

**Testimony of Mason Baker
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Behalf of the American Public Power Association**

**United States House of Representatives
Natural Resources Subcommittee on Water, Wildlife, and Fisheries**

**"Bureaucratic Delays and the Costs to Ratepayers and Electric Power Systems"
February 24, 2026**

I. Introduction

Thank you for the opportunity to testify today on behalf of Utah Associated Municipal Power Systems (UAMPS) and the American Public Power Association (APPA) regarding the critical issue of forest management and wildfire prevention. My name is Mason Baker, and I serve as the Chief Executive Officer and General Manager of UAMPS.

UAMPS is an energy services interlocal agency of the State of Utah, established in 1980. As a project-based consortium, UAMPS provides a variety of power supply, transmission, and other services to its 50 members serving 395,600 customers in seven western states: Utah, Arizona, California, Idaho, Nevada, New Mexico, and Wyoming. Our members are primarily community-owned, not-for-profit municipal electric utilities. As public power entities, our members strive to provide safe, reliable, and affordable electricity to the communities they serve.

UAMPS is a member of APPA, the national trade organization representing the nation's 2,000 not-for-profit, community-owned electric utilities. Public power utilities are in every state except Hawaii. They collectively serve over 55 million people in 49 states and five U.S. territories. Public power utilities are load-serving entities, with the primary goal of providing their communities with safe, reliable electric service at the lowest reasonable costs, consistent with sound environmental stewardship. While public power utilities serve some of the nation's largest cities, nearly 1,600 of the 2,000 in operation serve rural communities.

In the West, our members' customers often live at the intersection of stunning natural beauty and extreme environmental risk. There is an increasing desire to live among this beauty in the Wildland Urban Interface, or WUI areas, but protecting against wildfire risk in WUI areas is essential to ensure safety and electric service reliability.

Our infrastructure includes the transmission and distribution lines that serve as the lifeblood of our rural and mountain communities, and which frequently traverse federal lands managed by the U.S. Forest Service (USFS) and Bureau of Land Management (BLM). Consequently, the health of our forests and the effectiveness of wildfire abatement strategies are not merely environmental concerns; they are fundamental to our ability to keep the lights on and keep our communities safe.

The region served by UAMPS members is also seeing significant growth in electric load, and a recent report identified the need to build more than 12,000 miles of new transmission in the West, along with needing to upgrade nearly 4,000 miles of existing transmission. Managing this significant increase in transmission lines across Western landscapes will require utilities to deploy proactive safety measures including regular inspections of critical infrastructure and vegetation removal in and near power line corridors.

II. The Threat: Wildfire and the Not-for-Profit Utility Reality

The landscape of wildfire risk in the West has shifted from a seasonal concern to a year-round crisis. A major factor that has contributed to this crisis is the prolonged drought across the interior Western states. The parched region has endured the driest multi-decade period the region has seen in 1,200 years, and this has left forests much more vulnerable to fire risk. The pattern continues this year, as mountain snowpack is critically low and Utah hit a record low for snowpack on February 1st, tracking lower than any of the 45 years of observations in the satellite/SNOTEL record. The severe drought has increased the potential for the ignition of dry fuels and can result in more extreme wildfires that spread rapidly and burn with more severity.

For a not-for-profit utility, a single catastrophic wildfire is an existential threat. Unlike large investor-owned utilities, public power utilities do not have deep capital markets to tap into or a broad shareholder base to absorb risk. We are community-owned. When costs rise due to fire damage, liability, or increased insurance premiums, those costs are borne directly by the families and small businesses of our communities.

While the causes of wildfires are diverse, the role of electric infrastructure is a point of intense scrutiny. We accept the responsibility of reducing the risk that our assets become ignition points. However, we must also address the threat that poorly managed federal forests pose to our infrastructure. Regulatory processes that delay or otherwise hinder active management of forested landscapes also contribute to the increased threat of catastrophic wildfires in our communities. A fire that ignites in a poorly managed forest landscape can quickly consume a utility corridor, destroying millions of dollars in electric utility infrastructure and threatening not only the electric service reliability of our members, but can also cost human lives, as has been seen among our members.

