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Submitted via BLM Web Site

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Re: Request for Comment on the Bureau of Land Management Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements; *86 Fed. Reg.* 66331 (November 22, 2021)

Dear Ms. Deibert:

The National Rural Electric Cooperative Association (NRECA) submits these comments in response to the Bureau of Land Management's (BLM) Notice of Intent (NOI) to amend its resource management plans (RMPs) regarding Greater Sage-Grouse (GRSG) conservation. NRECA is the national trade association for nearly 900 rural electric cooperatives (co-ops) responsible for keeping the lights on for more than 42 million people across 56 percent of the nation's landmass. NRECA supports efforts to modernize BLM's RMPs where necessary to adequately protect the GRSG to preclude the need to list the species under the Endangered Species Act. We also support efforts to provide clarity and certainty within the implementation of the RMPs while reducing burden on electric cooperatives and local economies. Efforts to amend BLM's RMPs may directly impact the efficacy of GRSG conservation as well as the reliability and affordability of our members' electric service.

NRECA is a member of the Energy and Wildlife Action Coalition (EWAC) and supports the comments submitted by this organization.

### **About America's Electric Cooperatives**

NRECA's member cooperatives include 63 generation and transmission (G&T) cooperatives and 832 distribution cooperatives. All but three of these co-ops are small business entities as classified by the Small Business Administration. The G&Ts generate and transmit power to distribution cooperatives that provide it to the end of line co-op consumer-members. Collectively, cooperatives own and maintain 2.7 million miles or 42 percent of the nation's electric distribution lines, as well as over 44,000 miles of transmission lines. Both distribution and G&T cooperatives share an obligation to serve their members by providing reliable, affordable, and responsible electric service.

Electric co-ops operate at cost and without a profit incentive. They were formed to bring electricity to rural parts of America that investor-owned utilities (IOUs) determined were too expensive to serve. Compared to other utilities, electric co-ops often serve areas with lower population density, lower median income, and

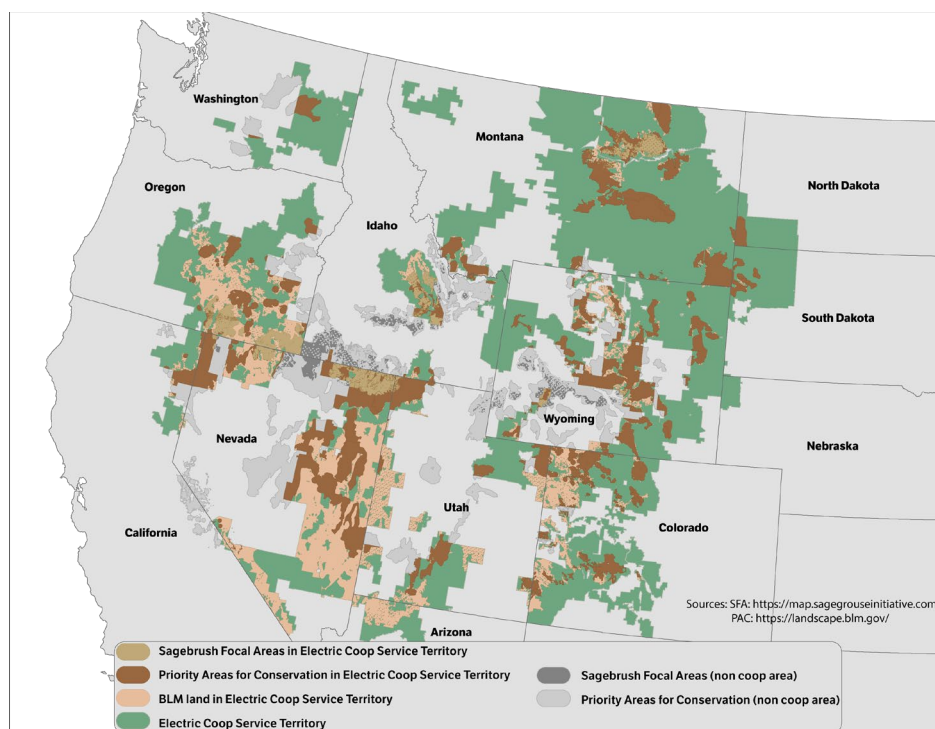
higher costs to deliver electricity per capita. In fact, co-ops serve 92 percent of the nation's persistent poverty counties. Co-ops do not have stockholders, and all costs are borne by the local co-op consumer-members. Therefore, cost-effective requirements that minimize burden are very important to co-ops' ability to provide affordable and reliable electricity to their members.

Rural co-ops on average serve eight customers per mile of distribution line and collect annual revenue of about \$19,000 per mile. By comparison, other utility sectors have a combined average of 32 customers per mile and \$79,000 in annual revenue per mile. Low population density means that a small number of rural co-op consumer-members will be responsible for their co-op's costs associated with guidance or mitigation requirements for GRSG outlined in the BLM's RMP amendments. As such, NRECA's comments focus on ways to improve the BLM RMPs to alleviate unnecessary burdens to electric cooperatives and local communities – many of which are low income – while providing appropriate GRSG protection.

