
January 29, 2024

Randy Moore
Chief
United States Forest Service
201 14th ST SW
Washington, D.C. 20250-1124

Submitted via Webform: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=64745>

Re: Comments on the U.S. Forest Service Notice of Intent to Prepare a Forest Plan Amendment Environmental Impact Statement for Regions 5 & 6; California, Oregon, and Washington

Dear Chief Moore,

The National Rural Electric Cooperative Association (“NRECA”) respectfully submits these comments in response to the U.S. Forest Service (“USFS”) Notice of Intent to amend the Forest Plan for Regions 5 & 6, including national forests in California, Oregon, and Washington (“NOI”).¹

NRECA is the national trade association representing nearly 900 local electric cooperatives and other rural electric utilities. America’s electric cooperatives are owned by the people that they serve and comprise a unique sector of the electric industry. From growing exurban regions to remote farming communities, electric cooperatives power 1 in 8 Americans and serve as engines of economic development for 42 million Americans across 56 percent of the nation’s landscape.

Electric cooperatives operate at cost and without a profit incentive. NRECA’s member cooperatives include 63 generation and transmission (“G&T”) cooperatives and 832 distribution cooperatives. The G&Ts generate and transmit power to distribution cooperatives that provide it to the end of line co-op consumer-members. Collectively, cooperative G&Ts generate and transmit power to nearly 80 percent of the distribution cooperatives in the nation. The remaining distribution cooperatives receive power directly from other generation sources within the electric utility sector. Both distribution and G&T cooperatives share an obligation to serve their members by providing safe, reliable, and affordable electric service.

The nature of electric co-ops’ service territories, and their local, member-driven structure empowers them to play a vital role in transforming communities, innovating to meet tomorrow’s energy demands, and being good stewards of the environments in which they operate. As such, electric co-ops have a vested interest in protecting the land, water, species, and air in the communities that they serve.

¹ 88 Fed. Reg. 87393 (Dec. 18, 2023).

Indeed, the remote nature of co-op service territory means that co-ops have more special use authorizations across our nation's public lands than many other electric utilities. Electric co-ops have long worked closely with USFS to be good stewards of our public lands in and around their rights-of-way, while ensuring the reliability and affordability of the electric system.

Electric co-ops utilize USFS-managed lands to deliver a reliable and affordable supply of electricity to rural communities across the Pacific Northwest, many of which are persistent poverty counties. These communities depend upon our nation's public lands for their livelihoods, and they rely upon a well-organized, predictable forest planning process to understand and, importantly, to weigh-in on the management process of lands that belong to the American people, and upon which so much of our success as a nation depends.

The forests encompassed in this rulemaking stretch across three states, and include electricity infrastructure and rights-of-way ("ROW") that are critical to electric reliability throughout the entire western region. This forest plan amendment process will necessarily impact operations of the electric grid in the national forests in question. It is important that the USFS utilizes this process to improve, rather than further hinder those operations, and indeed the long-standing partnership between co-ops and USFS. NRECA encourages the USFS to thoroughly evaluate potential impacts on electricity operation in the region and to prioritize an alternative that mitigate and minimize impacts on electric reliability and affordability in the Environmental Impact Statement ("EIS") process.

In addition to the comments contained in this letter, NRECA also incorporates by reference comments that NRECA will file on Feb. 2, 2024 pertaining to the U.S. Forest Service's Notice of Intent regarding old growth and mature forests; as well as comments NRECA filed with the USFS on May 8, 2023 regarding special use authorizations and strict liability.² Both comment letters provide greater detail about NRECA's continuing concerns regarding wildfire, vegetation management, grid hardening and expansion, and maintenance operations in our national forests.

NRECA COMMENTS ON THE NOTICE OF INTENT

NRECA has long partnered with the U.S. Department of Agriculture ("USDA") and USFS in promoting economic development and higher standards of living in our rural communities; and in fostering the good stewardship of our natural resources and public lands. A well-organized forest plan amendment process with ample opportunity for stakeholder input is critical for understanding the real-world impacts of all potential plan amendment alternatives; and for ultimately creating a forest plan that balances forest health and stakeholder needs.

