



January 11, 2021

Gregory Smith
Director, Lands and Realty Management
Forest Service, United States Department of Agriculture
1400 Independence Avenue SW
Washington, D.C. 20250

Dear Mr. Smith,

The United States Department of Agriculture, Forest Service (USFS or Service) recently issued a 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 2018.¹ The Proposed Directive adds a chapter to the USFS's Special Uses Handbook for guidance on vegetation management, operation and maintenance (O&M), and inspection of electric transmission and distribution lines (powerline facilities) within and adjacent to their authorized rights-of-way (ROWs) on National Forest System (NFS) lands. The new directive will instruct Service personnel on collaborating with electric companies to develop comprehensive operating plans and agreements that cover all system reliability and wildfire mitigation activities, while ensuring minimum impacts to natural resources. The American Public Power Association (APPA), the Edison Electric Institute (EEI), and the National Rural Electric Cooperative Association (NRECA) and the Northwest Public Power Association (NWWP) (collectively, the Joint Electricity Trades) offer these comments on the proposal.

Electric companies own and operate powerline facilities and associated infrastructure on NFS lands. Conducting routine, as well as non-routine or emergency, O&M, facility inspection, and vegetation management activities are a key part of enhancing the electric grid, maintaining system reliability, and reducing the potential risk of wildfire. The increase in catastrophic wildfires underscores the need for electric companies to gain timely access to proactively address operational and vegetation management issues—including hazard trees—within and adjacent to their ROWs. The Proposed Directive appropriately recognizes the need for USFS collaboration with the electric power industry on developing, approving, and implementing operating plans and agreements to provide for long-term, cost-effective, efficient, and timely inspection, O&M,

¹ USFS, Proposed FSH 2709.11–Ch. 80, *Operating Plans and Agreements for Powerline Facilities* (Dec. 10, 2020); *See also* 85 *Fed. Reg.* 79,462 (Dec. 10, 2020).

and vegetation management within and adjacent to powerline facility ROWs, to enhance electric grid reliability, promote public safety, and avoid fire hazards. *See* Proposed Directive at 3.

The Proposed Directive focuses the Washington Office of Lands and Realty Management to further provide training and training materials—with input from the electric power industry—for operating, maintaining, and inspecting powerline facilities. *Id.* at 5. The Proposed Directive also instructs the Service’s authorized officers, “to the maximum extent practicable that their employees who work with owners and operators on the development of proposed operating plans and agreements, and who review and approve proposed operating plans and agreements are trained on this directive.” *Id.* Electric companies have a long history of working collaboratively with the USFS on vegetation management and O&M activities within and adjacent to powerline facility ROWs located on NFS lands. The Joint Electricity Trades and their members look forward to expanded collaboration on the development and delivery of effective training and training materials that provide for more consistent and timely approval of operating plans and agreements.

Moreover, improved communication and collaboration between electric companies and the USFS in implementing the operating plans and agreements are critical to ensuring that the decision-making process is as streamlined and efficient as possible. This is especially true as it relates to minimizing the need for case-by-case approvals of activities conducted under approved operating plans and agreements. In addition, it is imperative that the USFS continue to evaluate ways to streamline and bring consistency to the Endangered Species Act, National Environmental Policy Act, and National Historic Preservation Act reviews that are required as part of the operating plan and agreement approval process.

The Joint Electricity Trades appreciate that the Proposed Directive contains a sample operating plan or agreement which identifies when electric companies and the USFS should coordinate on certain planned activities. However, engagement and communication between the electric companies and the USFS staff will be unique to each operating plan or agreement based on the needs of the local electric company, community, and NFS unit. Thus, a degree of flexibility will be required. Critically, the USFS must ensure that there is no delay in the approval timeline as a result of the inability to adhere to the examples provided in the proposed directives or the associated sample operating plan or agreement.

Electric companies appreciate a collaborative process for the development, approval, and implementation of operating plans and agreements to conduct vegetation management, routine maintenance, and inspections of powerline facilities within and adjacent to their authorized ROWs on NFS lands. This allows for the continued enhancement of electric grid reliability, promoting public safety, and avoids wildfire hazards. The Joint Electricity Trades support and look forward to the finalization of the Proposed Directives.

Sincerely,

The American Public Power Association
The Edison Electric Institute

The National Rural Electric Cooperative Association
The Northwest Public Power Association

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The American Public Power Association (APPA) is the voice of not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. They represent public power before the federal government to protect the interests of the more than 49 million people that public power utilities serve, and the 93,000 people they employ.

The Edison Electric Institute (EEI) is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for more than 220 million Americans, and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than 7 million jobs in communities across the United States. In addition to our U.S. members, EEI has more than 65 international electric companies, with operations in more than 90 countries, as International Members, and hundreds of industry suppliers and related organizations as Associate Members.

The National Rural Electric Cooperative Association (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. Electric cooperatives operate at cost and without a profit incentive. From growing regions to remote farming communities, electric cooperatives power one in eight Americans and serve as engines of economic development for 42 million Americans across 56 percent of the nation's landscape. Collectively, cooperatives own and maintain 2.6 million miles or 42 percent of the nation's electric distribution lines. Electric cooperatives share a common goal of responsibly providing safe, reliable, and affordable energy and technology services to their local communities.

The Northwest Public Power Association is an international trade association comprised of 158 consumer-owned electric utilities in the Western United States and British Columbia. NWPPA's members include rural electric cooperatives, municipal utilities, and people's or public utility districts in Alaska, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and Canada. These utilities employ approximately 20,000 people and serve approximately 5 million customers.