



PO Box 53999
Phoenix, AZ 85072

Gregory C. Smith
Director, Lands and Realty Management
1400 Independence Avenue SW
Washington, DC 20250-1124

Dear Mr. Smith,

Arizona Public Service Company (APS) appreciates the opportunity to submit comments to the United States Forest Service (USFS) on the proposed directive, Operating Plans and Agreements for Powerline Facilities (Proposed Directive), implementing section 512 of the Federal Land Policy and Management Act, as added by the Consolidated Appropriations Act of 2018. The Proposed Directive adds a chapter to USFS's Special Uses Handbook that provides guidance on vegetation management, routine maintenance, and inspections of electric transmission and distribution lines (powerline facilities) within and adjacent to their authorized rights-of-way (ROW) on National Forest System lands. The new guidance would direct USFS personnel to collaborate with electric utilities to develop comprehensive operating plans or agreements that cover all system reliability and fire mitigation activities and ensure minimum impacts to natural resources.

APS is an investor-owned utility with 6,300 employees serving 2.7 million customers and is Arizona's largest and longest-serving energy provider. APS operates facilities and conducts routine and non-routine or emergency operations and maintenance, vegetation management, and fire mitigation activities on five National Forests. Timely access to proactively address routine operational and vegetation maintenance and hazards within and adjacent to the ROWs is critical to safeguarding the bulk electric system, preventing negative impacts to sensitive ecosystems, plants, and wildlife, protecting company infrastructure, and ensuring reliable power to customers.

APS supports the collaborative objectives in the Proposed Directive and requests clarification and modification and removal of language outlined in the table below. It is acknowledged in the Proposed Directive that the proposed directives are an overwhelming task and a burden to resources for both utilities and USFS staff. APS urges the USFS to include a means to provide the authorized officer options to defer some of this burden and prevent lengthy and costly delays in implementing operating plans. Questions on these comments may be directed to Tracy Moore, tracy.moore@aps.com, 928-443-6783 or Andrew Rable, andrew.rable@aps.com, 480-446-0248.

Sincerely,

Tracy Moore
Supervisor, Forestry, Fire and Resource Management

Comments submitted electronically to:

<https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2718>

Chapter - Section	Title	Page	Description	Comment	Proposed in FSH 2709.11_80	Rationale
80.5	Definitions	7	MVCD	Suggest changing the phrase hazard tree to vegetation and hazard to concern.	<p>Suggested changes are in red and proposed language is [bracketed]</p> <p>Minimum Vegetation Clearance Distance. A calculated minimum distance stated in feet or meters measured from a powerline facility conductor (wire) at maximum operating sag to vegetation on NFS lands within the linear right-of-way for a powerline facility and on NFS lands adjacent to either side of the right-of-way to remove or prune hazard trees [vegetation], which the owner or operator uses to determine whether vegetation poses a system reliability hazard [concern] to the powerline facility.</p>	MVCD applies to all vegetation, not just hazards or trees. MVCD is the foundational basis for decisions regarding the extent of routine maintenance activities. It is a violation of the FAC-003-4 Reliability Standard to allow vegetation to grow into the MVCD and requires self-reporting and potential review and fines. Therefore, all maintenance decisions and activities are formulated by the utility to prevent any vegetation from encroaching into this space. The complexity of calculating this at maximum operating conditions must be considered and factored into routine maintenance decisions.
	NHPA Section 106		General Comment	Please clarify whether a literature review or an archaeological survey will be required prior to the implementation of an Operating Plan. Provide a means to defer surveys and/or literature reviews until specific Class III maintenance activities warrant they be done.	<p>Suggest additional language in [red]</p> <p>Section 84 # 8 on page 13 Document measures [required when proposed activities warrant compliance (see Class III activities sec. 87.3)] with applicable laws for protection of threatened and endangered species, other species of concern, and cultural resources and specify any limitations or restrictions based on applicable land management plans; threatened or endangered species or other species of concern; archaeological and paleontological discoveries; or other resource concerns, including maps, as appropriate;</p>	<p>Class I and Class II activities are defined as "routine activities that are deemed by the authorized officer to involve minimal ground disturbance and impacts on vegetation inside and outside the linear right-of-way for the powerline facilities and that do not require additional environmental analysis or consultation for threatened and endangered species and cultural resource impacts."</p> <p>It is acknowledged in multiple locations of this document that this is an overwhelming task and burden to resources for utilities and FS staff especially where hundreds of miles of line are present on FS lands. Language proposed would defer some of this burden until Class III activities are proposed and prevent delays in implementing the operating plan.</p>

Chapter - Section	Title	Page	Description	Comment	Proposed in FSH 2709.11_80	Rationale
87.1	Class I Activities	22	2. Prior Notice & 3. Prior Acknowledgement or Approval	Modify Class I activities or add a separate activity class that allows an option for an authorized officer to waive notifications.	<p>Suggest additional language in [red]</p> <p>2. <u>Prior Notice</u>. A telephone call or email is sufficient prior notice for Class I activities. [This notification may be waived at the discretion of the authorized officer.]</p> <p>3. <u>Prior Acknowledgment or Approval</u>. Prior approval from the authorized officer is not required for Class I activities. However, Class I activities [when deemed required by the authorized officer] must have prior acknowledgment from the authorized officer by telephone or email.</p>	Forests should have the option to authorize an activity class that requires no prior notice, such as routine inspections using existing roads that are open to the public.

Chapter - Section	Title	Page	Description	Comment	Proposed in FSH 2709.11_80	Rationale
87.3	Class III Activities	23 to 24	Major hazard tree removal that extends beyond the linear right-of-way for a powerline facility	Reference to "major hazard tree removal that extends beyond the linear right-of-way for a powerline facility" should be removed entirely from the Description of Class III activities. This reference introduces a new term, "major hazard tree," for which there is no corresponding definition within statute or U.S. Forest Service regulations, guidance, or policies. In the absence of a definition, utilities have no guidance as to when a given hazard tree removal project implicates a Class III activity and its attendant requirements. In addition, the Description implies a requirement that all major hazard tree removals, which involve work that extends beyond a powerline facility's linear right-of-way, must be accompanied by "additional environmental analysis and consultation for threatened and endangered species and cultural resource impacts." Such a requirement would certainly be contrary to Section 512 of the Federal Land Policy and Management Act, which authorizes the removal of hazard trees of any kind where there is an "imminent danger" of electrical line contact regardless of whether that removal occurs within or outside of a powerline facility's linear right-of-way. In such cases, Section 512 of FLPMA authorizes vegetation removal without additional environmental impact review or other consultation. The Description of Class III activities cannot otherwise undermine the clear statutory directives in Section 512 of FLPMA.	<p>Suggest strike language in red</p> <p>Description. Class III activities involve new, changed, or additional uses or areas under 36 CFR 251.61. Due to their complexity, impacts, and scope, Class III activities will typically require additional environmental analysis and consultation for threatened and endangered species and cultural resource impacts. Examples include but are not limited to new construction and rerouting of powerline facilities; non-routine powerline facility maintenance; major hazard tree removal that extends beyond the linear right-of-way for a powerline facility; road and trail construction and reconstruction, non-routine road and trail use and maintenance, e.g., involving installation of drainage features, fences, gates, or signs; and installation of fiber optic cable on powerline facilities.</p>	Major hazard tree removal is not defined.