WOMEN'S STATE LEGISLATIVE COUNCIL OF UTAH

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GENERAL SESSION

January 29, 2014

Program Topic: Potentially Endangered Species – The Sage Grouse

Presented by: Natural Resources/Agriculture & Environment Committee
Director: JoAnn Neilson
Co-Chairs: Gay Lynn Bennion and Amelia Powers

Speakers: Alan Clark –Director, Watershed Program, Utah Dept. of Natural Resources
Jay Martini – Sage Grouse Biologist, U.S. Fish & Wildlife Service
Kevin Carter – Director, State Institutional Trust Land Administration (SITLA)
Larry Crist – Field Supervisor, Utah Field Office, U.S. Fish & Wildlife Service

Alan Clark gave background information on the biology of the sage grouse and the environmental science surrounding it. Sage grouse inhabit 11 of the 50 states. They are closely identified with sagebrush habitat and need large areas of it to breed and survive. Male sage grouse are by far the more colorful of the species, whereas females are plain, so as to be easily camouflaged.

The sage grouse differs from other upland game birds in that they live longer, but are hampered by a low, unreliable reproductive rate. For this reason, management must include "seasonal" habitats. Utah supports about 8% of the nation's wide-range population. Protecting the sage grouse against loss of population and habitat are the main goals of the ongoing *Sage Grouse Management Plan*. The management areas in question now provide the life requirements for 94% of populations across Utah. Mr. Clark acknowledged that Utah lands affected by the plan include both private land and *School & Institutional Trust Lands Administration (SITLA)* lands.

Responding to questions, Mr. Clark said it is always in the interest of a state to prelude an endangered species listing and the ensuing regulation. To this end Utah prefers to spend in advance of a listing to safeguard potentially endangered species and habitats. Utah has currently spent more ($43M) on habitat protection than any of the other 11 affected western states. The issue of animal grazing on potential habitats, he added, is of particular concern and is being evaluated.

Jay Martini said the main purposes of the *Endangered Species Act of 1973* are "to provide a means whereby the ecosystems upon which endangered and threatened species depend may

be conserved, to provide a program for the conservation of such species, and to take such steps as may be appropriate to achieve (this end)." The major threats to sage grouse habitats include grazing, infrastructure, mineral extraction or the introduction of invasive species (such as cheatgrass).

Mr. Martini described steps involved in the endangered species listing process. It begins with a petition submitted to the *Fish and Wildlife Service (FWS*) and *National Marine Fisheries Service (NMFS)* by any concerned organization or any "interested person." After deciding whether it contains "sufficient information to lead a reasonable person to conclude that the measure proposed in the petition may be warranted," the FWS/NMFS conducts a status review. Outcomes of the review affirm whether the addition of the species to the *Endangered Species List* is (1) warranted, (2) unwarranted or (3) warranted but precluded (meaning any higher priority species will be considered first).

The sage grouse status throughout the country was affirmed to be "warranted but precluded" in March 2012. Data gathering & assessment is ongoing. A final decision must be made by Sept 2015.

Responding to questions, Mr. Martini said the position of the FWS/FWS is that good grazing practices and protection of sage grouse habitats are not necessarily incompatible. A final economic analysis regarding high impact areas in Utah is forthcoming.

Kevin Carter described his primary concern as the state's SITLA lands. The highest density of sage grouse populations in Utah are scattered throughout the central part of the state. Over 115,000 acres of SITLA lands are involved in the *Sage Grouse Management Plan*.

Some state land involved contains oil sands and tar sands that could be available as mineral extraction assets. Opposing state and federal interests in these environmental issues will continue to be important points of negotiation.

Responding to questions, he said a "nightmare scenario" would be the state being hit by "hundreds of millions of dollars" worth of negative impact to our trust lands. This would include a potential loss of $175M in mineral extraction.

Larry Crist did not present, but was on hand to provide additional insight to various questions asked. He re-emphasized there are undeniable issues attendant to an endangered species listing. He also credited Utah for its proactive policy with regards to the sage grouse's "warranted but precluded" listing. Unfortunately, regardless of Utah's outlay to pre-empt the need for a warranted listing, if one were issued it would affect all 11 states. Utah could not opt out.

