through a national conservation area is in keeping with the legislation that protected the Red Cliffs in 2009? I think you mentioned a little bit about that earlier.

Do you think that this is consistent with the legislation that led to the protection of Red Cliffs in 2009? Is building a highway through this national conservation area consistent with that legislation?

Mr. VAN DAM. It certainly is not consistent with it. And it is almost unthinkable, because of what was gone through 20 years ago in establishing the reserve and establishing the NCA was a very long and difficult process. And everything that has gone on since then for 20 years, in buying all the property within there, preserving the tortoises, spending an amazing amount of time and

effort is basically undone in the sense that this highway now, a 300-foot-wide—think about that for just a minute, a 300-foot-wide corridor. That is a football field wide going across there. And the amount of miles that they say it is going to go across is quite minimal, compared to—

Mr. MCCLINTOCK. I am sorry, but—

Dr. LOWENTHAL. I am going to have to yield back, but thank you for your answer.

Mr. VAN DAM. Thank you.

Mr. MCCLINTOCK. Further questions?

Chairman Bishop.

Mr. BISHOP. All right, let me do this quickly, then.

Commissioner Cox? Why do you need the road? Very quickly.

Mr. COX. We need the road because the county is growing. My wife is on the school board. I am honored to have her sitting behind me. But she told me the other day that we have 33,000 children in our K through 12 program. Two-thirds of Washington County's growth is internal growth. I am a fifth-generation native, and this highway is necessary to protect our water, our air, and to be able to move efficiently without being stuck in gridlock.

Mr. BISHOP. It is not just moving people. You are also having utility corridors in the same area. Correct?

Mr. COX. Yes.

Mr. BISHOP. That same area?

Mr. COX. That is the reason for the width. And then we want to put a bike path on it, too. A lot of people want to be able to ride a bike or walk—

Mr. BISHOP. No, don't put the bike, that would be recreation. That is obviously what people are not talking about here.

I am assuming you did studies on this stuff.

Mr. COX. Yes. In fact, I am not a traffic engineer, but UDOT has many of them, and UDOT would be the lead agency on this road. Their traffic engineers tell us it would carry 32,000 cars per day.

Mr. BISHOP. I have been down there a lot. Last time I was there, I told you, 3 days and it rained every day. So, when you need to break the drought again, just invite me back down.

Mr. COX. We need you to come back. It is getting dry again.

Mr. BISHOP. I am appreciative of what you are talking about, the rehabilitation of the species that actually is not native to Washington County in the first place, but I hate to say this. I was here while these bills were going forward, and I was working with Senator Bennett and Congressman Matheson because I was on the Committee and they were not.

It is interesting that this bill, the one that was actually finally passed in an omnibus that talks about our process being poorly run, was never heard in any place on the House side. They didn't give Mr. Matheson a hearing on this bill at all. It had one hearing in the Senate before it was actually placed in an omnibus bill.

But it is very clear, from the discussions with all of them, that the idea of a proposal was to have a road in this area, but not pre-supposed where that road actually would be. And that is why it was always there, that is why the language is there, that is why this is a long time coming, but needs to be there.

Mr. Stewart, I have 2 minutes left. Do you have anything you would like to use for my time?

Mr. STEWART. I will go very quickly, Chairman, thank you.

I just want to be clear, you have consulted with traffic and transportation experts on this plan?

Mr. COX. We have. This road has been a key part of our transportation plan, and the Dixie Metropolitan Transportation Organization—

Mr. STEWART. OK, and I am going to accelerate, because I only have a few minutes. So, they conclude that this route, is the best—

Mr. COX. It is not the very best route for a road in terms of being the least expensive to construct. We also talked with biologists, Fish and Wildlife, and others, and that is why we brought the boundary of the road much farther to the south, so that it would not bifurcate the reserve.

Mr. STEWART. OK, so experts were consulted and this was their conclusion?

Mr. COX. That is right. This would cost a little bit more to build—

Mr. STEWART. But, all around, the best—

Mr. COX. It would meet those transportation needs.

Mr. STEWART. Now, let's consider this, and we have to go quickly—let's suppose that you are not authorized to do this, that Congress prohibits you from doing this road. Tell us the result of that. Because it seems to me that, environmentally, we take a step backward instead of forward if that is the outcome.

Mr. COX. What happens is we start having our major intersections fail. Currently, right now, intersection 10 on I-15 is failing. That is Washington. As you look at the plans, they just ripple on out and come into St. George.

If you come down on President's Day weekend right now, you will queue up for half-a-mile before you are able to get on the freeway. And that intersection hasn't failed yet. It will be interminable when our population is 10 times larger.

Mr. STEWART. When we have a larger population and failed transportation systems, are there environmental impacts from that?

Mr. COX. It is going to absolutely degrade our air and water quality because of the number of cars that cannot move efficiently. They will just be stuck in gridlock.

Mr. STEWART. Yes. And for those of us who live on the Wasatch Front, which is the area around Salt Lake City, who have air inversions and other poor air quality that you don't have, we are trying to—

Mr. COX. That could be coming our way if we don't get this.

Mr. STEWART. We are trying to make it so you don't become like Salt Lake City, with the air inversions and that.

Mr. COX. That is correct.

Mr. STEWART. All right, thank you.

And again, to the Chairman and the Ranking Member, thank you for letting me participate in this hearing.

Mr. McCLINTOCK. Thank you.

Further questions on the bill?

Seeing none, that concludes our hearing on H.R. 5597. I want to thank both of you for joining us today and for traveling all this way to be here. Again, you are most welcome to stay if you would like. If you have better things to do, you are certainly welcome to leave.

With that, we will take up our final bill, H.R. 5875, and the Chair would recognize Miss González-Colón of Puerto Rico to present the bill.

I am sorry, I apologize, that was for an introduction. The Chair recognizes Ms. Bordallo to present the bill. My apologies.

