

STATEMENT OF  
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BEFORE THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
SUBCOMMITTEES ON POWER AND WATER  
AND  
FORESTS AND FOREST HEALTH  
COMMITTEE ON RESOURCES  
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CONCERNING

The Need for Proper Forest Management on Federal Rights of Way to Ensure Reliable Electricity Service

Mr. Chairman and members of the Subcommittees, thank you for the opportunity to appear before you today to provide the Department's views on the need for proper forest management on federal rights-of-way to ensure reliable electricity services.

The Department recognizes that electric utilities provide an essential service that is closely tied to our Nation's economy and welfare. To meet both ecological and reliability standards, it is essential that the Forest Service and utilities work cooperatively to streamline and expedite the management of vegetation near utility lines and facilities, including facilities on federal lands, in a timely and efficient manner.

#### Overview

The USDA Forest Service manages approximately 193 million acres of National Forests and Grasslands in 42 states, as well as the Commonwealth of Puerto Rico, managed under multiple use and sustained yield principles. In this context, the Forest Service oversees a vast, complex array of natural resources and opportunities. Rights-of-way for electric transmission lines are one of the many uses of National Forest System lands. Presently, there are approximately 3,000 authorized electric transmission and distribution facilities on the National Forests and Grasslands, including about 1300 rural electric facilities.

Rights-of-way for electric transmission lines are a legitimate use of National Forest System land. We have a tremendous obligation and a great opportunity to work with the utility companies, and through them, serve our rural and urban communities. We see it as an important part of our mission as well as assisting in achieving one of our strategic plan goals of helping meet energy resource needs.

#### Rights-Of-Way Management

One of the most significant challenges in the management of electric transmission rights-of-way is the interference of undesirable vegetation. In order to provide a dependable supply of electricity, utilities must manage vegetation near their transmission and distribution lines and other facilities to prevent blackouts and wildfires, which can harm people, wildlife, habitat, and property.

Recognizing the importance of reliable electric service, Congress made provisions in the Energy Policy Act of 2005 to improve electric system reliability standards, including establishing vegetation management standards. Moreover,

Congress specified that federal land management agencies responsible for approving rights-of-way for electric transmission or distribution facilities located on federal lands must expedite any approvals necessary to allow the owners or operators of these facilities to comply with standards for vegetation management, electric service restoration, and to resolve situations that imminently endanger the reliability or safety of the facilities.

Actions can be taken to reduce the impacts of undesirable vegetation on electric transmission rights-of-way. Utility companies who hold a special use permit on National Forest System lands have the authority to clear branches or tress on or adjacent to the right-of-way that generally threatens safe transmission. In emergency situations (i.e. after a wind, or ice storm or other extreme weather event) permit holders may be allowed to take additional actions without prior approval, provided notice is given to the Forest Service within 48 hours after the fact.

Proper and coordinated planning for right-of way management is critical for the Forest Service to expedite any approvals necessary to allow permit holders to comply with standards for vegetation management. Right-of-way operating plans developed and agreed to by both the permit holders and the Forest Service are key to streamlined approvals for effective actions for rights-of-way management.

Operating plans outlining communication contact information, health and safety standards and comprehensive maintenance operations for the rights-of-way management assure both the permit holder and Forest Service know what to expect when maintenance of rights-of-way are needed. With an approved operating plan in place, permit holders can take actions to manage undesirable vegetation and ensure a dependable supply of electricity to the communities they serve. Typically, notification from the permit holder for repair and maintenance activities could then operate as follows: Routine maintenance would require advanced notice for ground disturbance and tree removal, emergency repairs would require notice as soon as possible, and major actions would require substantial advance notice in order for the Forest Service to comply with applicable environmental law.

### Cooperative Approach to Rights-Of-Way Management

Nationally, the U.S. Department Agriculture along with the U.S. Department of the Interior, U.S. Environmental Protection Agency and the Edison Electric Institute—an association of shareholder-owned electric companies—will soon finalize a memorandum of understanding (MOU) that establishes a programmatic framework for developing a cooperative integrated vegetation management (IVM) set of practices for electric transmission rights-of-way. We anticipate these same procedures could apply to all utility companies operating on National Forest System lands.

The objective of this MOU is to manage vegetation and the environment to balance benefits of control, costs, worker and public health and safety, environmental quality, and regulatory compliance.

