

## Tuesday, July 28, 2015

### Energy & Environment Committee

The 2015 Energy and Environment Committee convened Tuesday, July 28 from 2-5pm, chaired by Senator Mike Von Flatern (WY). The Committee visited two primary topics: The status of the greater sage grouse for possible listing under the Endangered Species Act by the US Fish and Wildlife Service and an update on the Environmental Protection Agency's current efforts at regulating carbon emissions from stationary sources under section 111(d) of the Clean Air Act.

Nicole Alt, Deputy Assistant Regional Director for Ecological Services with the US Fish and Wildlife Service, provided the current status review of the greater sage grouse and the factors the agency is using to decide to list or not. She reviewed the guiding principles the Service uses to determine any listing, such as transparency and the best available science. She described how the Service looks at previous work that has been done to prevent listing like conservation efforts, initiation of state laws, and state, local, and private sector collaborative efforts to help predict future trends of the sage grouse numbers and a listing or no determination.

Dustin Miller, policy analyst in the Idaho Governor's Office of Species Conservation, presented the efforts in Idaho to improve sage grouse numbers. He explained that the two primary threats in Idaho are habitat fragmentation and wildfire. Idaho has developed three geographic zones of significance each with different conservation plans dependent on the zone bird populations. The state has worked to form fire suppression teams to prevent loss of habitat. He commented that recently the Service did not utilize collaborate fully with state officials, and consequently have put pressure on state efforts to meet Service time deadlines.

Jerimiah Rieman, Natural Resource Policy Director for Wyoming Governor Matt Mead, gave an overview of the State of Wyoming's work protecting the sage grouse. In Wyoming the five reasons for habitat loss are weather, conversion of land, human impacts, invasive species, and habitat fragmentation. Through an extensive planning process, Wyoming developed "core areas" as a protection strategy. First look determination of core areas was the greatest number of birds followed by larger economic interests that precluded major conservation efforts, like mining development.

The core areas selected cover 88% of the birds. Habitat fragmentation has been mitigated through directional drilling, road design, roads siting, easements, and reclamation.

Jennifer Macedonia, senior advisor to the Bipartisan Center, gave the Committee a look at the current status of the proposed EPA rules on reducing greenhouse gases under section 111(d) of the Clean Air Act. She recounted the history of the rule process up to final ruling determination coming out this summer and then compliance timelines for the future. She explained that three of the biggest variables affecting how states develop plans to reduce uncertainty are natural gas supplies, natural gas prices, and the impacts of power that cross state lines, a reality that encourages states to work together to find low cost options. States are also allowed “flexibility mechanisms” to reduce costs. Private energy sector trends today include an aging fleet of generators, declining solar costs, flat electric demands, expand renewable power and flat coal demand.

Will Allison, Director of the Colorado Air Pollution Control Division, gave an overview of the EPA 111(d) rules from a Colorado perspective. He outlined the four building blocks the EPA uses as guidelines for states to follow when devising plans which are: heat rate improvement, redispatch to natural gas, redispatch to renewable energy, and demand side management/energy efficiency. Allison added that one of the most accommodating aspects of the process is the flexibility states have in developing implementation strategies. A state specific aspect Colorado has noticed of the EPA Colorado determination is the high percentage of natural gas usage that they must attain by 2030 to meet the target emission reduction goal of 30%.