STATEMENT OF HON. MADELEINE BORDALLO, A DELEGATE IN CONGRESS FROM THE TERRITORY OF GUAM

Ms. BORDALLO. Thank you very much. I want to thank Chairman Bishop for being with us today, and of course Chairman McClintock and Ranking Member Hanabusa for putting my bill on the hearing schedule today.

H.R. 5875 is supported by all six Members representing U.S. territories and the District of Columbia, and would fix a problem that has gone overlooked for decades and decades. This bipartisan bill would amend two Federal laws, the Pittman-Robertson and the Dingell-Johnson Acts, to provide parity for the five territories and DC with the 50 states under those laws' Federal funding formulas.

These laws would provide Federal funding to support fish and wildlife conservation and enhance hunting, sportfishing, boating, and other outdoor recreational opportunities at no cost to the taxpayers. Each state territorial fish and wildlife agency receives a yearly allocation of this Federal funding from the U.S. Department of the Interior. However, current Federal law places arbitrary caps on how much funding the five territories and DC can receive.

For example, each state is guaranteed at least a 1 percent share of the yearly Pittman-Robertson apportionment, with the Secretary of the Interior having the discretion to award more funding based on population and other factors. However, current law caps Guam, Puerto Rico, and the other territories' shares at just $\frac{1}{6}$ of 1 percent. That means that all five territories combined receive less than a single state's Pittman-Robertson allocation each year.

The bill would fix this to provide each territory the minimum 1 percent allocation guaranteed for each state. For Dingell-Johnson, current law also caps arbitrarily the territories and DC's yearly allocations. Guam, American Samoa, the Northern Mariana Islands, the U.S. Virgin Islands, and the District of Columbia are each capped at just $\frac{1}{3}$ of 1 percent for Dingell-Johnson funding.

Puerto Rico's yearly share is capped at just 1 percent, despite a population greater than nearly two dozen states. Their population today averages about 3.7 million. The bill would fix this by removing these arbitrary caps to allow the Secretary of the Interior to exercise his or her full discretion in allocating the Dingell-Johnson funding to each territory and DC, based on the same criteria that is applied to the states.

The bill would also make technical changes in the U.S. Code to correct typos, drafting errors in these laws, and make them all more reader-friendly.

Finally, it is important to remember that when we talk about the five territories and DC, we are talking about more than 4.4 million

Americans. Some laws were put on the books, Mr. Chairman, before many of the territories or DC had elected Members to the House. In fact, the Federal Aid and Wildlife Restoration Act was passed in Congress in 1937, before many of us were born. That is the cause of a lot of these parity issues, in my mind.

Absent Federal support, many conservation projects and programs in the territories simply will never happen, as limited territorial budgets often struggle to meet our residents' basic needs.

Again, I want to thank you, Mr. Chairman and Ranking Member, for this hearing, and my original co-sponsors from the territories and DC for their support.

I yield back.

Mr. McCLINTOCK. Thank you very much for your testimony. Now I will introduce the delegate from Puerto Rico, Miss González-Colón, to introduce our witness.

Miss GONZÁLEZ-COLÓN. Thank you, Mr. Chairman. I really appreciate your time. And I want to thank you, the Ranking Member, and my friend, Ms. Bordallo, for letting me participate with this bill, and all the territory delegates for this bipartisan initiative.

I think this is part of the efforts that we are doing for making justice for all the Americans that are living in the territories for having equal participation and lifting the cap on many other issues.

I want to welcome especially Mr. José Aponte-Hernández, who is a former Speaker of the House in Puerto Rico, and I have known him for many years. He is a very experienced legislator. He was a former Speaker of the House, and currently is the Chair of the Federal Relations Committee in the House. He has a lot of experience in many issues in the Puerto Rico House of Representatives, and I do know that he is a fighter for equality on the island. And he knows, because he is chairing a lot of the issues of the application of Federal laws on the island actually with the local agencies, in terms of revealing the unequal treatment in those Federal programs.

I am happy that he actually made it today, and I know that today the governor of Puerto Rico has his message to the budget, and he is here. So, thank you for coming on a short notice. I look forward to his testimony and his insight on this subject.

With that, I yield back the balance of my time.

Mr. McCLINTOCK. That is by means of introducing Mr. Aponte, who is recognized.

STATEMENT OF HON. JOSÉ F. APONTE-HERNÁNDEZ, REPRESENTATIVE, PUERTO RICO HOUSE OF REPRESENTATIVES

Mr. APONTE-HERNÁNDEZ. Thank you. Good afternoon, Chairman Bishop from the Natural Resources Committee, Chairman McClintock, Ranking Member Hanabusa, and members of the Subcommittee of Federal Lands. Thank you to the Committee and the Committee's leadership for convening this hearing and for the opportunity to address this honorable Committee in support of the H.R. 5875.

Any legislation that promotes greater equality for all living under the U.S. flag is more than welcomed. I congratulate Congresswoman Bordallo and my Resident Commissioner

González-Colón, as well as Congresswoman Norton, Congressman Sablan, and Congresswomen Radewagen and Plaskett for co-sponsoring this bipartisan initiative.

H.R. 5875 would promote equality and justice in treatment for the U.S. territories and the District of Columbia in the assignment of funds for fish and wildlife restoration that are raised by taxes on hunting and fishing supplies. Currently, a very low, fixed amount of these funds is assigned to DC, Puerto Rico, and the rest of the U.S. territories. These are mostly islands where outdoor activities are a major economic factor and an essential element of the quality of life, and DC, which is one of the most important watersheds on the continent.

The importance of these issues for the U.S. territories is not inferior to the other regions of the Nation. The Puerto Rico Department of Natural and Environmental Resources employs these funds to support maintenance of sports fisheries which represent some \$70 million a year in economic activity and to provide hunter location. The Department is extremely dependent of these funds, even in normal times. And I should not need to say we are not in normal times.

The U.S. Department of the Interior announced that of this program, Puerto Rico will get about \$3.5 million this fiscal year for fisheries, which is equivalent to the amount assigned to the smallest states; and another \$3.5 million for wildlife restoration, which is \$1.3 million less than the amount assigned to smaller states. Each of other territories receive only about a third of this amount.

