

## **Slope Electric Cooperative, Inc.**

### **RESOLUTION NO. 4 ENVIRONMENTAL**

#### **Nature**

As a rural state and region, we are concerned about the interrelation of man and nature. Issues such as conservation, global climate change and carbon sequestration affect our land, and we believe that stewardship of our natural resources and concern for the environment are primary to all our members. We support continued study and greater scientific knowledge of the changes and issues that affect our environment here and in our nation and world.

#### **Clean Coal**

Electric cooperatives operating coal-based generating facilities in North Dakota have invested heavily in clean coal technology. We support their efforts and encourage even more research and funding for clean coal technology to reduce emissions of sulfur dioxide, mercury and nitrous oxide to ensure that the region's rural electric consumers can continue to benefit from the use of our state's plentiful lignite coal resources.

#### **North Dakota Wilderness and Wild and Scenic River Proposal**

Slope Electric Cooperative opposes proposals to redesignate a portion of the Little Missouri National Grasslands or other lands across the state as National Wilderness Areas, or to designate portions of the Little Missouri River, the Pembina River, or other rivers running through the state as wild and scenic rivers or otherwise unduly interfere with private property rights or the orderly development of coal and other energy reserves when adequate protections already exist to protect the beauty of these areas and rivers.

#### **Clean Water Restoration Act**

We oppose removing the word "navigable" from the clean water acts definition of waters under federal jurisdiction.

Whereas immediate consequences would usurp the states' power to regulate streams, ponds, and other permanent "wetlands". It would also create federal regulation over isolated waters, drainage ditches, ponds, prairie potholes, etc.

### **Accidental Wildlife Electrocutation**

Recent interpretations of the Migratory Bird Treaty Act (MBTA) have asserted that accidental electrocution of raptors and migratory bird species is a deliberate "taking" of wildlife by electric utilities. In addition, the MBTA is a "strict liability" law, which means that the U.S. Fish and Wildlife Service (USFWS) only has to show that the birds were killed by the activities of an individual or business.

Severe penalties have been assessed and proposed against utilities whose systems have experienced avian contacts with their facilities. USFWS is advocating that rural electric cooperatives enter into Memorandums of Understanding (MOUs) to eliminate migratory bird mortality due to electrocution on transmission/distribution lines and associated equipment.

Rural electric cooperatives support the goal of reducing avian electrocutions, and they have installed equipment on lines and created attractive perches away from dangerous locations to prevent avian deaths. It is impractical, however, to convert all aerial equipment to underground or to retrofit all existing equipment to eliminate all impact to avian species.

We urge balance in the federal government's approach to establishing the MOUs for rural electric cooperatives. We urge Congress to act by changing two provisions of the MBTA by (1) modifying and tempering the language that treats in-flight electrocutions or contacts by avian species as an intentional "taking" of protected avian species, and (2) a reevaluation of the "strict liability" standard for utilities that have implemented avian protection measures.