Two UAMPS members have directly experienced the devastation of wildfires in recent years. In 2021, UAMPS member Plumas Sierra cooperative was directly impacted by the Dixie Fire, which was determined to be caused by PG & E. Plumas Sierra was negatively impacted by reduced transmission service by PG & E for 145 days while transmission lines serving Plumas were rebuilt. Plumas Sierra deftly managed this situation through the dedication of their staff that is typical of the dedication of the UAMPS membership.

This past summer the Monroe Canyon Fire ignited in central Utah resulting in burning over 70,000 acres and destroying ten homes. While electric service was not impacted to the UAMPS member Monroe City, electric service in adjoining areas was temporarily curtailed while firefighters worked to contain the fire—those containment efforts taking almost two months. Monroe City directly experienced the impacts of the Monroe Canyon Fire as firefighter crews were supported on a daily basis by the citizens of Monroe. Monroe Mountain—a iconic

viewshed for the community--now is blackened and serves as a harsh daily reminder for those citizens of Monroe.

As we approach this summer, the mindset of UAMPS and its members is one of concern given the drought conditions and recognizing that UAMPS transmission provider PacifiCorp has instituted public service power shutoff (PSPS) protocols. We appreciate and respect the necessity of PSPS measures, but it is important to share with this committee the reality that these protocols mean for its members. These shutoffs can mean no A/C on the hottest of days, which can result in risk of life to certain UAMPS member service territories where daily temperatures routinely reach 110 degrees.

III. Vegetation Management in Utility Corridors

Numerous fires in recent years have started due to vegetation coming into contact with power lines. Therefore, a key practice for preventing wildfire ignitions is regular maintenance and management of vegetation in utility rights-of-way (ROWs). In fact, the North American Electric Reliability Corporation (NERC) mandates that utilities maintain minimum clearances between vegetation and high-voltage power lines.

The vegetation management law enacted in 2018 authorizes federal land managers to review and approve vegetation management and facility inspections in utility ROWs and allows for more regular access by utilities to address vegetation in these corridors. However, utilities still face challenges and delays in addressing this threat to wildfire ignition.

Even with the 2018 law in place, most non-routine vegetation management on federal lands still triggers review under the National Environmental Policy Act (NEPA). Activities such as upgrading or modifying a powerline facility require environmental analysis and studies that create delays and conflict with the urgency of mitigating poor forest landscape conditions. Implementation of BLM's 2024 final rule is still being worked out and varies by field office—some offices have robust coordination with utility managers while others are still developing procedures.

In many places across the West, utility ROWs frequently cross lands managed by different agencies (including BLM, USFS, tribal lands, and others), and each federal agency has its own permitting processes and standards. Utilities that must navigate multiple approval chains for a single corridor segment can face delays in addressing imminent threats to electric infrastructure.

Another major concern is hazard trees located just outside of a ROW boundary. In some cases, these trees may be tall enough to fall from outside the ROW into utility power lines within the ROW. Removing these external threats often requires separate, arduous environmental reviews, even when the risk of ignition is imminent. Utilities often lack clear, expedited authority to treat vegetation on adjacent lands even when a tree outside their corridor could fall into a line.

As electric utility managers seek to comply with the NERC standard to protect electric infrastructure and ensure safety and reliability for ratepayers and the communities in which they

reside, federal land managers must establish clearer and broadly applied guidelines for utilities to perform essential mitigation work, and do so without delay.

IV. Reliability and Affordability

When wildfires damage transmission lines, substations, distribution equipment, and the broader grid infrastructure, the costs of rebuilding are staggering, and for not-for-profit consumer-owned electric utilities those costs must be borne by ratepayers. Also of major concern, the timeline for full restoration can stretch from weeks to years. During that period, customers face service disruptions that affect homeowners, small businesses, hospitals, schools, and other essential services that depend on reliable power.