The information may seem insignificant in the face of national budgets, but are relevant for communities in economic distress who have the same obligation to comply with conservation policies as any other jurisdiction in the United States. This bill improves their treatment in an area that will foster economic development.

As a devout and staunch supporter for statehood for Puerto Rico, I am not only in favor of more equitable treatment for the island, but full parity with all the rights and responsibilities it entails: precisely the same principles that guide our service bases for our call for appropriate treatment for our living in the United States. We should not be expected to settle for less. This happens in too many aspects: health care, infrastructure, public safety, and security. We need to make sure it is corrected.

I support H.R. 5875. I respectfully urge the Members to look beyond this Committee's jurisdiction at programs under the jurisdiction of all committees you sit in where these U.S. territories that are under the same flag get treated unequally. I count on you to do what is right, and I thank you for your attention.

[The prepared statement of Mr. Aponte-Hernández follows:]

PREPARED STATEMENT OF JOSÉ F. APONTE-HERNÁNDEZ, PUERTO RICO HOUSE OF REPRESENTATIVES, CHAIRMAN, COMMITTEE ON FEDERAL, INTERNATIONAL AFFAIRS AND STATUS RELATIONS

STATEMENT ON H.R. 5875

Hon. Tom McClintock, Chairman; Hon. Colleen Hanabusa, Ranking Member; and members of the Subcommittee, thank you to the Committee and Subcommittee leadership for convening this hearing and allowing me to address you in support of H.R. 5875.

Any legislation that promotes greater equality for all who are living under the U.S. flag is more than welcomed. I appreciate and welcome the opportunity to support such an effort and congratulate Congresswoman Bordallo, Resident Commissioner González-Colón, Congresswoman Holmes Norton, Congressman Sablan, and Congresswomen Radewagen and Plaskett for co-sponsoring this bipartisan initiative.

H.R. 5875 would promote equality and justice in treatment for the U.S. Territories and the District of Columbia in the assignment of funds for fish and wildlife restoration that are raised by taxes on hunting and fishing supplies, under the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Federal Aid in Sport Fish Restoration Act.

Currently, a very low fixed amount of these funds are assigned to DC, Puerto Rico and the rest of the U.S. Territories. This is because rather than the formula for the rest of the states, which fixes a minimum and a maximum of funding to be adjusted according to geography and participants in outdoor activity, the formula for the territories established fixed amounts, which for some programs must then be split six ways amongst the U.S. Territories.

However, five of those jurisdictions are tropical insular areas where the natural environment and the enjoyment of outdoor activity are major factors in their economies and their quality of life. For instance, DC is in the middle of the Chesapeake watershed, one of the most important aquatic systems in the East Coast. So, the need for attention to these issues in these regions is of no less importance than in other parts of the Nation.

FISHING IN PUERTO RICO

Fishing in Puerto Rico is both recreational and commercial at both sea and fresh water lakes. We have over 1,000 commercial fishermen whom generate \$7 million (\$7,000,000) a year in wholesale and \$21 million (\$21,000,000) in retail activity. The over 150,000 recreational fishermen in both seawaters and lakes generate over \$70 million (\$70,000,000) a year in economic activity.

Especially in the aftermath of the recent weather events and disasters, runoff, silting, and contamination from the disaster debris have impacted many of our bodies of water. One of our most important freshwater lakes, Lake Guajataca, suffered from damage to the dam structure, requiring it to be partly emptied. Sea fishing, of course, suffered enormous losses to the boat fleet and to the shore facilities for fishermen. Our commercial fishermen are mostly small scale, community based, not corporate entities. Fisheries have also suffered for years from the presence of invasive species like lionfish.

HUNTING IN PUERTO RICO

Each year some 5,000 hunting licenses are issued in Puerto Rico. Hunting in the main island of Puerto Rico is limited to birds, with a pigeon season running from September to October (which did not happen this year due to the disaster situation); a waterfowl season in November and early December; while in the offshore natural reserve of Mona Island, there are both shotgun and bow-and-arrow hunting seasons from December to March to control the populations of wild goats and hogs. The Hunter Education Program in Puerto Rico is supported, in the face of its limited funding, by certified volunteer instructors who lend their expertise to new would-be sportsmen.

In both cases the Puerto Rico Department of Natural and Environmental Resources needs to make sure they are properly cared for, and the Department is extremely dependent on these Federal funds even in normal times. However, we are not in normal times. I do not have to remind the enormous disaster recovery task and our public finances situation. Too often nature protection is left behind when money is short. Having these programs available enables the Department to manage the recreational fisheries and wildlife populations to sustain much needed economic activity.

FUNDS THIS YEAR

From the Department of the Interior's own announcement for Fiscal Year 2018, we see that, out of these funds, for fishery restoration Puerto Rico received \$3,519,175, just the exact minimum quantity given to the smallest states such as, for example, Delaware, who have a much smaller geographic extension and smaller number of bodies of water. Meanwhile, on the side of wildlife restoration, we received \$3,452,263 which is about \$1.3 million less than the least of the states. The other Territories ended up receiving about a third of what Puerto Rico receives, in each of the different programs. Now, these amounts may seem little in the face of the national budgets of hundreds of billions, but it is significant for our economies, and invaluable for communities in tight economic times who also need to comply with the same conservation standards and policies as the other jurisdictions in the Nation.

In Puerto Rico, we were a bit more fortunate than our brothers in other U.S. Territories since we got about a half percent more of the funding but still, we stand for fairer treatment for all. As a devoted and staunch supporter of statehood for Puerto Rico I am not only in favor of more equitable treatment for the Island, but of full parity, with ALL the rights AND responsibilities it entails. Precisely, the same principles that guide our claim serve as a basis for our call for proper treatment for all living in the United States, who should not be expected to settle for less. This happens in too many aspects—health care, infrastructure, public safety and security—we need to make sure it is corrected.

