Statement of Randy S. Howard

On behalf of the Northern California Power Agency and the American Public Power Association

Before the House Committee on Natural Resources Subcommittee on Water, Wildlife and Fisheries

"Fix Our Forests for Affordable and Reliable Water and Power Supplies"

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I. INTRODUCTION AND EXECUTIVE SUMMARY

Chair Hageman, Ranking Member Hoyle, and Members of the Subcommittee: Thank you for the invitation to testify on a matter of existential importance as a national issue, but particularly in the West and to our national infrastructure: the deteriorating health of our federal forests and its direct threat to the reliability, availability, and affordability of our water and power supplies. Industry is very appreciative of the Committee's work on wildfire issues, including support for Fix our Forest Act and the Fire Safe Electrical Corridors Act.

My name is Randy S. Howard, and I am the General Manager of the Northern California Power Agency (NCPA), a nonprofit joint powers authority formed in 1968 to plan, build, and operate power generation resources that serve approximately 700,000 customers in 16 public power communities and districts across Central and Northern California. Our agency owns and operates geothermal, hydroelectric, and natural gas facilities, and our members are recipients of federal power from the Central Valley Project. I am also testifying on behalf of the American Public Power Association (APPA), the voice of not-for-profit, community-owned utilities that power more than 2,000 towns and cities nationwide. Public power utilities are in every state

except Hawaii. They collectively serve over 55 million people in 49 states and five U.S. territories.

Across my career, including service as Senior Assistant General Manager of the Power System at the Los Angeles Department of Water and Power, I have led wildfire mitigation planning, emergency operations, and post-fire recovery. I co-chair the Electricity Subsector Coordinating Council (ESCC) Wildfire Working Group, which brings utilities from all sectors of the electricity industry together with federal agency leadership to ensure that agency regulations and requirements reflect today's challenges related to the frequency and severity of today's wildfires. And I participate in Federal Energy Regulatory Commission (FERC) transmission policy development through a number of forums, including APPA, the Transmission Access Policy Study Group (TAPS), the Institute of Electrical and Electronics Engineers (IEEE), and the Transmission Agency of Northern California (TANC). In brief, forests are dynamic systems that demand active management. When we fail to manage fuels, we pay the price in blackouts, boil-water notices, lost hydropower, and unaffordable insurance and litigation costs borne by our customers. This testimony sets forth (1) the operational barriers utilities face before, during, and after wildfire; (2) a legislative pathway to streamline utility mitigation and align federal treatments with grid-hardening investments; and (3) financial reforms to protect ratepayers while preserving reliability.

II. THE CONDITION OF FEDERAL FORESTS: A UTILITY PERSPECTIVE

A. Impacts Before Wildfire: Permitting Cliffs and Preventable Ignitions

Utilities work year-round to reduce ignition risk from vegetation contacting conductors, pole-top equipment, and sub-transmission lines. Within established rights-of-way (ROWs), we

routinely clear brush and trim trees to meet engineering clearances. The challenge arises at the ROW boundary—particularly on federal lands—where "hazard" trees outside the corridor threaten to fall into power lines during high-wind events. Hazard trees are well-recognized as having a structural defect like decay, splits, and dead parts that make it likely to fall and cause significant damage to people or property. But removing those trees often requires case-by-case approvals and environmental reviews under the National Environmental Protection Act (NEPA) or National Historic Preservation Act (NHPA), even when the trees present an immediate public safety risk.

From an operator's vantage, these delays are not academic. A single beetle-killed or structurally compromised tree leaning toward a 115-kV (kilovolt) line can dictate whether we must de-energize circuits during a "Red Flag Warning" for extreme fire danger. While utilities have deployed covered conductors, spacer cable, and fast-trip relays, there is no substitute for timely hazard-tree removal. Unfortunately, approvals to remove even a single hazard tree can take months—in some districts, years—and well beyond the seasonal windows when crews can safely access steep terrain or before nesting restrictions take effect.