Beyond the direct costs of infrastructure repair, utilities face a deepening liability crisis that is reshaping the economics of electric service in wildfire-prone states. When utility equipment is determined to be the ignition source for a wildfire—regardless of whether the utility acted prudently—exposure to civil liability can reach into the billions of dollars. The case of PacifiCorp is instructive and alarming. Following the 2020 Labor Day fires in Oregon, PacifiCorp faced jury verdicts and legal exposure that ran into the billions, and the utility has since sought substantial rate increases to address wildfire-related liabilities and the rising cost of obtaining adequate insurance coverage. As insurance markets contract and premiums for wildfire exposure rise, utilities are left holding risk that no private market will underwrite, and ratepayers ultimately backstop that exposure. In some cases, finding insurance coverage may be altogether unavailable for utilities located in high-risk areas.

Congress must consider whether the current liability framework, combined with inadequate access to preventive vegetation management on federal lands, creates a structural dynamic in which utilities are penalized for outcomes they were not fully empowered to prevent. Meaningful reform of ROW access is inseparable from the liability and affordability crisis that is already manifesting on customer bills today.

V. Legislative and Regulatory Solutions

To meet these goals, APPA and UAMPS advocate for policy changes that include the following:

1. Categorical Exclusions for Routine Maintenance

Congress should expand the use of categorical exclusions under NEPA for routine vegetation management and the removal of hazard trees within or adjacent to existing utility corridors. If a corridor has already been established, the environmental impact of keeping it clear is negligible compared to the catastrophic impact of wildfire.

2. Liability Protection for Delayed Approvals

One of the most significant inequities in current law is that utilities are often held "strictly liable" for fires sparked by their equipment, even if the fire was caused by a hazard tree that the federal government refused to let the utility remove. We advocate for "liability shield" provisions that would stipulate that if a utility identifies a hazard and requests permission to mitigate it, and the federal agency denies or delays that request, the utility shall not be held liable for a resulting ignition.

3. Move Toward "Condition-Based" Management

Rather than requiring a new permit for every maintenance cycle, federal agencies should move toward approving long-term vegetation management plans. Once a plan is approved, the utility should have the ability to maintain the corridor to those standards without requiring additional permission for each individual tree.

VI. Current Legislation

Legislation is currently under consideration in Congress that would directly address some of the challenges faced by electric utilities that have infrastructure located on federal lands threatened by poor forest conditions and the threat of wildfire.

The Fix Our Forests Act (H.R. 471/S. 1462) contains several provisions of direct relevance to electric utilities and the communities they serve. Most significantly, section 204 of the House bill establishes a categorical exclusion under NEPA for the development, approval, and implementation of vegetation management, facility inspection, and operation and maintenance plans submitted by electric utility ROW holders. This is a foundational reform. Currently, even routine plan approvals can be delayed by NEPA review requirements that were never designed with the pace of wildfire risk in mind. By designating these activities as categorically excluded, the Fix Our Forests Act would allow utilities to move from plan submission to active management on a timeline that actually corresponds to seasonal fire risk windows. Another element of the bill expands the ability to address hazard trees outside of ROWs from the current 10 feet limit to 150 feet of a utility line ROW.

Additionally, the Fix Our Forests Act would automatically approve a utility's vegetation management plan 120 days after submission if the agency has not acted, with a structured process requiring the agency to identify any deficiencies and establish a timeline for resolution within 165 days of submission. This "deemed approved" mechanism creates genuine accountability and prevents indefinite administrative delay. This mechanism would give public power utilities the planning certainty needed to allocate crews and equipment before the peak fire season, rather than waiting for agency action that may not come until the window for safe access has closed.

Another smart reform bill that was introduced as stand-alone legislation and has since been added into the Fix Our Forests Act is the Fire Safe Electrical Corridors Act. This provision would allow the U.S. Forest Service to approve the removal of hazardous trees near power lines on federal land without requiring a timber sale and would allow utilities to remove felled timber and slash from ROWs without being subjected to these time-consuming commercial procedures.