I fully support H.R. 5875 and respectfully urge the Members to look beyond this Committee's jurisdiction, at programs under the jurisdiction of all committees you sit in, where these U.S. Territories that are under the same flag get treated unequally. I count on you to do what is right, and I thank you for your attention.

Supplemental Testimony Submitted for the Record

PUERTO RICO HOUSE OF REPRESENTATIVES

May 31, 2018

Hon. TOM MCCLINTOCK, *Chairman*,
 Hon. COLLEEN HANABUSA, *Ranking Member*,
House Subcommittee on Federal Lands,
U.S. House of Representatives,
Washington, DC 20515.

Re: Extension of Remarks and Correction of Testimony on H.R. 5875

Dear Chairman McClintock and Ranking Member Hanabusa:

During the Legislative Hearing of the Subcommittee on May 22, 2018, a question was raised by the Chair and by Congressman Sablan of the Northern Marianas, on whether the Federal excise taxes on hunting and fishing supplies, to be shared with the territories under the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Federal Aid in Sport Fish Restoration Act, were collected in Puerto Rico.

At the time, this question was answered in the affirmative. However, this answer was based on a misapprehension about the question itself. Further consultation with the Puerto Rico Secretary of Natural and Environmental Resources indicates to us that though taxes and fees are levied on these sales in Puerto Rico, these are not the same as the Federal excise tax referred to in these laws. It is necessary therefore for me to provide you this clarification and correction, to the effect that this question should have been answered in the negative. I would not wish for it to be seen that there was any intention to mislead the Subcommittee or the Members, as the Chairman made very strong statements of sympathy in the face of such a situation, which I greatly appreciate.

The disparity in treatment is still an issue for all the territories, and I respectfully submit this correction of my testimony so that the Subcommittee may have the proper information in its record to act upon H.R. 5875.

Best regards,

JOSÉ F. APONTE-HERNÁNDEZ,

Mr. McCLINTOCK. Thank you very much for your testimony. We will now go to Committee questions. I will begin. I just have one question, either for Mr. Aponte or Ms. Bordallo, whoever can help me on it.

I was not clear from the briefing materials. These funds are financed by fees that are paid for from the purchase of hunting equipment, ammunition, archery equipment, correct?

Mr. APONTE-HERNÁNDEZ. Chairman, if you give me the opportunity, I want my advisor to translate to be sure that I am answering correct.

Mr. McCLINTOCK. Sure.

Mr. APONTE-HERNÁNDEZ. That is all right?

Mr. McCLINTOCK. Of course.

Mr. APONTE-HERNÁNDEZ. Thank you.

[Pause.]

Mr. APONTE-HERNÁNDEZ. No, the funds are used at fisheries, the location of the people, the hunters, and other things that—

Mr. McCLINTOCK. No, I understand that. But the funds are actually financed by fees that are paid for by the purchases of hunting equipment?

Mr. APONTE-HERNÁNDEZ. Yes.

Mr. McCLINTOCK. Correct, OK. If I walked into a sporting goods store in San Juan, would I be paying these fees?

Mr. APONTE-HERNÁNDEZ. Yes.

Mr. McCLINTOCK. So, I would be paying the fees as a consumer in Puerto Rico, but I wouldn't have equal access to those fees through these programs.

Mr. APONTE-HERNÁNDEZ. That is right.

Mr. McCLINTOCK. So, basically, I would be paying for the programs, but not receiving the benefits.

Mr. APONTE-HERNÁNDEZ. That is right.

Mr. McCLINTOCK. That seems to be pretty open and shut to me. That is all I have for questions.

Mr. APONTE-HERNÁNDEZ. Thank you.

Mr. McCLINTOCK. Ms. Hanabusa.

Ms. HANABUSA. I just have one, if anybody can answer it. Do you know how much money you have lost over the years, whether you go 2 years, 3 years, 4 years, by not having basically an equitable position?

Mr. Sablan, do you know?

Anybody know?

[Pause.]

Ms. BORDALLO. It is not a matter of losing the funds, it is just a matter of we are not being able to expand at all. And fishing is one of our most popular sports on Guam, and we are just at a standstill.

And, of course, I think I mentioned it in my opening statement, that it goes a long way to cover sportfishing and other recreational activities on Guam. We are just not given ample funding, so it has depleted over the years.

Mr. APONTE-HERNÁNDEZ. In terms of population, Puerto Rico ranks 29 and receives \$3.4 million about Pittman, \$3.5 Dingell. Iowa is 30 and receives \$11.5 and \$4.5. This is part of the disparity that we were living in Puerto Rico about funding.

Ms. HANABUSA. Thank you.

Anyone else? Yes.

Miss GONZÁLEZ-COLÓN. Thank you, Ms. Ranking Member. In the case of the territories, we never receive the same amount of funds in proportion with the rest of the states. It is like a cap to the territories. So, even when we are paying in the exact same rate, we are not receiving the same reimbursement to the territories. It is like we are capped. This is happening in other Federal programs. We are not receiving the same reimbursement, in this case to the territories, for the same purpose.

What the bill is asking is to having the same proportion to the territories.

Ms. HANABUSA. I understand that is what the bill is asking for. I was just trying to get a feel and—

Miss GONZÁLEZ-COLÓN. Sorry to interrupt you again, in the case of Puerto Rico, we have not made the study of how much funds we have lost.

Ms. HANABUSA. I think you just gave me funds.

Miss GONZÁLEZ-COLÓN. For the last years.

Ms. HANABUSA. It was \$11-point-something million and \$4.5 versus \$3.5 and \$3-point-something. I was just trying to get a ballpark of—

Mr. APONTE-HERNÁNDEZ. States with less population than Puerto Rico receive more funds than Puerto Rico. The cap that established the law does not benefit Puerto Rico and the people of Puerto Rico, to give the same opportunities and to comply with all the laws that we have to comply with in Puerto Rico to establish and to receive the funds. So, it is a negative opportunity to Puerto Rico.

Mr. BISHOP. Ms. Hanabusa, could I give a stab at this?

Ms. HANABUSA. Yes.

