



The Honorable John Curtis
 U.S. Senate
 502 Hart Senate Office Building
 Washington, DC 20510

The Honorable John Hickenlooper
 U.S. Senate
 316 Hart Senate Office Building
 Washington, DC 20510

The Honorable Tim Sheehy
 U.S. Senate
 124 Russell Senate Office Building
 Washington, DC 20510

The Honorable Alex Padilla
 U.S. Senate
 331 Hart Senate Office Building
 Washington, DC 20510

The Honorable Bruce Westerman
 U.S. House of Representatives
 202 Cannon House Office Building
 Washington, DC 20515

The Honorable Scott Peters
 U.S. House of Representatives
 2369 Rayburn House Office Building
 Washington, DC 20515

July 24, 2025

Dear Senators Curtis, Hickenlooper, Sheehy, Padilla and Congressmen Westerman and Peters:

On behalf of over 150 community-owned electric utilities across the Western United States, we thank you for introducing the bipartisan *Fix Our Forests Act* (S. 1462/H.R. 471). This important legislation will enhance the ability of electric utilities across the West to mitigate the growing risk of wildfire near power lines.

We, the undersigned parties are not-for-profit utilities, a joint operating agency, and trade associations representing over 150 community-owned electric utilities in Alaska, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. These utilities include rural electric cooperatives, municipalities, tribal utilities, and public or people's utility districts—each governed by and accountable to the communities they serve. Collectively, our members serve more than 10 million residents across these ten states and share your collective commitment towards meaningful steps to address the looming threat of wildfire.

Your legislation reflects a shared recognition that wildfire is an increasingly serious threat to the safety of our communities, the health of our natural resources, and the reliability of the electric infrastructure that supports our daily lives. Community-owned utilities are on the front lines of wildfire mitigation and resilience. A critical component of these efforts is the **timely and effective management of vegetation** near electric transmission and distribution lines. Without the flexibility to remove hazard trees and other high-risk vegetation, utility wildfire mitigation efforts are compromised.

INCREASED FLEXIBILITY TO MITIGATE FIRE RISK NEAR ELECTRIC POWER LINES

The *Fix Our Forests Act* addresses these challenges by supporting utility vegetation management and wildfire risk reduction on federal lands. We thank you for your leadership in introducing this legislation and strongly support these provisions, which would:

- Expand electric utility authority to remove hazard trees from within 10 feet to within 150 feet of electric power lines;
- Establish expedited timelines for federal agency review and approval of vegetation management plans, whether unmodified or modified; and
- Streamline timber sale and removal processes to reduce fuel loads near electric power lines, as outlined in the Fire Safe Electrical Corridor Act.

We have long advocated for more efficient processes to facilitate the management of vegetation within and near electric utility rights-of-way, thereby mitigating wildfire risk. Your legislation takes demonstrable steps in this direction. Upon review of the House and Senate texts, as well as the subsequent committee hearings and House Floor Consideration, we respectfully offer

additional improvements that could strengthen the legislation to support electric utility wildfire risk mitigation and post-fire recovery efforts. To that end, we support the inclusion of additional permitting reform to enable critical vegetation management and post-fire recovery within and near electric power line rights-of-way to reduce the risk of wildfires, and expanded emergency authority to remove hazard trees beyond the 150-foot allowance under your legislation to mitigate the risk of wildfire.

STREAMLINED PERMITTING FOR VEGETATION MANAGEMENT NEAR ELECTRIC POWER LINES IS CRITICAL TO MITIGATING FIRE RISK AND SUPPORTING POST-FIRE RECOVERY AND RESILIENCY EFFORTS

Vegetation management remains one of the most effective tools electric utilities have to reduce the risk of catastrophic wildfire. However, securing permits for these activities on federal lands often requires **5 or more years and upwards of \$5 to 7 million in environmental reviews and administrative processes**. These delays severely hinder utilities' ability to proactively manage vegetation and prevent fires caused by contact between trees and electric power lines.

