

January 29, 2024

The Honorable Randy Moore
Chief
U.S. Department of Agriculture, US Forest Service
1400 Independence Ave., SW
Washington, D.C. 200250

Dear Chief Moore:

The Northwest Public Power Association is comprised of over 150 community-owned electric utilities in the Western United States and British Columbia serving over 4.5 million electricity customers. We are rural electric cooperatives, municipalities, and public utility districts governed by the people we serve and located in the states of Alaska, California, Colorado, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

In the federal notice regarding the Forest Service's plan to revise the Northwest Forest Plan, your agency has clearly outlined the growing risk posed by wildfires to Northern Spotted Owl habitat and to old growth forests. The growing danger of wildfires is greatly felt by NWPPA's members, as well.

Wildfires are probably the greatest threat to public power utilities and the people they serve. Communities across the Western United States and Canada have seen the fire risk threat grow with devastating results to life and property. Entire towns and their utility infrastructures have been wiped out. Rebuilding can take years and many lives are forever changed.

There is also a significant financial burden that comes from the growing risk of wildfires. As an example, wildfire insurance premiums for utilities have skyrocketed in the last decade. Community-owned utilities do not have corporate shareholders, so all the cost must be passed through to customers.

Many of our member utilities serve rural areas where a disproportionate share of customers qualifies as energy-burdened and requires government assistance to try to make ends meet. So, these added cost increases can represent significant hardships.

Additionally, if utility equipment is found to be the cause of a wildfire, the utility may face hundreds of millions of dollars of liability, far exceeding the insurance caps. For most of our members, such financial outlays are impossible and could result in the loss of electric service to entire communities.

Our members are taking a very active role in reducing wildfire risks, including the timely management of vegetation growing along electric transmission and distribution lines on rights-

of-way (ROW) located on federal lands. Proper vegetation management helps ensure reliable electric service, reduces power-line related wildfires, and safeguards electric infrastructure.

Performing effective vegetation management on federal lands requires a partnership with federal agencies. The Bureau of Land Management (BLM) and the U.S. Forest Service (Forest Service) together manage 439.3 million acres throughout the United States containing almost 90,000 miles of electrical transmission and distribution rights-of-way. Utility companies, and ultimately their customers, bear the cost of maintaining and repairing these ROWs, and suffer the reliability and financial consequences if they are not allowed timely access to federal lands to manage vegetation while the managing agencies enjoy the use of these often-improved easements at no cost.

Utilities may be liable for fire damage if vegetation in or near ROWs causes fires when encountering electric lines. Utilities may be liable for fire suppression costs even when federal land managers have denied a utility's request to trim vegetation that ultimately caused the fire. Utilities that are held liable for fire damage costs can be denied future liability insurance.

BLM and the Forest Service have not consistently allowed vegetation management of ROW to be carried out on a routine or timely basis. In too many cases, utilities have found that federal land managers apply inconsistent policies to vegetation management requests.

In 2018, Congress approved legislation as part of the Omnibus Appropriations Act of 2018 (P.L. 115-141, Sec. 211, or the Act) to allow for timely and consistent approvals of utility vegetation management requests, limits on strict liability for utilities that proactively plan for vegetation management in ROWs and for removal of hazard trees, and improved cooperation between ROW operators and federal land managers. ROW owners/operators have sought to provide expertise and input into federal land management agencies' implementation of the Act.

As the Forest Service considers an amendment to the Northwest Forest Plan, we ask the new Environmental Impact Statement include the following considerations:

- Provide utilities with transmission and distribution ROW on federal lands with a reasonable certainty that the approving federal agency will respond in a timely and consistent manner to access and vegetation management requests.
- Utilize new authorities granted to federal land management agencies in the Vegetation Management Act to provide guidance to electric utilities on development of vegetation management plans, to respond to vegetation management plans and requests in a consistent and timely manner, including addressing hazard trees that are located near ROWs and pose an immediate threat.
- Implement the Vegetation Management Act in a manner that provides reduced requirements and a shorter timeline for development, review and approval of operating agreements taking into consideration the financial resources of small utilities as provided for in the Act.
- Consistently implement the Vegetation Management Act throughout the U.S. Forest Service and the Bureau of Land Management to lessen the workload of utilities having to develop operating plans and agreements for right of ways on lands managed by both agencies.

- Improve the administrative permitting process for operations and maintenance work needed to reduce wildfire risk. Permitting changes should include expediting routine O&M plan reviews and employing broader application of permits (and tools such as master agreements and programmatic environmental impact statements) to facilitate projects aimed at preventing wildfires.

Taking these important actions is critical to fighting the growing danger of wildfire risk to communities across the Western US and is important to the health of the forests we are all seeking to protect.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt W. Miller". The signature is fluid and cursive, with a prominent initial "K" and "M".

Kurt W. Miller

Executive Director

Northwest Public Power Association