### **Electric Co-ops Serve GRSG Protected Areas**

Half of all GRSG protected areas are served by rural electric cooperatives. The map below shows electric cooperative service territory within GRSG protected areas (see Map 1). About 60 electric cooperatives have GRSG habitat within their service territory and operate under the BLM RMPs. Together, electric cooperatives serve more than 70,000 square miles of protected range for the GRSG, including 53.9% of the Priority Areas for Conservation (PACs) and 50.9% of areas designated as Sagebrush Focal Areas (SFAs).

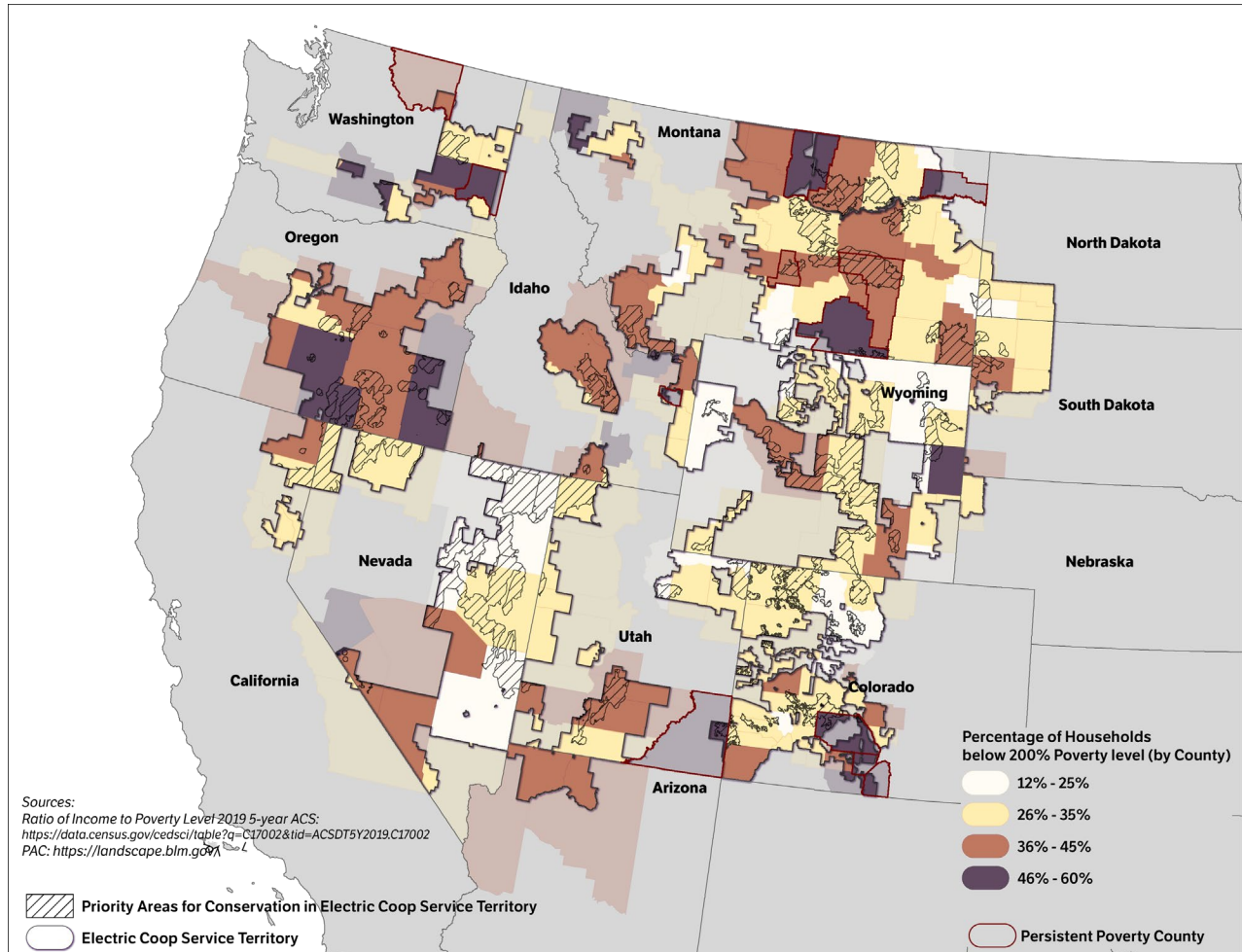
As such, NRECA members have been actively engaged for years in state and federal initiatives to support GRSG conservation. This includes playing a key role in the BLM RMP development that ensured the continued operation, maintenance, and new construction of power lines in a responsible manner consistent with conservation objectives.



*Map 1: Electric Cooperative Service Territory within GRSG Protected Areas*

### **Many Electric Co-op Consumer-Members in GRSG Areas are Low Income**

Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, explicitly identifies “persons who live in rural communities” and those “otherwise adversely affected by persistent poverty” as deserving of special attention by Federal policymakers to ensure equitable treatment, including specific direction that federal agencies consult and engage with underserved communities. NRECA consulted economic data (see Map 2) and found that 71 counties served by electric co-ops that operate in GRSG habitat have a third or more of its population in the low-income range. In addition, 12 counties are classified as persistent poverty, which are counties with poverty rates of 20 percent or greater for at least 30 years. NRECA urges the BLM to consider potential financial impacts while developing RMP amendments and welcomes continued engagement with rural stakeholders to help identify and minimize negative effects.