Mr. BISHOP. I think because these funds are going to be spread around all the states, it is going to be impossible to figure out what would have been.

However, based on what he was saying, what a typical state would be, you are probably in the \$8 to \$10 million range of what the territories could be receiving, or at least Puerto Rico could have received that they did not. It would be different for every other territory. But I guess the right answer is “a lot.”

Ms. HANABUSA. Yes. I am just trying to get to “a lot.” That is all I want to get to. Thank you.

Mr. SABLAN. It is almost \$36 million a year.

Ms. HANABUSA. Thirty-six for CNMI?

Mr. SABLAN. No, for—

Ms. HANABUSA. Oh, for everything?

Mr. SABLAN. Everybody.

Ms. HANABUSA. OK, OK.

Ms. BORDALLO. Also, Ranking Member Hanabusa, I want to mention that this is not a fault of anybody who put these laws together way back in 1937. We were not even Members of Congress then. It was just the states, and now we want to straighten this out, to be able to get a fair—

Ms. HANABUSA. We weren't a state, too. In 1947, Hawaii was not a state.

Ms. BORDALLO. That is right.

Ms. HANABUSA. Neither was Alaska.

Ms. BORDALLO. That is true.

Ms. HANABUSA. Thank you.

Mr. MCCLINTOCK. Thank you. Further questions?

Mr. WESTERMAN.

Mr. WESTERMAN. Thank you, Mr. Chairman. I just wanted to point out that I know we all know that Pittman-Robertson funds come from sales of ammunition and firearms and other sporting goods equipment, but I believe it also receives funding from boat engines and fuel purchases.

And maybe give Mr. Aponte a moment to elaborate on the significance of the sportfishing business in Puerto Rico, and possibly the level of funding that these guides contribute on a yearly basis.

If you can get my southern English without help, you will be doing very well.

[Pause.]

Mr. WESTERMAN. The translator may need help.

[Pause.]

Mr. APONTE-HERNÁNDEZ. The funding supports the hunting and the fishery. And any other information that you and the Committee need I can provide later to the Committee.

But we use the funds in the development of the activities that were from tourism and—not only for tourism, for the people in Puerto Rico and to commerce—our people in Puerto Rico that have to fight with the disparities and the opportunities that we don't have because of our situation under the U.S. flag.

And we now have the challenge to develop the economy of Puerto Rico after Hurricanes Irma and Maria. And we were using funding to restore Puerto Rico, and the opportunity that changed the law and gave us more funding, H.R. 5875 increased the opportunities to develop Puerto Rico because we don't have to use our funding, the amount that we have now that is not too much, to develop the hunting and fishery. We have the opportunity to support and to break disparities and bring close opportunities to Puerto Rico.

Mr. WESTERMAN. Thank you, Mr. Chairman. I just wanted to point out that if Puerto Rico is actively engaged in funding the Pittman-Robertson Act, then they should be receiving funds from that. I yield back.

Mr. MCCLINTOCK. And I just, on a personal note, want to compliment your translator, who seems to be fluent in Spanish, English, and Arkansan.

[Laughter.]

Mr. APONTE-HERNÁNDEZ. Thank you.

Mr. MCCLINTOCK. Further questions?

Ms. Bordallo.

Ms. BORDALLO. Thank you very much. First I want to thank Representative Aponte-Hernández. Thank you for agreeing to testify on my bill.

Mr. APONTE-HERNÁNDEZ. Thank you.

Ms. BORDALLO. Mr. Chairman, I did invite witnesses from Guam, but you know it is quite a trip. And at this short notice—21 flying hours—so they regretfully said that they could not make it. But I do thank the Representative from Puerto Rico.

I have a couple of questions to ask you, Representative. I am sure that you feel strongly, as I do, that the U.S. territories should be given equal access to Federal programs and funding, on parity with the 50 states.

Do you agree that the state equivalent share of Pittman-Robertson and Dingell-Johnson funding provided by this bill will support projects and programs that otherwise might never get adequate local funding? Do you think, if we change this and we—

Mr. APONTE-HERNÁNDEZ. Definitely.

Ms. BORDALLO. It will?

Mr. APONTE-HERNÁNDEZ. Definitely. I point out in my written statement that too often programs like this suffer when there is a fiscal deficiency. Right now, when focus of all the discretionary funding is on the disaster recovery, and the importance of being able to categorize funds to things as natural protection, is better for Puerto Rico.

Ms. BORDALLO. Thank you. Another question I have. Can you please speak to how increased Federal Pittman-Robertson and Dingell-Johnson funding will help Puerto Rico and other territories better serve their local sportsmen communities?

Mr. APONTE-HERNÁNDEZ. Yes. In many of these territories, outdoors activities have important opportunities. It is a key attraction for tourism or recreation opportunities. So, they enforce the development of the island and our economy, and it is better for all of us.

And the way that Puerto Rico increases and develops positively the economy, the Congress and mainland have the benefits also because we are less dependent and have more opportunities to develop in our way.

Ms. BORDALLO. Thank you. The popularity of hunting and fishing in the territories is not reflected in the license sales reported to the U.S. Fish and Wildlife Service. For example, Guam does not require fishing licenses. And I expect that this is the same in other territories.

My question is, can you please speak to the popularity of hunting and fishing in Puerto Rico? I think you have issued 5,679 hunting license sales reported in 2017. Is this correct?

Mr. APONTE-HERNÁNDEZ. Yes.

Ms. BORDALLO. It is? OK, so why is it so important that Puerto Rico, the other territories, and the District of Columbia receive state-equivalent funding under all Federal programs?

Mr. APONTE-HERNÁNDEZ. Why?

Ms. BORDALLO. Why?

Mr. APONTE-HERNÁNDEZ. Because we are a territory and we don't have the same equal rights as all the people under the flag of the United States. This is not what our Nation was—

Ms. BORDALLO. Founded on.

Mr. APONTE-HERNÁNDEZ. They ask for equal rights and democracy in all the world, but the people in the territories don't have the same rights that the people in the 50 states. So, we have to change that, and to present our Nation like the best one in the world, but not in words, in action.

