

November 15, 2023

Great Salt Lake Wetlands

Harms from Utah Inland Port Development



@David Jackson Photography

Correction of misinformation from the Utah Inland Port Authority (UIPA)

Claim #1. UIPA's "project areas" will not destroy wetlands.

UIPA does not appear to understand what wetlands are, or what it means to protect them. UIPA's project areas are clearly on top of, or immediately adjacent to, over 50,000 acres of wetlands, either of which will destroy or degrade the wetlands. The only way that claim would make literal sense is if UIPA and their subsidized developers don't build anything in those project areas, which, of course, defies UIPA's entire purpose. We must assume that UIPA's claims are a vague reliance on "wetland mitigation banking," a program to create wetlands somewhere else to theoretically offset natural wetlands destruction. But this system is entirely a

creation of government regulation and it has little to no connection to ecological science. The **quality** of the wetlands is not considered. Not all natural wetlands are equal in environmental importance, and certainly artificial wetlands cannot be assumed to be equal to those natural wetlands lost to development.

Just like real estate, wetland location is key to its value. Developers typically target high value land in urban areas whereas mitigation bankers seek less expensive properties in rural areas, often farmland. But most of the functional benefits of wetlands are location specific. One study found that wetland banking “trades,” even in the same watershed, on average, involved a distance of 15 miles from the developed site to more rural sites.¹

“Trades on average were moving wetlands out of areas where they could provide valuable services to urban populations and into sparsely populated areas where, most likely, their service provision was either redundant or less valuable.”²

This wetlands banking system remains poorly studied regarding its efficacy. But what studies have been done demonstrate what is not surprising to ecological experts—new, artificially created wetlands do not, and cannot, effectively duplicate or offset the many services the wetlands provide.³

Numerous studies have demonstrated that artificially created wetlands in many ways are a poor substitute for the originals that they are intended to replace.^{4 5}

¹ J.B. Ruhl & James Salzman, The Effects of Wetland Mitigation Banking on People, Nat'l Wetlands Newsl. (Env't L. Inst.), Mar.–Apr. 2006, p 9–10.

² Todd BenDor & Nicholas Brozović, Determinants of Spatial and Temporal Patterns in Compensatory Wetland Mitigation, 40 Env't Mgmt. 349, 350, 352 (2007).

³ Theis, S.; Poesch, M.S. Assessing Conservation and Mitigation Banking Practices and Associated Gains and Losses in the United States. Sustainability 2022, 14, 6652.

<https://doi.org/10.3390/su14116652>

⁴ Kaiser J (2001) Wetland restoration: recreated wetlands no match for original. Science 293(5527):25. doi:10.1126/science.293.5527.25a

⁵ Kentula ME, Sifneos JC, Good JW, Rylko M, Kunz K (1992) Trends and patterns in Sect. 404 permitting requiring compensatory mitigation in Oregon and Washington, USA. Environ Manag (N Y) 16:109–119. doi:10.1007/BF 02393913

Plant communities are often not similar in newly created wetlands, and biodiversity is not protected.^{6 7 8} One report found that 80% of wetland mitigation projects never became fully functional.⁹

In acknowledging the importance of wetlands, every federal administration since 1988 has pledged “no net loss of wetlands.”¹⁰

But the obvious problem with that oversimplification is “no net loss” of what? Merely creating an equal amount of “wetlands acreage” may be simple, but certainly does not begin to duplicate the ecological services of original wetlands.

To address this gap in wetlands function, the Army Corp of Engineers (ACE), supposedly the overseers of wetlands development, has often required the acreage of offsetting artificial wetlands to exceed that of the original. But more acreage of poor wetlands does not compensate for high quality, natural wetlands. In fact, the ACE has done such a poor job of wetlands mitigation that critics have concluded they showed “a complete lack of respect for the country’s natural resources.”¹¹

Acreage and little else, has been the “currency” used by the ACE for managing the wetlands mitigation banking system.

It is flawed logic that we can restore the environmental benefits of wetlands lost in one area by creating them in a completely different area. Often those sites have no capacity for improvement, or represent sites that are not under threat of decline, so “saving” or upgrading the wetland characteristics of the area claimed for offset offers no real benefit.

⁶ Brown SC, Veneman PLM (2001) Effectiveness of compensatory wetland mitigation in Massachusetts, USA. *Wetlands* 21:508–518. doi:10.1672/0277-5212(2001)021[0508:EOCWMI]2.0.CO;2

⁷ Tillman S, Matthews J. Evaluating the ability of wetland mitigation banks to replace plant species lost from destroyed wetlands. *Journal of Applied Ecology* First published: 09 March 2023 <https://doi.org/10.1111/1365-2664.14391>

⁸ Ambrose RF, Lee SF (2004) An evaluation of compensatory mitigation projects permitted under Clean Water Act Sect. 401 by the Los Angeles Regional Quality Control Board, 1991–2002. California State Water Resources Control Board, California

