**Northwest Public Power Association**

**Resolution 2021-16**

**Vegetation Management and Fire Prevention on Rights of Way**

**Background**

Of great concern to the electric utility industry is the timely management of vegetation growing along electric transmission and distribution lines on rights-of-way (ROW) located on federal lands. Proper vegetation management ensures reliable electric service, reduces power-line related wildfires, and safeguards electric infrastructure.

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 cause 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. The BLM and Forest Service are in the process of implementing the Act.

**NWPPA’s Position**

* NWPPA supports policies that provide electric utilities with transmission and distribution lines on 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.
* NWPPA supports prompt implementation of 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.
* NWPPA supports implementation of 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.
* NWPPA supports consistent implementation of the Act by 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.

Origination Date: 2016. Revised 2017 and 2021.