Ms. BORDALLO. Thank you very much, Representative Aponte-Hernández. You put that very well. I agree with you.

Mr. APONTE-HERNÁNDEZ. Thank you.

Ms. BORDALLO. I yield back, Mr. Chairman.

Mr. MCCLINTOCK. Thank you very much.

Further questions?

Miss González-Colón.

Miss GONZÁLEZ-COLÓN. Thank you, Mr. Chairman. I just want to add for the record some issues that Mr. Aponte just brought up in his statement. And he just pointed out that we issued 5,000 hunting licenses in Puerto Rico.

And on our island, we have a lot of areas, not just for fishing and hunting, but for many recreational importance for the islanders. I mean not just in Puerto Rico—Guam, American Samoa, and the rest of the islands. This is \$21 million in retail activity, so this is an important area on the island, with over 150,000 recreational fishermen, both in sea waters and lakes that generate over \$70 million in economic activity.

So, this is the importance of this kind of a bill. If we don't adjust this kind of reimbursement of the money, assigned to the education programs for the hunters, and in the case of Puerto Rico, and this is one of the questions I have for Representative Aponte. In 2009, the fisheries restoration and Puerto Rico funding were \$4 million, and that dropped to around \$3.5 million, that is correct?

Mr. APONTE-HERNÁNDEZ. That is right.

Miss GONZÁLEZ-COLÓN. And that \$3.5 million continues to be in that range over the last 4 years?

Mr. APONTE-HERNÁNDEZ. That is right.

Miss GONZÁLEZ-COLÓN. So, that drop of \$500,000 needs to be matched in a 25 percent by the Government of Puerto Rico?

Mr. APONTE-HERNÁNDEZ. Yes, we have to match it.

Miss GONZÁLEZ-COLÓN. So, we are not receiving the fund from the Department of the Interior on a free basis. Puerto Rico needs to match the amount of funds from the Department of the Interior.

Mr. APONTE-HERNÁNDEZ. About 25 percent.

Miss GONZÁLEZ-COLÓN. So, we are not receiving the funds on a free level. We need to match those resources. Is that correct?

Mr. APONTE-HERNÁNDEZ. That is right.

Miss GONZÁLEZ-COLÓN. OK, so the bill would need to keep at least the minimum of resources. In some cases, we are receiving less than the rest of the states, even when we are selling more licenses or more equipment than any other state. Correct?

Mr. APONTE-HERNÁNDEZ. Yes.

Miss GONZÁLEZ-COLÓN. One of the areas that we are experiencing here is that with the resources of sea, lakes, licenses for fishermen and hunters, if we want to keep our resources all together, and we have suffered enormous losses to the boat fleet and to the shore facilities for fishermen after the hurricanes, those resources are deeply needed.

And that is the reason I want to thank Congresswoman Bordallo for having this bill, and Chairman Bishop for allowing this hearing, because it is important to have a bill that completes—I mean we have Mona Island, we have Vieques, we have Culebra.

And we have a new sport, the sport of bow and arrow for hunting seasons from December to March to control the population of wild goats and hogs, among others. I do know that many states have

their populations; we have ours, too. So, this is an issue that affects a lot of areas on the island. And I know Guam has theirs. So, if we don't have the same resources to manage those issues, we will never be able to assign resources from the state level to manage those.

I want to thank Representative Aponte for being here today and giving us the information from the Department of Natural Resources from the island in terms of the statistics and any other further information that the Committee may request from the state level, even if it is licenses, if it is local money, or matching funds for the state level so we can provide it. I know the rest of the territories may do the same thing because at the end we just want to have the information that is needed to make a greater bill.

So, thank you for that. Thank you, Representative Aponte. And with that, I yield back the balance of my time.

Mr. MCCLINTOCK. Thank you. Any other questions?

Mr. Sablan.

Mr. SABLAN. Just one. And my question is to the Chairman, if I may. You had one question early on. Could you repeat that question again?

Mr. MCCLINTOCK. Yes. The question was, do the residents of Puerto Rico pay the fees that go into these programs? The answer was yes. Do they have full access to the benefit of these programs that they are paying for? The answer was no. That was pretty clear-cut to me.

Mr. SABLAN. All right. No, that was all. Thank you.

Mr. MCCLINTOCK. You yield back?

Mr. SABLAN. [Nonverbal response.]

Mr. MCCLINTOCK. OK. Any further questions?

Well, seeing none, that will conclude this hearing.

Representative Aponte, I want to thank you especially, not only for the trip you made on short notice, but also for staying through the full hearing to give your testimony, guidance, and expertise, which is much appreciated.

Mr. APONTE-HERNÁNDEZ. Thank you for the questions.

Mr. MCCLINTOCK. There may be additional questions from Members. If there are, they will submit those in writing, and we will keep the record open for 10 business days to receive your responses.

If there is no further business to come before the Subcommittee, the Subcommittee stands adjourned.

[Whereupon, at 3:58 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE U.S. DEPARTMENT OF THE INTERIOR

STATEMENT ON H.R. 5597, DESERT TORTOISE HABITAT CONSERVATION PLAN
EXPANSION ACT, WASHINGTON COUNTY, UTAH

Thank you for inviting the Department of the Interior (Department) to present views on H.R. 5597, the Desert Tortoise Habitat Conservation Plan Expansion Act, Washington County, Utah. The bill would require the Secretary of the Interior (Secretary) to renew the Desert Tortoise Habitat Conservation Plan with an amendment; amend the Resource Management Plans (RMP) for the Bureau of Land Management's (BLM) St. George Field Office and the Beaver Dam Wash and Red

Cliffs National Conservation Areas (NCA); and designate transportation and utility corridors through these two NCAs.