⁹ Turner R, Redmond A, Zedler J (2001) *Count it by acre or function—mitigation adds up to net loss of wetlands*. *Nat Wetl News* 23(6) Environmental Law Institute, Washington, DC

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<https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=5001&context=caselrev>

¹¹ Trott K (2001) *New corps regulatory guidance letter*. *Soc Wetl Sci Bull* 18(4):13–14. doi:10.1672/0732-9393(2001)018 [0013:NCRGL]2.0.CO;2

For these and many other reasons, wetlands banking is highly controversial at best. “The developer has virtually no interest in the quality of the wetlands being restored. He simply wants a permit from the Corps. Similarly, the banker doesn’t care about the quality of the wetlands, either. She simply wants the Corps to sign off so she can sell credits. She is supposed to maintain restored wetlands after the credits have been sold, of course, but will likely only do so if compliance monitoring and enforcement by the Corps are likely.”¹²

A General Accounting Office evaluation in 2005 found that “enforcement of compensatory mitigation permit conditions was rare.”¹³

A National Research Council committee issued a 322-page report on wetlands mitigation in 2001. They concluded that “the goal of no net loss of wetlands is not being met for wetland functions by the mitigation program,” because the data simply did not exist to judge its efficacy.”

Other experts question whether there is any value at all to the wetlands mitigation banking program because it has created an entire industry that specializes in enhancing or restoring wetlands in order to sell wetland mitigation credits. “Large sums of money can be made from mitigation banking as a result of developers seeking to offset habitat lost with lands elsewhere.”¹⁴

In response to this kind of criticism, a rule was established in 2008 that required the ACE to consider ecosystem services and location, not just acreage, in issuing wetlands banking permits. But little has changed in the way the ACE functions regarding wetlands permitting. A publicly accessible ecosystem services impact assessment should be included in every ACE permit decision, but that is still not happening.

Given the on the ground limitations of the wetland banking system run by the ACE, UIPA cannot in any way make the claim that its project areas will not destroy critical

¹² <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=5001&context=caselrev>

¹³ U.S. Gov’t Accountability Off., GAO-05-898, *Wetlands Protection: Corps of Engineers Does Not Have an Effective Oversight Approach to Ensure that Compensatory Mitigation Is Occurring* 4 (2005).

¹⁴ Bayon R (2002) *Making money in environmental derivatives*. *The Milken Institute Review*. http://www.newamerica.net/publications/articles/2002/making_money_in_environmental_derivatives. Accessed 8 Nov 2008

Utah wetlands. And, in the Salt Lake City UIPA project area wetlands have already been destroyed and impaired.

Claim #2. UIPA's project areas will be good for Wasatch Front air quality

This argument is refuted in the body of the Wetlands Report, pages 24-28.

Claim #3. Massive growth of Utah's population is inevitable, and will be more uncontrolled and chaotic without UIPA's ability to create "smart growth."

UIPA is sending sales people into project area communities telling audiences that UIPA will "fast track growth in your communities," a complete contradiction of their claim that massive growth is inevitable with or without UIPA, and that UIPA is needed to make that growth "smart growth."

According to the Kem Gardner Policy Institute at the University of Utah, the state's birth rate has steadily fallen for 15 years, and is now below replacement levels at 1.92 per female. A doubling of Utah's population by 2050, as cited by UIPA as justification for its project areas, would require an extraordinary net in migration. The appeal and practicality of living on the Wasatch Front will run headlong into several limitations. Water availability is already limiting population growth and housing construction. Quality of life will deteriorate further from increasing traffic congestion and more air pollution. In all likelihood the Great Salt Lake will continue its decline, negatively impacting Wasatch Front snow via dust blowing on to the snow pack, increasing solar absorption and accelerating snow melt, losing the "lake effect" that enhances mountain snowfall.¹⁵

Furthermore, most observers of the kind of growth that massive warehouse distribution centers have stimulated in other parts of the country would not consider that "smart growth," but the opposite. It is notable that, as pointed out before, residents in and near massive warehouse farms are nicknaming those warehouse distribution centers "diesel death zones," not "smart growth zones."

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<https://attheu.utah.edu/facultystaff/dirtiest-snow-year-in-the-wasatch-accelerated-snowmelt-by-17-days/#:~:text=The%20dust%20caused%20the%20snowpack,delayed%20the%20impact%20on%20snowmelt.>

Utah does not have an unemployment problem. Our current unemployment rate is 2.6%, at historic lows. Typically the bulk of employment at warehouse distribution centers provides barely a living wage. Many of those employed require public assistance, hardly “smart growth” for the community as a whole. The current average wage of a warehouse worker in Utah is \$13.62/hr., but some are as low as \$7.25/hr.¹⁶ Despite the continued rise in online consumerism, thousands of jobs have been slashed in companies like Amazon.¹⁷

Many of those jobs will succumb to future automation, further eroding whatever initial economic stimulus these project areas might provoke.

¹⁶ <https://www.indeed.com/career/warehouse-worker/salaries/UT>

¹⁷ <https://clogistical.com/warehouse-jobs-forecast-will-robots-replace-workers/>