The challenge is even more acute following a wildfire. Utilities work urgently to restore service, often with the goal of rebuilding more resiliently in our infrastructure through measures such as undergrounding electric lines and installing metal poles. However, overlapping and duplicative environmental reviews from multiple federal agencies routinely delay these efforts by years. One utility, for example, estimates that it will take up to seven years to complete the permitting necessary to underground lines following a catastrophic wildfire—an unacceptable delay when the window to rebuild more safely and sustainably is limited.

To ensure the timely implementation of the critical wildfire management work that the *Fix Our Forests Act* would authorize, Congress could provide an advanced, streamlined regulatory approval mechanism for utilities using federal lands for vegetation management within and near rights of way. This could include all associated road upgrades, helicopter landing pad development, and associated staging areas and infrastructure necessary to conduct vegetation management for utility lines in very remote areas. To facilitate this streamlined approval, Congress could provide that such work may be approved under the National Environmental Policy Act (NEPA) categorical exclusions and the ESA's emergency consultation regulations.

While we acknowledge that both House and Senate bills address permitting reform, we prefer the permitting reform language outlined in Section 204 in H.R. 471, which is applicable to **vegetation management activities within and near electric utility rights-of-way on federal lands** and respectfully request expansion of that categorical exclusion language to include post-fire recovery and resiliency improvements as well as prescribed burns. This targeted permitting reform would allow electric utilities to implement vegetation management plans more quickly

and effectively, improving fire prevention while continuing to uphold rigorous environmental stewardship.

Finally, in addition to the proposed 150-foot hazard tree removal authority in the *Fix Our Forests Act*, we urge an expansion of the authority to expressly allow emergency removal of trees that are taller than their distance to electrical infrastructure, even if they are outside the expanded right-of-way. This authority would provide electric utilities the ability to mitigate fire risk during emergency conditions.

ENSURING THE FINANCIAL STABILITY OF SMALL ELECTRIC UTILITIES AS INTENDED IN SECTION 512 OF FLPMA

Section 512(d) of the Federal Land Policy and Management Act (FLPMA) reflects Congress' intent to recognize and accommodate the unique needs of small electric utilities in the development of vegetation management agreements. Critically, Section 512(g)(2) limits strict liability damages per incident for small utilities with approved vegetation management plans to \$500,000. This provision was designed to offer meaningful liability protection and financial stability for small utilities operating on federal lands.

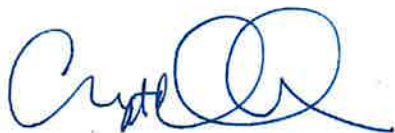
However, this liability limitation was enacted with a 10-year sunset and is currently set to expire in 2028. Despite its importance, the federal land management agencies have not widely implemented this provision. Notably, the Bureau of Land Management issued regulations in April 2024. As a result, the agency has not fully extended the intended liability protection to small utilities under Section 512(g)(2).

To ensure small utilities are not exposed to disproportionate and unaffordable liability, **we respectfully urge Congress to amend Section 512 to remove the sunset clause to make the \$500,000 strict liability cap permanent for qualifying small utilities, and require federal land management agencies to provide evidence of utility negligence when making claims above the strict liability limit.** Doing so would uphold the original congressional intent and provide essential financial certainty for utilities serving rural and underserved communities.

CONCLUSION

The *Fix Our Forests Act* is a meaningful step toward improving federal-utility collaboration on wildfire mitigation, protecting both public safety and critical infrastructure. We appreciate your leadership and look forward to continuing to work with you on advancing practical, commonsense solutions to reduce the risk of wildfire and ensuring resilience and reliability in electric service to our communities. We look forward to working with you and your Congressional colleagues toward the enactment of the *Fix our Forest Act*.

Sincerely,



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Alaska Power Association



James Ramseyer, President/CEO
Consumers Power Inc.



Ryan Redmond, Chief Executive Officer
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Frank Lawson, General Manager
Eugene Water & Electric Board



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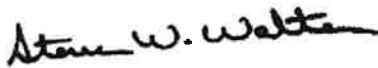
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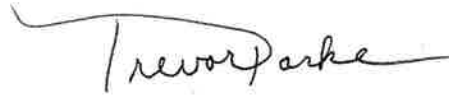
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