The Department recognizes the work of Congressman Stewart and other members of the Utah delegation to address a wide array of resource issues and management concerns in Washington County. Secretary Zinke is committed to restoring full collaboration and coordination with local communities, working with partners to promote multiple use on public lands, and making the Department a better neighbor. The Department supports the bill's goals of providing economic certainty to the communities of Washington County. We would welcome the opportunity to work with the sponsor and the Subcommittee on a few clarifying amendments, time frames, and to ensure consistency of implementation with other laws.

BACKGROUND

Washington County, Utah, covers nearly 2,500 square miles, and is 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 20 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 public process, including meetings between private landowners 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. 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 (Reserve), a multi-jurisdictional wildlife reserve of 61,022 acres largely composed of Federal and state lands.

The HCP expired in 2016 and Washington County has requested an extension of the permit with an amendment to facilitate the Northern Corridor Highway route through the Reserve. The County is in ongoing discussions with the USFWS to renew the HCP. This includes consideration of the proposed highway construction.

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 NCAs to be managed by the BLM, and designated new wilderness areas to be managed by the BLM, U.S. Forest Service, and National Park Service.

The congressionally-designated boundary of the Red Cliffs NCA encompasses approximately 44,725 acres of public land managed by the BLM, including about 70 percent of the Reserve, with additional state and private lands. The Act also 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."

OPLMA also directed 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.

St. George Resource Management Plans

Based on the congressional direction in OPLMA, the BLM prepared RMPs for the Beaver Dam Wash and Red Cliffs NCAs. As required by the Act, the BLM also prepared 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 signed Records of Decision completing this planning process on December 21, 2016.

H.R. 5597

H.R. 5597 requires the Secretary to amend and renew the Desert Tortoise Habitat Conservation Plan, and to amend the RMPs for the St. George Field Office and the Beaver Dam Wash and Red Cliffs NCAs. In addition, the bill requires the Secretary to grant transportation and utility corridors through both NCAs, prevents the Secretary from acquiring water rights, and includes a number of other miscellaneous provisions.

Desert Tortoise Habitat Conservation Plan Amendment & Renewal (Section 3)

Section 3 of H.R. 5597 requires the Secretary (after receipt of a proposal from Washington County) to renew the HCP and issue associated permits for a period of 25 years and accept an amendment to the Reserve, which would expand it by approximately 6,900 acres ("Zone 6") as depicted on the legislative map, and allow for construction of a highway through the Reserve. Under the bill, Washington County would manage Zone 6 in conformity with the HCP, and the Secretary would manage the Federal lands in Zone 6. Concurrently with the HCP amendment and renewal, the Secretary would be required to amend, within 1 year, the St. George Field Office Resource Management Plan to manage Federal lands within Zone 6, provide for the management of species consistent with the HCP, and include certain Utility Development Protocols.

USFWS has been working with Washington County, BLM, and other partners to explore options to meet the transportation needs of the County and address the requirements of the Endangered Species Act for renewal of the HCP. A primary consideration is how to meet the original intent of OPLMA while minimizing impacts to desert tortoise. County, state, and Federal biologists are currently analyzing potential measures to reduce the impact of the highway such as bridging and culverts. Washington County has proposed to offset remaining impacts by adding Zone 6 to the Reserve, of which the BLM owns about 3,500 acres and the state owns about 3,200 acres. This area is separated from the Reserve boundary by 3 miles, but has tortoise densities comparable to the area that would be affected by the proposed highway.

The Department will work cooperatively to address potential conservation strategies raised in Section 3 of H.R. 5597, as well as issues and impacts associated with the proposed highway construction through the ongoing plan renewal process.

Section 3 states that Washington County would manage the proposed Zone 6 area, which is currently composed of lands managed by the state of Utah, private property, and BLM-managed public lands. The Department would like to work with the sponsor and Subcommittee to clarify the intent of this provision. In addition, we would like to work with the sponsor to clarify the timeline for the HCP. The Department would like to work with the bill's sponsor and the Committee to clarify the intent and scope of certain language in section 3 of the bill as related to application of mitigation credits. Finally, the Department would welcome the opportunity to develop a legislative map for this section that meets the sponsor's needs.

Resource Management Plan Amendments (Section 4)

Section 4 of H.R. 5597 requires the BLM, within 1 year, to amend the RMPs for the Red Cliffs and Beaver Dam Wash NCAs and to amend the St. George Field Office RMP Amendment. This section further requires that these RMP amendments be: (1) in accordance with section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (FLPMA); (2) in coordination and cooperation with Washington County, Utah, St. George City, other political subdivisions within the County, and the Washington County Water Conservancy District; and (3) consistent with the bill's other provisions and the HCP.

The Department recommends minor technical modifications to this section to ensure the language is consistent with the sponsor's intent regarding the time frame for completing the planning process. The Department recommends that the RMPs be completed at the same time as the HCP to enhance coordination efforts. We look forward to working with state, tribal, and local government partners on this important planning process.

Red Cliffs & Beaver Dam Wash National Conservation Areas (Sections 5 & 6)

Section 5 of the bill designates a 150-foot wide transportation and utility corridor in each direction from the centerline of State Route 18 through the Red Cliffs NCA; prohibits the Secretary from acquiring any water rights within or related to any land or interest in land within the NCA; and requires the Secretary to grant to the state of Utah or to one or more units of local government a 300-foot wide right-of-way for the northern transportation and utility route as referenced in OPLMA and as identified on the legislative map. Section 5 also directs the Secretary to adhere to certain Utility Development Protocols for new and existing utility management within the NCA.

Section 6 of H.R. 5597 designates a 150-foot wide transportation and utility corridor in each direction from the centerline of old U.S. 91 through the Beaver Dam Wash NCA; prohibits the Secretary from acquiring any water rights within or related to any land or interest land within the NCA; and states that access to utilities and grazing permits and maintenance of utilities located within the NCA shall be preserved. This section also directs the Secretary to adopt Utility Development

Protocols for the construction, operation, maintenance, and replacement of utilities within the NCA that are no more restrictive than those developed for the Red Cliffs NCA. These protocols must comply with the National Environmental Policy Act, including the identification and consideration of potential impacts to fish and wildlife resources and habitat.

