

**Testimony of Carl Albrecht  
CEO, Garkane Energy Cooperative, Inc.**

**United States House of Representatives  
Committee on Natural Resources  
“ESA Decisions by Closed-Door Settlement: Short-Changing Science, Transparency, Private  
Property, and State and Local Economies”**

**December 12, 2013**

Thank you for the opportunity to visit with you this morning. My name is Carl Albrecht. I'm the CEO for Garkane Energy, a rural electric cooperative serving customers in south-central Utah and northern Arizona. Garkane will celebrate its 75<sup>th</sup> anniversary next year. I believe we may have the distinction of serving more national parks and national monuments than any other utility in the nation. The power lines that serve these areas have enabled the National Park Service to showcase to the world these spectacular places. Each day we face the challenge of striving for balance between environmental desires and economic realities. We take very seriously the impact on the animals we live and work around and believe it's important to protect and live in harmony with the wildlife in our areas.

The Endangered Species Act (ESA), a well-intended law, has through the years altered rural economies and communities. I started working at Garkane the year before Congress passed the ESA and it seems to have occupied much of my career ever since!

Not long ago, Garkane had an incident where we had already acquired the right of way to build a power line primarily on private property and state owned lands. A small portion of the line was on Bureau of Land Management (BLM) property where a National Environmental Policy Act (NEPA) analysis had been completed. We were abruptly ordered to stop construction when it was determined that 2 acres of Utah Prairie Dog (UPD) habitat were within a 350' buffer of the project's right of way. The habitat was on private land, adjacent to a major US Highway and was not mapped by the state Department of Wildlife Resources. Work was delayed for 9 months until consultants for the US Fish and Wildlife Service (USFWS) (paid for by Garkane customers) could complete a UPD survey. To restart work on the project, Garkane agreed to pay \$20,000 to the National Wildlife Defense Fund and hire a biologist to monitor all the work within 350' of the UPD habitat.

Last month as part of the construction of a transmission line, which took us 7 years and \$2 million to permit, we were required to fly in, by helicopter, 7 power poles to locations that were within yards of an existing public access road. This happened because the sites were contained in a Utah Prairie Dog conservation area. Placing the power line in a Prairie Dog conservation area happened because a sage grouse "lek" (*a potential strutting ground*) was identified along the most economical alternative route for the transmission line studied in an Environmental Impact Statement. The resulting shift in routes,

requiring poles to be set with a helicopter, meant an additional single day expense for Garkane of over \$150,000. Realize that while we tip toe between a Sage Grouse lek and a Prairie Dog Conservation Area, there are existing access roads and existing power lines all around us. It simply becomes a real-life version of the old floor game “*Twister*.” And recognize this all takes place while private landowners can obtain permits to kill prairie dogs on their land and Sage Grouse are hunted and killed by sportsmen in Utah.

Recently the US Fish and Wildlife Service identified nearly 150 new species as candidates for endangered species act protection. The Service looks at protecting America’s most at-risk wildlife as one of their highest priorities. The entire nation can expect more and more listings as the USFWS works its way through a backlog of candidates being considered for protection. If folks in your state have not yet been hit by the ever escalating costs of doing business and dealing with the ESA, just wait, your phone will soon be ringing. Federal agencies begin treating some species as threatened before they are ever listed under the ESA. Such is the case with the Sage Grouse in our area. Some scientific documents on Sage Grouse released by the Department of Interior have raised serious questions about the data and analysis used in the reports along with concerns over potential conflicts of interest among peer reviewers of the documents. Nevertheless, we continue incurring expenses to mitigate impacts based on the information derived from these reports.

Compared to the dollars authorized by Congress here in Washington, DC, the costs incurred by Garkane to comply with ESA regulations would be lost in congressional cafeteria cash registers. But when those costs end up in electric rates for Garkane customers, it becomes real money. The few customers at Garkane, and at similarly affected utilities, end up paying all the freight for mitigation activities designed to safeguard various species selected for protection by the US Government acting on behalf of all US citizens.

Garkane and other rural electric cooperatives across the nation believe that, in this the 40<sup>th</sup> year of the act, we must look at some type of reform to alleviate the ever escalating economic burden being placed on the backs of the few. Garkane’s locally elected board of directors finds itself constantly asking why they, along with their friends and neighbors, are with increasing frequency, being asked to pay more and more to meet ESA obligations and wondering why, if the intent is to protect a species on behalf of all Americans, the rest of the nation’s citizens don’t share in the costs for protection.

In the rural electric cooperative world we often quote a farmer giving witness in a rural Tennessee church in the early 1940s when he said, “*Brothers and sister, I want to tell you this. The greatest thing on earth is to have the love of God in your heart, and the next greatest thing is to have electricity in your house.*” Locally owned Rural Electric Co-ops across the country continue working to keep electricity flowing to millions of homes – at a price homeowners can afford.

75 years ago the federal government worked with Garkane to turn the lights on in rural parts of Utah and improve the lives of its citizens by bringing electricity to their homes. For the most part, Garkane’s power lines today follow the same general paths they have taken for all those years, yet now the federal government appears more inclined to hinder and delay rather than help and develop, unless you’re a

prairie dog or a sage grouse, or a goshawk, or a pygmy rabbit.....the list goes on and on. I believe It's time we look back at what it means to have electricity in our homes, and other things that make this nation great, and return to a sense of reason and a more rational approach to the Endangered Species Act.

Thank you for the opportunity to testify, I would be pleased to answer your questions.