



Minnesota Rural Electric Association

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June 9, 2019

The Honorable Raul Grijalva
Chairman
The House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Rob Bishop
Ranking Member
The House Natural Resources Committee
123 Cannon House Office Building
Washington, DC 20515

The Honorable Ruben Gallego
Chairman
House Natural Resources Subcommittee for
Indigenous Peoples of the United States
1131 Longworth House Office Building
Washington, DC 20515

The Honorable Paul Cook
Ranking Member
House Natural Resources Subcommittee for
Indigenous Peoples of the United States
1027 Longworth House Office Building
Washington, DC 20515

Dear Chairman Gallego and Ranking Member Cook:

As Chief Executive Officers of electric co-operatives in Minnesota whose service territories include tribal lands of the Leech Lake Band of Ojibwe as well as other sovereign tribal nations, we are writing to express our concerns with H.R. 733 as drafted.

First, we want to make it clear we fully support the transfer of federal land in the state of Minnesota for the benefit of the Leech Lake Band of Ojibwe. We understand and acknowledge that the federal land described in the legislation was taken from members of the Leech Lake Band from 1948 to 1959, and that the land should rightfully be restored to the affected individuals.

However, as electric cooperatives are required by law to provide safe, efficient and reliable electric service to all customers in their service territories - including tribal lands - on an exclusive basis, we have a strong interest in ensuring H.R. 733 is drafted carefully and accurately.

Our main concern with the legislation is the lack of clarification surrounding the legal rights of electric cooperatives in regard to vegetation management, access to easements and rights-of-way, and permit requirements. Additionally, it is unclear if the bill will allow co-ops the ability to provide broadband, telecom, or other services that are critical in tribal and rural areas.

Sec. 2(a)(5)(A) indicates that "on reacquisition by the Tribe of the federal land, the Tribe has pledged to 'respect' the easements, rights-of-way, and other rights..." As it is unclear what the legal meaning of the word "respect" is in regard to the land transfer, the bill must be clarified to make it clear the tribal land is subject to current and future encumbrances, easements, and rights-of-way of electric utilities and other public and quasi-public entities. In order to provide safe, efficient and reliable electric service to all customers within tribal lands as well as the potential to provide internet or telecom services, we must have unencumbered access to easements so we can properly manage vegetation, and provide utility pole and line maintenance and upgrades.

Further, the bill must provide trespass immunity. Specifically, it must clarify that no trespass charges or fees shall be pursued for utility rights-of-way so long as any easements are necessary to provide or maintain essential public services such as electricity.

Finally, a detailed legal explanation with recorded and unrecorded easements, and map of all 11,760 acres within the land transfer should be provided before the legislation is passed. The bill must also clarify if the land in question includes acreage in the Chippewa National Forest that does not lie within Cass County, Minnesota.

In light of these concerns, we ask that you amend H.R. 733 as detailed in this letter. Thank you in advance for your consideration and feel free to contact us with any questions you have.

Sincerely,



Jared Echternach
President & CEO
Beltrami Electric Cooperative, Inc.



Steve Shurts
President & CEO
East Central Energy



Gregory Randa
General Manager
Lake Country Power



Brad Dolinski
CEO
North-Itasca Electric Cooperative, Inc.



Darrick Moe
President & CEO
Minnesota Rural Electric Association

CC:

The Honorable Amy Klobuchar, U.S. Senator
The Honorable Tina Smith, U.S. Senator
The Honorable Jim Hagedorn (MN-1), Member of Congress
The Honorable Angie Craig (MN-2), Member of Congress
The Honorable Dean Phillips (MN-3), Member of Congress
The Honorable Betty McCollum (MN-4), Member of Congress
The Honorable Ilhan Omar (MN-5), Member of Congress
The Honorable Tom Emmer (MN-6), Member of Congress
The Honorable Collin Peterson (MN-7), Member of Congress
The Honorable Pete Stauber (MN-8), Member of Congress