NRECA is concerned about the stated, expedited timeline for this EIS process. The draft EIS is expected in June 2024, and will be accompanied by only a 90-day comment period. The final EIS is expected to be published in October 2024.³ Given the size of the region in question; the diversity of stakeholders; and the

² Letter from Megan A. Olmstead, Regulatory Affairs Director, NRECA to Reginal Woodruff, Acting Asst. Dir., U.S. Forest Serv. (May 8, 2023).

³ 88 Fed. Reg. 87393.

abundance of varying biological features in regions 5 & 6, a longer EIS process is necessary to avoid pre-decisional outcomes and gaps in sufficiency of analysis.

Rather than rushing this process on an abbreviated deadline, USFS should take whatever time is necessary—likely far more than five months—into properly scoping this amendment process and developing thorough alternatives which analyze the many impacts that potential amendments will have on the forests, communities, and stakeholders in these regions.

Ample public meeting opportunities, with convenient locations throughout both regions, should be held in the coming months to ensure that the many stakeholders in the region have the opportunity to inform USFS’s decision-making process. And far more than 90 days will be required for public comment on the draft EIS once it becomes available. NRECA encourages USFS to take a deliberate, unhasty, thorough forest planning approach in this matter, to ensure that the resulting draft EIS comprehensively accounts for all significant impacts in the region.

NRECA also urges USFS to be mindful, when developing and selecting amendment alternatives, of its legal obligation to manage our national forests under the mandate of multiple use and sustained yield, and to select alternatives in the EIS process that allow for existing major and principal uses, such as utility rights-of-way, (“ROW”) to continue unhindered.⁴

USFS should complete a thorough Regulatory Flexibility Act analysis, and a Statement of Energy Effects for this rulemaking to ensure that its effects on electricity availability, affordability, and reliability in the region are fully documented and considered; and to ensure that the impacts of this rulemaking on co-ops and the rural communities and small businesses they serve are included in the EIS process.

NRECA also encourages USFS to utilize this amendment process to ease, rather than further complicate, the processes by which we manage vegetation and maintenance of our electricity infrastructure; and to make permitting procedures for those processes, and for grid hardening and expansion projects, more straightforward and efficient. This is particularly critical in the Pacific Northwest, where threat of wildfire is high, and where co-ops are held to strict liability standards on forest lands.

For example, it may be helpful to expedite, or even exempt, most electric utility vegetation management and hazard tree removal processes from the current, time-consuming, approval procedures. It also may be helpful to expand the allowable width of ROWs through some areas designated as Northern Spotted Owl habitat to reduce potential line interactions with trees and other vegetation.

Co-ops also support efforts to reduce hazardous fuel load in our national forests, and we encourage USFS to utilize this amendment process to allow for the removal of felled timber from our rights-of-way without undergoing timber sales procedures. We encourage USFS to consider this, and other measures which can reduce wildfire risk.

⁴ 43 U.S.C. §§ 1701, *et seq.*; See also *West Virginia v. Env’tl Protection Agency*, 142 S. Ct. 2587 (2022).

Our members, and indeed the wildfire resiliency of the region, also would benefit from expedited or more efficient approval processes for grid hardening projects. We encourage USFS to work directly with co-ops to understand how best to account for these needs, and the larger electric reliability needs of the region.

Importantly, NRECA urges USFS to refrain from adding unnecessary complexity, cost, and mandates on electricity infrastructure that may chill investment in grid hardening and expansion, at a time of high wildfire risk and increased electrification of the nation.

Reliable and affordable electric service is a foundation for rural economic prosperity and development across the Pacific Northwest. Any increased costs or liabilities in the production and distribution of electricity, or any further challenges in vegetation management, grid hardening, or maintenance operations resulting from this forest plan amendment process can impact rates, decrease safety, and have far reaching effects throughout entire communities and regions. This forest plan amendment process should ensure that potential impacts of all alternatives on electric reliability, affordability, and safety are addressed.

NRECA appreciates the opportunity to inform the USFS on our concerns regarding the forest plan amendment EIS process in the Pacific Northwest. We welcome the opportunity to discuss our comments and to continue working with you and your team. Please contact Megan.Olmstead@nreca.coop if you have any questions regarding these comments.

Respectfully,

Megan A. Olmstead, Esq.
Regulatory Affairs Director
National Rural Electric Cooperative Association