

## **Washington County Growth & Conservation Act of 2006**

### **Summary of Changes Made Since Rollout of Draft Proposal**

Since Senator Bennett and Congressman Matheson presented the draft bill to the public in March 2006, both offices have received extensive public input. Based on this input, and a series of meetings held with environmental groups and others, significant changes have been made to the legislation. Following is a summary of those changes, title by title. A complete summary of the bill is also attached.

#### **Title I. Land Disposal**

1. Authorizes the Secretary of the Interior to include, where appropriate, restrictive covenants on the deeds of transfer to protect paleontological, archaeological, or other interests of the United States. These covenants would obligate the purchaser – and any future owner of the property – to take the appropriate measures to protect any items of historical or cultural significance that are subsequently discovered on the property.
2. Reduces Tier 1 acreage from 5,000 acres to 4,300 acres, increases Tier 2 acreage to 20,000, and eliminates Tier 3 entirely (for reasons discussed in #3 below). Because of public input, certain areas were excluded from Tier 1. **NOTE:** Section 102(b)(2) contains a drafting error that authorizes “not less than 20,000 acres” to be sold from Tier 2. This error will be corrected during the appropriate time of the process by striking “not less than”. The 20,000 acres is intended to be a cap on acreage, not a floor.
3. Provides greater opportunities for public participation by merging Tiers 2 and 3. The draft proposal envisioned public participation only in Tier 3 – meaning involvement in selecting only 8,000 of the 25,000 acres – leaving selection of Tier 2 lands to the county. By merging the second and third tiers, the public will be involved in selecting approximately 20,000 acres of 24,300 acres authorized for disposal.
4. All Tier 2 acreage will be selected by the Washington Vision plan. Washington Vision is a quality growth planning effort formalized by a memorandum of understanding between the county, Envision Utah, the Nature Conservancy, the Oquirrh Institute. The legislation delays Tier 2 sales until 2010 to provide sufficient time for the Washington Vision process to determine which acres should be sold. The county expects full public participation in this process.
5. Gives BLM nearly 6 years to sell Tier 1 lands to ensure that each parcel receives the appropriate federal clearances. **The legislation does not include any land in Tier 1 that has not already been identified by the BLM for disposal.**
6. Draws a boundary on the map within which Tier 2 lands must be selected, excluding wilderness areas, the tortoise preserve, and areas of critical environmental concern. This gives maximum flexibility to the Washington Vision plan and the land managers, rather than Congress, to select the lands to be sold.
7. Removes capital improvements, such as construction of facilities, from projects authorized to receive funding from land sale proceeds, and broadens the categories of conservation projects that would be eligible for funding. Generally, these conservation projects will be selected by the Washington Vision planning process.

## **Title II. Wilderness Areas**

1. Includes language protecting military overflights.

## **Title III. Wild & Scenic River Designation**

1. Specifically designates and identifies each river segment based on the recommendation from Zion National Park.
2. Includes classifications of wild, scenic, or recreational rivers for each segment, based on the Zion National Park General Management Plan.

## **Title IV. Utility Corridors**

1. Removes the Beaver Dam Narrows water project, which was a top priority of environmental groups.
2. Removes the Northern Corridor Bypass Route – another top priority of environmental groups. This route originally bisected the Desert Tortoise HCP.
3. Incorporates the Habitat Conservation Advisory Committee's **unanimous** recommendation for identifying the Northern Corridor Bypass. This unanimous recommendation requires the secretary of the interior to study different routes – at least one inside and one outside the current HCP – and then designate the appropriate corridor. This process will allow science and public input to dictate where the corridor should be located.
4. Removes the provision prohibiting cost recovery, which now allows the Department of the Interior to recover costs from the water conservancy district associated with designating rights-of-way.

## **Title V. High Desert Off-Highway Vehicle Trail**

1. Gives the secretary one additional year to complete a travel plan identifying the appropriate existing routes to include in the trail system. This provides a greater opportunity for public participation in this decision, and a more realistic timeline. The legislation does not change the requirement that only **existing** trails are eligible for inclusion, and does not provide for the creation of any new trails.
2. Gives the secretary an additional 6 months to complete a management plan for the trail system, allowing for additional public input.

## **Title VI. Red Cliffs National Conservation Area**

1. Includes a prohibition on all off-road travel within the NCA, with an administrative or emergency exception.
2. Significantly restricts the uses of the NCA to **only** those that appear in the St. George Field Office Resource Management Plan, Washington County Habitat Conservation Plan, Red Cliffs Desert Reserve Public Use Plan, and this legislation. The initial proposal would have allowed broader uses within the NCA.

## **Title VII. Authorization of Appropriations** – No changes to this title.