The MOU is intended to facilitate the following goals:

- Maintain reliable electric service;
- Maintain power line safety;
- Reduce the likelihood of wildfires;
- Protect the soil and water resources;
- Reduce the risk to human health;
- Streamline administrative processes for approving right-of-way maintenance practices;
- Promote the use of local species in re-vegetation projects;  
Encourage outreach to educate the public in general about the use and acceptance of integrated vegetation management on electric transmission rights-of-way;
- Facilitate prompt evaluation and mitigation or eradication of dangerous right-of-way conditions; and
- Incorporate best management practices, where appropriate, into the terms and conditions of authorizations for electric transmission line rights-of-way.

In addition to the development of the National MOU, the Forest Service and electric utilities are working cooperatively to promote sound management within rights-of-way for electric transmission. Some examples are as follows:

- In October 2005, the Forest Service and the Bureau of Land Management in cooperation with the Western Electricity Coordinating Council, Western Governor's Association, and the Council of Western State Foresters, sponsored the "Promoting Effective Collaborations Between Electric Utilities and Land Management Agencies" workshop. The workshop objective was to explore responsibilities, expectations and issues in order to benefit public lands while maintaining the reliability of the electric transmission system. This workshop has helped build relationships between electric utilities and the federal land managers as well as establish a mutually agreed upon framework for operations.

- The National Forests Supervisor's Council of Arizona, the Arizona Public Service Commission (APS), the Western Area Power Administration (WAPA) and the Salt River Project (SRP) have formed a Utility Vegetation Management (UVM) working group to establish guidelines for utility corridor maintenance. The guidelines address such issues as the development of clearing standards for the separation needed between power lines and vegetation to prevent outages and fires. The UVM working group has almost completed these guidelines for the preparation of individual operating plans. Once clearing standards are finalized in an operating plan, the utility company will be able to use those same standards to meet their reliability requirements.
- Working collaboratively in California, the Forest Service and the Pacific Gas and Electric Company (PG&E) outlined a course of action that reduces the number of authorizations by combining individual permits into master authorizations for each Forest, standardized permit terms, conditions and operating plans between Forests. The process was piloted in the spring of 2005 on the Plumas National Forest. Based on the successful results of the pilot run, the program was implemented on four more Forests. The results are promising due in large part to PG&E's strong commitment to sound land stewardship practices and an extensive knowledge of resource issues and challenges related to utility management.

#### Energy Policy Act of 2005 (P.L. 109-58)

We along with other federal land managers continue to assess the existing designation of electric transmission facilities and corridors and plan for future developments. After enactment of the Energy Policy Act of 2005, Congress requested the Secretaries of Agriculture, Energy, and the Interior and the Chairman of the Council on Environmental Quality to prepare a report assessing the status of electric transmission and distribution corridors and transmission facilities on federal land.

The Forest Service contributed the following specific information to the November 2005 Report to Congress:

- The Forest Service has designated 317 electric transmission and distribution corridors through National Forest land management plans (Forest Plans).
- The Forest Service is proposing to designate an additional 44 electric transmission and distribution corridors through Forest Plan revisions or amendments.
- The Forest Service is assessing 13 applications for electric transmission facilities.
- A total of 1,803 electric transmission and distribution rights-of-way are expected to be reauthorized over the next 15 years.
- The delays in processing both reauthorization of electric transmission rights-of-way and designation of proposed electric transmission corridors under FLPMA result from legal challenges, delays in other federal agency approvals, request for extended public comment periods, the complexity of some requests, and competing priorities affecting staff resources and workloads.

In March 2006, the Forest Service promulgated regulations to recover the costs of processing special use applications and monitoring compliance with special use authorizations in part to provide additional resources to respond effectively to the increase in rights-of-way applications and renewals. Taking this action should provide more effective management of rights-of-way.

Additional efficiencies are expected through the development and completion of the West-Wide Energy Corridor Programmatic Environmental Impact Statement that is being conducted pursuant to Section 368 of the Energy Policy Act of 2005. This study will gather and interpret information on all energy corridors—oil, gas, hydrogen pipelines, and electric transmission and distribution facilities—in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming. A similar study will be conducted for the remaining contiguous United States by August 2009.

#### Conclusion

The Forest Service working with holders of authorizations of electric transmission rights-of-way expects to make further progress in managing undesirable vegetation in and adjacent to federally managed rights-of-way. As was mentioned earlier, proper and coordinated planning for right-of way management is critical for the Forest Service to expedite any approvals necessary to allow permit holders to comply with standards for vegetation management.

Mr. Chairman, with the new authorities that we have been given and the dedication and talent of the Federal land management agencies and our partners, we are confident that we will make significant improvements in the management

of electric transmission rights-of-way. We will continue to work with our utility partners, other federal, state, and local partners to accomplish this. We appreciate your support. I would be happy to answer any questions the committee may have.