Targeted policy fixes can convert this multi-year process for time-sensitive necessary removals into weeks by establishing: (1) categorical exclusions under NEPA/NHPA for routine and emergency vegetation work, access-road maintenance, and post-fire recovery within existing corridors; (2) standardized, time-bound emergency hazard-tree protocols across United States Forest Service (USFS) and Bureau of Land Management (BLM) regions; (3) amendments to the Federal Land Policy and Management Act (FLPMA) to expand safe-clear buffers adjacent to power lines and provide automatic approval when agencies do not act within defined windows; and (4) modernized rules permitting utilities to remove felled timber and slash without a timber

sale or donation process, so fuel is not left drying on the forest floor as kindling for a potential future fire as it routinely does now.

B. Impacts During Wildfire: Reliability, Public Safety Power Shutoffs, and Critical Infrastructure

Wildfires in overgrown forests produce smoke and ash plumes that increase conductivity across long spans of high-voltage power lines. On bulk transmission, this can lead to flashover conditions and protective relay operations at distances far from the flame front. In parallel, aviation safety often requires de-energizing nearby lines to support retardant drops and helicopter operations in narrow canyons—actions that must be coordinated across balancing areas. Utilities have expanded the use of "Public Safety Power Shutoffs" (PSPS), or fast-trip programs, on distribution and sub-transmission networks to limit ignition risk during extreme weather. These drastic tools to cut customers' power are sometimes unavoidable until fuel loads and vegetation hazards are reduced. However, they pose significant consequences: lost refrigeration and communications for vulnerable populations, strained hospitals and water systems, and voltage instability when neighboring utilities de-energize concurrently. Wide-area coordination, common operating thresholds, and cross-jurisdiction communication protocols are essential to prevent unintended cascading impacts.

C. Impacts after Wildfire: Sediment, Turbidity, and Loss of Water Storage and Generation

The wildfire crisis does not end when containment is achieved. Canopy loss, soil hydrophobicity, and slope destabilization combine to deliver extraordinary sediment loads into reservoirs during the first major storm events. Ash and debris reduce water quality, overload treatment plants, and choke hydropower intakes. For FERC-licensed hydropower facilities

operating on or near federal lands, approvals to stage dredging, dispose of soils, and repair roads can take months—even though mitigation must occur before the next storm cycle.

NCPA's experience illustrates the challenge. After a series of wildfire-related landslides occurred upstream from one of our hydropower storage reservoirs, the accumulated sediment in the reservoir is increasing at a rate that is approximately 20 times what would be normal. The buildup of this debris has greatly reduced the facility's hydropower production and could impede the intake structure to the point that sufficient water to generate power is not possible.

A practical solution is to redeposit this non-contaminated sediment, which originated on Forest Service lands, back onto Forest Service lands for beneficial reuse—road repair, meadow restoration, or strategic firebreaks—under a standing agreement. Yet, there are varying interpretations among USFS regional offices as to whether such agreements are permissible, leaving utilities to truck material long distances, increasing costs and emissions while delaying permits and restoration. Importantly, delays in the removal of these deposits – which can be years – threaten grid reliability as hydropower resources provide baseload and dispatchable power supplies. These challenges exist at hydropower reservoirs across the nation, and federal policy changes and agency directives are needed to address this sediment issue.

Case Studies: Post-Fire Sedimentation Impacts (Examples)

The following examples illustrate the operational and financial consequences of post-fire sediment surges on reservoirs and water systems in the West:

Event	Location	Impact Detail
2002 Hayman Fire	Colorado	Over 1 million cubic yards of sediment entered Strontia Springs Reservoir; multimillion-dollar dredging and restoration for Denver Water.

2018 Carr Fire	Northern California	Sediment loads into Whiskeytown Lake measured orders of magnitude higher than pre-fire levels, degrading water quality and increasing operation and maintenance (O&M) demands.
2021 Caldor Fire	Sierra Nevada	Following a dry first year, second-year rainfall and post-fire logging produced sharp increases in sediment delivery to downstream reservoirs.

Sources: USGS Pacific Coastal and Marine Science Center case analyses and national reporting on Strontia Springs Reservoir (Hayman Fire); USGS briefings on Carr and Caldor Fire impacts.