Reported by Pam Grange

GENERAL SESSION II

Program Topic: Utah's Troublesome Air Quality

Presented by: Natural Resources/Agriculture & Environment Committee
Director: JoAnn Neilson
Co-Chairs: Gay Lynn Bennion and Amelia Powers

Speakers: Bryce Bird – Dir., Utah Division of air Quality
Ingrid Griffee – V.P., Utah Moms for Clean Air

Bryce Bird noted that air pollution has been on everyone's minds for the past several weeks. Utah started monitoring the air quality in 1958 on a weekly basis because of the Utah Air Conservation Act. Monitoring subsequently increased when the *Federal Clean Air Act* was implemented. Regulation of air pollution actually began much earlier on a county basis when there were several lead smelters in the valley. Today, the *Environmental Protection Agency* (EPA) establishes health standards based on health safety studies. During winter inversions, wind-blown dust events, forest fires, and sometimes even huge firework displays cause us to exceed those standards.

The main pollutants we are concerned with are labeled PM10 and PM2.5. Large refineries and industrial plants, such as Kennecott, mostly produced PM10. Plans to address PM10 levels were developed in the 1980s. Since full implementation in 1992, Utah has not exceeded that standard during winter inversion events.

We now have an even better understanding of how pollutions are formed, and have continued to develop effective programs for dealing with them. The current standard for PM2.5 (of most concern during winter) is 35-micrograms/cubic meter. That is far stricter than the 1970s requirements of suspended-particle pollutants at over 600-micrograms/cubic meter.

Over the past 30 years, our population has doubled and vehicle miles traveled have quadrupled. Commute time from west Davis and west Utah counties to Salt Lake has grown from five to 45 minutes. Mr. Bird stressed the need for alternative modes of transportation, as well as de-centralizing business and industry so people can live closer to their work.

A graph indicating amounts of PM2.5 in the air throughout the year was presented. During most of the year, pollutants were shown to be well below the required EPA standard. However, problems arise during the episodic, nature-driven events. Since we can't do anything about them, we need to focus on reducing the pollutants. The state has spent the last four years studying why we have this problem and has developed a state implementation plan.

The Salt Lake Valley is unique in the country. Most other areas can focus on the *primary* particles of pollution as they emerge from smokestacks, tailpipes, rain, etc. in that form. In Salt Lake Valley, the filters at our monitoring stations reveal a predominance of *secondary* particles.

This means that the primary particles actually undergo a chemical change to PM2.5 particulates under conditions of stagnant air, cold temperatures and high humidity that occur during our occasional inversions. Ammonium nitrate forms in the air. Without the chemistry and conditions (above 55 degrees) driving its formation, it quickly dissipates.

Mr. Bird advised that we limit our exposure by limiting the time we spend outdoors. The plan to control Utah's air quality focuses on our transportation sector, personal automobiles, large trucks, etc. and wood burning.

Once a car's engine has warmed up, the catalytic converter captures most of the pollutants. If drivers could eliminate one "cold start" a day, it would make a significant difference. Often, new cars list a "smog score" (thanks to California's regulations) and are available today. Those with a smog score above 8.0 will meet California standards. New federal standards will be released in 2017.

Ingrid Griffee stated the mission of *Moms for Clean Air* (MOMs) as simply to "Use the power of moms to clean up Utah's dirty air –

because we are compromising our children's health." She acknowledged her organization and the *Division of Environmental Quality* (DEQ) has similar goals. She also appreciates the hard work done by DAQ since the 1970s. But MOMs believes we can obtain those goals more quickly than the 2019 target date set by the DEQ. Mothers don't have a lot of time with their kids, she said. They grow up in a hurry.

Ms. Griffee showed photos of the valley air taken just after a snowstorm. It showed relatively clean air. A second photo showed the air four days later, after the pollution had returned to inversion levels. Saying no one would want his or her child to drink dirty tap water, the same disgust to dirty air should apply. We can buy bottled water, she continued, but we cannot purchase bottled clean air for our children. We must all breathe what is there.

Regarding the DAQ cleaner air projections based on cleaner cars, Ms. Griffee said she was reminded of an earlier discussion with a legislator who said "We don't have to do anything about it (air quality). All the cars are going to be cleaner." The average age of cars in operation, she pointed out, is between 11–12 years. We are only just now reaping the benefits of EPA standards introduced in 2004. The new standards don't even start until 2017.

A photo was introduced showing a local back yard right behind a factory smokestack. MOMs maintains that industry pollution may be even worse by 2019, even though progress made be made on other fronts. People must be motivated to change their habits. Who, she mused, is motivated to form a car pool when he regularly drives by a factory belching black smoke?

MOMs would like to see change on the legislative level. DAQ should be given real authority to make our air cleaner, faster. DAQ should also set standards stricter than the current federal standards. There is legislation pending on this. Federal standards do not fit Utah Valley's unique needs, Ms. Griffee reasoned, and "One Size Does Not Fit All" areas of the country." Our state has a long tradition of local control. MOMs would like to see local people making decisions for the health of our children.

Reported by Stuart Gygi

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