The Department is committed to being a good neighbor and to restoring full collaboration with local communities. As such, we support this Section's goals of providing economic certainty to and meeting the infrastructure needs of Washington County. The Department notes that the legislative map referenced in Section 5 does not reflect current land status data. We would welcome the opportunity to develop such a map for this section.

Sec. 5(d) and Sec. 6(b) would prohibit the Secretary from acquiring water rights or water rights related to any land or interest in land in the NCAs. As consistent with Federal and state law, the ability for the Federal Government to acquire water rights from willing sellers is important to ensure adequate management of the designated areas—both the lands within the NCAs and the public lands included in the Reserve. If acquired, water rights would be used for campgrounds, visitor facilities, recreation resources, livestock grazing, and administrative uses that are in conformance with Utah water law.

The Department notes that the current RMP for the Beaver Dam Wash NCA authorizes a 150-foot wide transportation and utility corridor along old U.S. 91 through the NCA, and livestock grazing consistent with section 1975(e)(4) of OPLMA in a manner that conserves, protects, and enhances the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the NCA.

CONCLUSION

The Department is committed to working with state, tribal, and local partners to manage public lands in Washington County. We support the goal of addressing the infrastructure needs of growing rural communities. As such, the Department would welcome the opportunity to work with the sponsor and the Subcommittee on a few modifications to the bill as it moves forward through the legislative process. Thank you for the opportunity to provide this statement.

PREPARED STATEMENT OF THE U.S. DEPARTMENT OF THE INTERIOR

STATEMENT ON H.R. 5875, TO AMEND THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT AND THE DINGELL-JOHNSON FEDERAL AID IN SPORT FISH RESTORATION ACT

The Pittman-Robertson Wildlife Restoration Act (P-R Act), passed in 1937, along with the Dingell-Johnson Sport Fish Restoration Act (D-J Act), passed in 1950, authorize grant programs that provide critically important funding to states and territories for administering state fish and wildlife programs and for implementing on-the-ground wildlife and sport fish conservation. Revenues for the Wildlife Restoration Program are derived from excise taxes on firearms, ammunitions, archery equipment, and arrow components. Revenues for the Sport Fish Restoration program are derived from excise taxes on fishing equipment, motorboat and small engine fuels, and import duties. The source of funding creates a “user-pay-user-benefit” cycle of success.

The U.S. Department of the Interior (Department), through the U.S. Fish and Wildlife Service's (FWS) Wildlife and Sport Fish Restoration (WSFR) program, apportioned approximately \$1.1 billion in Wildlife and Sport Fish Restoration grants to all 50 states and 6 U.S. territories in Fiscal Year 2017. These grants provided essential support for state agencies to conserve fish and wildlife species and their habitats, and to enhance opportunities for boating, angling, hunting, and recreational shooting. Through the funding that has been distributed, nearly 10 million students have been trained in hunter education and over 7 million hours have been contributed by volunteers to hunter education and safety training. In addition, through this funding, 455 million acres are maintained for wildlife restoration and wildlife recreation nationwide, and habitat improvements have been made on 2 million surface acres of reservoirs and lakes.

If enacted, H.R. 5875 would amend the P-R Act to remove the apportionment caps of one-half of one per centum for the Commonwealth of Puerto Rico, and one-sixth of one per centum for Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands to establish apportionment

parity with the states for one-half the revenues accruing from taxes imposed on pistols, revolvers, bows, and arrows and to increase apportionments for Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands under the Wildlife and Conservation Restoration Account. Additionally, it would amend the D-J Act to remove the per centum apportionment caps for the territories and the District.

The Department is committed to its mission of restoring trust and fulfilling insular responsibilities, and recognizes the importance of their respective natural resources. We are analyzing the proposed amendments to the P-R and D-J Act and how the overall apportionments to states and territories would be affected under H.R. 5875. We would be happy to provide an analysis to the Committee, detailing the bill's impacts to the WSFR program, to inform further consideration.

As the Committee considers H.R. 5875, the Department would like bring the Committee's attention to a challenge in the administration of these Acts. The Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000 ("Act") (Pub. Law 106-408, Nov. 1, 2000), Section 9 (a)(2) provides that:

. . . administrative funds may be used only for expenses for administration that directly support the implementation of this Act that consist of (2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee. (emphasis added; 114 Stat. 1764)

FWS WSFR staff possesses expertise in managing financial assistance programs, and are experienced in applying best business practices, fiscal efficiencies, and fair resource allocation to each activity. However, WSFR staff work on a myriad of programs causing difficulty in meeting the requirements of Section 9(a)(2). We would like to work with the Committee on finding a solution to this issue.

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE COMMITTEE'S OFFICIAL FILES]

Rep. Bishop Submission on H.R. 5597

—Statement for the Record, State of Utah School & Institutional Trust Lands Administration, dated May 29, 2018

Rep. Stewart Submissions on H.R. 5597

—Letter addressed to Rep. Stewart from Washington County Convention & Tourism, Kevin Lewis, Director of Tourism, dated May 17, 2018

—Letter addressed to Rep. Stewart from GRO Promotion, Cimarron Chacon, President, dated March 26, 2018

Mr. Van Dam Submissions on H.R. 5597

—Letter addressed to Chairman Bishop and Ranking Member Grijalva from citizens of Southwest Utah, dated May 15, 2018

—Letter addressed to Chairman Rob Bishop from the Desert Tortoise Council, dated May 15, 2018

—Letter addressed to Chairman Bishop and Ranking Member Grijalva from organizations opposing H.R. 5597, dated May 15, 2018

—Letter addressed to Ranking Member Grijalva from Bill Mader, dated May 1, 2018

Rep. González-Colón Submissions on H.R. 5875

—Statement for the Record by Tania Vásquez Rivera, Secretary of the Puerto Rico Department of Natural and Environmental Resources, dated May 22, 2018

—Letter addressed to Chairman McClintock and Ranking Member Hanabusa from Delegate González-Colón, dated June 1, 2018