III. THE LEGISLATIVE SOLUTION: THE FIX OUR FORESTS ACT (H.R. 471)

Committee Chair Bruce Westerman's Fix Our Forests Act (HR 471), which passed the House last January, provides a framework to move from reactive firefighting to proactive management. For utilities, three features of this bipartisan measure matter most: (1) streamlining hazard-tree removal within and adjacent to utility corridors; (2) prioritizing high-risk fire-shed areas so federal treatments align with where utility infrastructure is most exposed; and (3) providing a durable "Cottonwood fix" to avoid indefinite re-consultations for restoration projects after rigorous environmental review.

Aligning federal schedules with utility investments yields tangible benefits. When USFS and BLM thinning projects are scheduled on the same horizon as utility grid-hardening, we can coordinate conductor covering, pole replacements (steel or composite), selective undergrounding, and advanced sensors and protection settings—reducing ignition probability, preserving service during severe events, and lowering costs by avoiding redundant mobilizations and duplicative surveys.

Expedited post-fire permitting is essential: categorical exclusions for recovery and hardening activities within existing ROWs—where impacts are de minimis—should cover routine/emergency vegetation management, hazard-tree removal adjacent to ROWs, and repair/maintenance/hardening upgrades.

NCPA and APPA commend Chair Westerman for his vision and leadership in advancing the Fix Our Forests Act. We strongly support the measure and have been working together to ensure its expeditious passage in the US Senate.

IV. GRID OPERATIONS AND COORDINATION

Bulk transmission lines in the West frequently span USFS and BLM lands across steep, fire-prone terrain. As fire weather intensifies, the intersection between land management and grid operations becomes daily, not seasonal. Utilities, the North American Electric Reliability Corporation (NERC), and FERC can help by continuing targeted outreach to federal agencies and incident commands, establishing common playbooks for de-energization near aerial operations, and incorporating utility restoration priorities in joint information centers. Needed practical steps include shared Geographic Information System (GIS) layers identifying critical corridors and helicopter/air tanker routes; predefined criteria for smoke density and ash deposition that trigger patrols versus de-energization; and mutual-aid checklists for post-fire access, hazard-tree felling, and staging—templates and memorandums of understanding that convert hours of negotiation into minutes during an incident.

V. GRID DESIGN AND HARDENING

The State of California has integrated wildfire risk into transmission planning. Beginning in 2020, the California Independent System Operator refined its planning process to identify

long-term, structural solutions to complement operational measures. Utilities across the state have accelerated investments in undergrounding targeted segments, covering conductors, replacing wood poles with steel or composite materials, and deploying high-speed relays and sensors that reduce fault energy and ignition probability.

While existing NERC transmission-planning standards do not name wildfire explicitly, planners are required to consider a broad set of credible contingencies. Ongoing NERC work on standards for extreme natural events will help ensure that planners assess multi-asset exposures (e.g., parallel corridors through high-risk fire-sheds) and develop remedial schemes and redundancy that account for fire behavior and suppression constraints.

Examples of effective hardening include: (1) covered conductor retrofits on windy ridgelines where tree strikes are most likely; (2) composite and/or steel poles in high-heat corridors where wood pole integrity is compromised; (3) strategic undergrounding in choke points near communities and hospitals; and (4) segmented line recloser strategies with fast-trip during red flag conditions that revert to standard settings when risk declines.

VI. UTILITY LIABILITY AND RATEPAYER AFFORDABILITY

Electricity reliability means little if service becomes unaffordable. In several Western jurisdictions, strict liability regimes expose utilities—and ultimately their customers—to catastrophic costs even when utilities adhere to approved Wildfire Mitigation Plans (WMPs). Insurance markets price this uncertainty; capital costs rise; and dollars that should be directed to grid hardening and forest restoration instead fund premiums and litigation.

Congress can help by exploring new fault-based liability frameworks that reflect today's realities and provide a presumption of non-negligence for utilities operating under approved WMPs and adhering to documented patrol and maintenance schedules. Pair that with a federal

wildfire backstop or risk-pooling mechanism and the cost of capital declines, allowing utilities to invest in prevention rather than paying after-the-fact claims. Ratepayers should not be the insurer of last resort for failures they did not cause and cannot control.

