

Written Testimony
Mr. Michael W. Brown
Board President, Dixie Escalante Rural Electric Association
Subcommittee on Water and Power
House Committee on Resources
Wednesday, May 4, 2005

Thank you Mr. Chairman, I appreciate your giving me the opportunity to testify before the subcommittee today. Before I start into my testimony I'd like to commend you and Chairman Pombo for your work on updating and improving the Endangered Species Act. Updating this 30 year old law is a monumental undertaking and on the behalf of the coop members I represent I'd like to express our appreciation for your efforts so far.

As you noted, my name is Mike Brown. I am a farmer/rancher and I live in southwest Utah. The nearest community, Enterprise, Utah, population 1400, is 12 miles from my home.

I am president of the Board of Directors of Dixie Escalante Rural Electric Association, an electric cooperative serving approximately 10,000 customers in Southwestern Utah and Northwestern Arizona.

Although we agree with the spirit of the ESA in its desire to protect threatened and endangered species, Dixie Escalante Cooperative has borne a heavy burden in complying with its rigid application in Southwest Utah. With the subcommittee's indulgence, I'd like to share some of the experiences we've had with the ESA in our vast service territory..

The development of additional transmission capacity has been one of those experiences. Dixie's construction budget for critical transmission lines and substations has been significantly increased by the endangered and threatened species present in the small geographical areas Dixie serves. The endangered and threatened species we deal with include:

- Dwarf-Bear Poppy
- Southwestern Willow Flycatcher
- Virgin River chub
- Woundfin minnow
- Shivwitz Milk-Vetch
- California Condor
- Desert Tortoise
- Siler Pincushion Cactus
- Bald Eagle
- Mexican spotted owl

One example of these impacts is evident in the construction of a 138kV Transmission line. This project route followed an existing power line corridor across public lands administered by the BLM and privately owned land. A portion of the project was located within the Red Cliffs Desert Tortoise Reserve, which is a 129,000-acre area that was designated as critical desert tortoise habitat by the Fish & Wildlife Service in the early 1990's.

Before the project was approved for construction, an Environmental Assessment was conducted to identify any impacts to the area. Due to the endangered and threatened species in the area, Dixie was required to perform the following tasks:

- Instead of using utility trucks, Dixie used a helicopter to set 24 poles because the restrictions and impact mitigation from using vehicles were exhaustive. To use the helicopter for setting poles Dixie was required to conduct an amended Environmental Assessment for noise, dust, air quality, recreation, public health and safety considerations.
- Due to the restrictions of blasting holes for poles, Dixie was required to contract with a third party with special equipment to pressure dig the pole holes.
- Dixie was required to keep any open-ended poles or holes covered that may allow Tortoise's to enter and get trapped.
- Dixie was required to wash all vehicles upon entering the reserve each time, to keep any plant species seeds that didn't already exist on the reserve, from being introduced to the reserve.
- Our construction schedule had to be adjusted to meet the endangered and threatened species inactive time, which is

from December 1, to February 15. This required Dixie to build during the winter with additional crews and significant overtime due to the shortened construction time frame.

- Dixie was required to reclaim areas used by any mobile travel, which included raking by hand and reseeding all areas disturbed.
- A consultant was hired to complete an environmental assessment for this project.

Engineer's original estimated cost to construct this project was \$787,962.00

Actual costs to construct the project \$781,863.00 Costs for environmental additions \$325,594.00 Total cost of project \$1,107,457.00

Costs for environmental additions increased the total project cost by 42%. I would like to add that because Dixie Escalante is a rural electric cooperative, those costs were directly absorbed by our customers, many of whom are living in economically depressed areas.

Dixie Escalante is only one of 10 rural electric cooperatives providing electricity in Utah. Similar experiences exist with other co-ops not only with Threatened and Endangered Species, but with Sensitive Species.

Garkane Energy, a rural electric cooperative serving central and southern Utah along with parts of Northern Arizona. Garkane is currently in the process of re-licensing a small hydro-electric facility that has been in operation for nearly 60 years. This process requires that the Forest Service issue a use permit. The use permit requires Garkane to conduct a study of the Goshawk – a sensitive species. The Goshawk study must be for two consecutive years only between the months of May, June & July. Thus any Forest Service Use Permit is at least a two-year process. Moreover, if a nest is found in the area maintenance can only be done after September and before March – during the winter months – at an elevation on the Boulder Mountain that is 9000 plus feet.

Remarkably, this hydro facility has operated for sixty years in an area rich with all types of local plants and animals. It is not being modified only re-licensed. Again, the costs of studies required are borne directly by the customers of the cooperative.

Thank you,, Mr. Chairman, for allowing me to share some of the experiences we've had in complying with the ESA. The heavy burden of complying with this 30 year old law has not only complicated the delivery of the electricity to rural areas, but has also increased the annual energy bills for the 10,000 member/customers of our very rural electric coop. We appreciate your efforts and Chairman Pombo's efforts in improving this important, but outdated law and I look forward to answering any questions you might have about our experiences in Southwest Utah.