*Map 2: Income Distribution of Electric Cooperative Service Territory within GRSG Protected Areas*

## **NRECA Comments on the NOI to Amend Land Use Plans**

In the NOI, the BLM asks for input on any “issues, management questions, or concerns” for the agency to address in the potential RMP amendments. Specifically, the BLM asks for comment on the leasing and development of energy resources within GRSG and sagebrush habitat, including renewable energy and associated transmission lines; the application of the mitigation hierarchy, including compensatory mitigation; and approaches to minimize disturbance, including buffers. NRECA provides comment on each of these subjects in detail below, along with reasons why our suggestions would help keep costs low for our consumer-members. In summary, NRECA asks the BLM to (1) align its RMPs with appropriate state-governed plans to facilitate regulatory consistency for electricity infrastructure projects that cross both federal and state lands, (2) revise the RMP mitigation standards to account for existing industry best management practices, and (3) clarify the RMP application of lek buffers to prevent inconsistencies.

### **1) Align with State Plans**

NRECA is encouraged that the BLM is working with state and federal agencies to ensure alignment of sage-grouse conservation priorities and goals. We further encourage the BLM to coordinate state-by-state land use planning approaches and GRSG conservation strategies. Consistency among relevant GRSG conservation plans within the same region reduces costs and delays for electric infrastructure projects that cross both federal and state lands. However, NRECA acknowledges that each state has different GRSG management challenges and priorities that coincide with different regional ecologies and habitat objectives. NRECA urges the BLM to confirm amendments provide flexibility to RMP implementation on a state-by-state, local, and project-specific basis. We encourage the BLM to consult and use as a reference several state-governed plans that already incorporate this regulatory flexibility, such as the Montana Sage Grouse Habitat Conservation Program.

### **2) Revise Mitigation Standards and Required Design Features**

Cost-effective conservation policy is a top priority for our members. However, undergrounding power lines or installing perch discouragers are often the only mitigation options given for rights-of-way permit applications or renewals in GRSG habitat. Undergrounding power lines is not always feasible due to high costs, consumer needs, federal safety code requirements, line voltage, terrain, and other factors. A major constraint for electric cooperatives is the increased costs incurred when burying lines. As discussed above, these costs are passed directly to member-consumers and have a real, substantive negative impact on local economies. Line burial also complicates future repair and maintenance activities and may require re-disturbing the right-of-way over time. Undergrounding power lines also results in greater disturbance to sagebrush habitat because the full ROW is disturbed rather than more limited disturbances near poles and towers for overhead construction.

In addition, perch discouragers were originally utilized in the 1970s and 80s to move birds away from unsafe (energized) parts of electrical infrastructure and encourage them to perch on safer parts of the structure. They were never intended to prevent raptors from perching on electric lines. Corvids and raptors often perch on wires and find ways to defeat perch discouragers. Perch discouragers may cause safety and operational issues for line maintenance crews and are costly to install and maintain, relative to their conservation benefit. NRECA encourages the BLM to review previous comment letters on this issue from the Avian Power Line

Interaction Committee (APLIC) and asks that the BLM continues to seek more effective conservation measures for GRSG.

NRECA encourages the BLM to incorporate existing industry best management in future RMP amendments for GRSG conservation. For example, APLIC, a partnership of electric utility biologists, developed the 2015 Best Management Practices for Electric Utilities in Sage-Grouse Habitat. This resource delineates voluntary practices that address electric infrastructure siting, operation, and maintenance concerns within sage-grouse habitat. NRECA recommends the BLM use this document as a reference for potential RMP amendments regarding permitting and permit renewals of electric facilities. NRECA is a member of APLIC, on behalf of its members, to advance the science and best practices that mitigate avian interactions while maintaining reliable and cost-effective power. Several electric cooperative members also maintain APLIC membership independent of the NRECA.

### **3) Clarify Application of Lek Buffers**

The BLM inconsistently applies fixed lek buffer-distances and often, the distances are not consistent with state requirements. This is particularly troublesome for the siting and design of long-linear projects that span multiple jurisdictions. NRECA requests that the BLM requirements are consistent with state requirements, while also maintaining flexibility to modify buffers as biologically appropriate to account for existing disturbance, terrain features that might buffer leks, or site-specific habitat conditions. Buffer distances should be identified utilizing the best available science.

### **Conclusion:**

Development of the RMPs was a historic example of collaboration that has been effectively used to conserve GRSG and its habitat. NRECA urges the BLM to ensure any changes to the RMPs continue to meet the requirements to avoid listing the GRSG as a threatened or endangered species under the ESA. We also encourage the BLM to consider the financial impacts of the potential RMP amendments and mitigate the burden on electric cooperatives and local communities. NRECA appreciates this opportunity to provide recommendations for RMP amendments and we welcome an opportunity to discuss these issues further with your team.

Respectfully,

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