Accountability must accompany reform: transparent WMPs, third-party audits, publicly reported patrol miles and tree trims, and post-incident reviews to assess settings, patrols, and crew deployment. Fault-based does not mean lax—it means fair. Utilities negligent in maintenance or operations should be held responsible; utilities that meet or exceed standards should not be punished for wind-thrown trees from unmanaged forests falling into lines. There has been progress in addressing these liability issues at the state level in the West—one example and model can be found in the State of Utah's SB 224, which establishes a Utah fire fund to supplement insurance, sets administration, funding, and access rules, and defines damage claim parameters by placing caps on noneconomic losses while assuring higher limits for physical injury and providing exceptions for wrongful death.

VII. RECOMMENDATIONS

In summary, I would like to outline for the Subcommittee some key policy recommendations below that will serve to prevent wildfires, address recovery, and align liability challenges to protect those impacted by wildfires while ensuring electricity ratepayers are not left carrying an unwarranted portion of costs. These policies are supported by public power systems, and many stem from the excellent work of the ESCC.

1. Categorical Exclusions: Establish NEPA/NHPA categorical exclusions for routine and emergency vegetation management, corridor access-road work, post-fire recovery, and grid-hardening within existing ROWs.

2. *Hazard-Tree Buffers:* Amend FLPMA to authorize hazard-tree clearing up to approximately 150 feet from conductors where conditions warrant, with science-based district guidance.

3. Automatic Approvals: Create statutory timelines for vegetation-management plan review with automatic approval if agencies do not act within defined windows, and a modified-plan track when partial feedback is provided.

4. Felled Material Removal: Modernize rules to allow utilities to remove felled timber and slash from forests without timber sale/donation processes when removal reduces fuel loads and fire risk.

5. Master Service Agreements: Require expedited implementation of master service agreements combining multiple permits and updating expired ROW permits, so utilities with numerous corridors can act quickly and safely.

6. Joint Incident Protocols: Adopt joint incident command and community messaging mechanisms that explicitly prioritize power restoration and utility access post-wildfire.

7. ***Regional PSPS Coordination:*** Develop regional coordination for PSPS/fast-trip thresholds and notifications to avoid cascading outages and voltage instability when multiple utilities act simultaneously.

8. Sediment Reuse Agreements: Pre-authorize sediment redeposition on federal lands with beneficial reuse (road repair, meadow restoration, firebreaks) under template agreements.

9. Planning Standards: Support NERC's work to integrate extreme natural events—including wildfire—into planning standards and encourage scenario planning for fire-shed exposure.

10. Liability Reform: Pursue fault-based liability standards with WMP presumptions of non-negligence and establish a federal wildfire risk pool/backstop to lower ratepayer costs.

In recognition of the current conditions of our forest, the federal land management agencies should:

- Maintain their commitment to a $1 million strict liability cap. To solidify this commitment, the USFS should withdraw its March 2023 notice of proposed rulemaking on *Land Uses; Special Uses; Cost Recovery, Strict Liability Limit, and Insurance,* 88 Fed. Reg. 14517 (March 9, 2023).
- Work with the Department of Justice to eliminate strict liability requirements as appropriate under FLPMA and 36 C.F.R.§§ 251.56(d) and 251.56(h)(9) for utility special use authorization holders without a finding of fault. In the meantime, the land management agencies should utilize their discretion to lower the amount levied on utilities for wildfire events.

VIII. CONCLUSION

The Nation and particularly the West depend on forests that are actively managed and resilient. Utilities can and do take extensive mitigation measures to harden the grid, adopt conservative operating practices, and invest in technology. But, without timely access and authorization to remove hazard trees, clear corridors, restore power, and manage post-fire sediment, our efforts are constrained by process rather than performance.

Chair Westerman's Fix Our Forests Act provides the needed authorities to act, and liability reform provides the financial stability to sustain investment. With these tools, "affordable and reliable" can be more than a hearing title—it can be the lived experience of our customers.

Thank you for the opportunity to testify. I look forward to your questions.