When a utility crew identifies a hazard tree along a transmission corridor on Forest Service land—a standing dead tree, a diseased trunk leaning toward a conductor, a beetle-killed snag that could fall into energized lines—the ability to act quickly and remove that tree without triggering a separate commercial timber disposition process is the difference between a proactive safety measure and an extended bureaucratic exercise. In many cases, hazard trees that pose the greatest fire risk have little commercial timber value, making the timber sale requirement particularly irrational as a gatekeeping mechanism. For public power utilities

serving communities in heavily forested regions, streamlining hazard tree removal is among the highest-priority operational reforms. This common-sense provision would reduce this regulatory barrier and allow utilities to act more quickly to protect their infrastructure and the communities they serve.

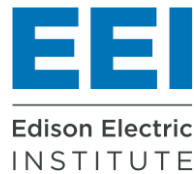
APPA and UAMPS strongly support the Fix Our Forests Act and the Fire Safe Electrical Corridors Act and urges Congress to enact these important federal land management reforms.

VII. Conclusion

Nationwide, members of UAMPS and APPA are on the front lines of the wildfire crisis. Recent years have seen more and more wildfire devastation, and we feel the weight of responsibility for our communities' safety. We share the stewardship of caring for these federal lands as our members are not only concerned about electric reliability and affordability, but they also live and work in these communities and enjoy recreating in the majestic natural landscapes surrounding them as well.

We urge Congress to address the various bureaucratic processes and delays that stand between a utility crew and a hazard tree. By streamlining forest management and prioritizing utility ROW maintenance, we can protect our natural resources, ensure grid reliability, and even save the lives and landscapes of our communities.

Thank you for the invitation to testify on behalf of UAMPS and APPA on this critical issue.



Electric Utility Sector Wildfire Administrative Priorities

EXPEDITE PERMITTING AND APPROVALS:

Electric utilities operating within the national forest system can face permitting and approval delays of months or even years for hazard tree removals, routine vegetation management, right-of-way access, and electrical infrastructure upgrades. Every delay jeopardizes affordability and reliability of the electric grid and increases wildfire risk to utility systems and the communities they serve. The Forest Service should leverage all available authorities and recent executive orders on wildfire, land management, and energy to expedite permitting and approvals for utility wildfire mitigation activities. This includes:

- Expediting NEPA processes by:
 - Using guidance and authorities granted under the President's *Declaring a National Energy Emergency* and *Unleashing American Energy* executive orders.
 - Narrowing the scope of NEPA analyses pursuant to recent court decisions, including *Seven County Infrastructure Coalition v. Eagle County*.
 - Expanding the use of existing categorical exclusions, including those that are listed in another agency's NEPA procedures (consistent with 42 USC 4336(c)), and developing new categorical exclusions as appropriate to include operations and maintenance activities and wildfire mitigation activities within existing rights-of-way.
 - Utilizing programmatic NEPA analyses and master special use plans whenever possible and creating a dedicated team for the electric sector within the Forest Service to support their approval and implementation.
 - Supporting and encouraging the use of cost recovery agreements to help ensure that permit applications can be reviewed and promptly approved.
- Expediting Endangered Species Act and National Historic Preservation Act processes by:
 - Using authorities and guidance granted under the President's *Declaring a National Energy Emergency* and *Unleashing American Energy* executive orders.
 - Providing clear guidance that right-sizes the Area of Potential Effects under section 106 of the National Historic Preservation Act by clarifying that the "undertaking" is limited to only that portion of a project or specific project activity requiring federal permit, license, or approval.

LIABILITY LIMITATION:

Utilities are subject to numerous liabilities after a wildfire occurs—even if they are not at fault—potentially resulting in bankruptcy, increased electricity rates for consumers, and reduced access to capital needed to meet skyrocketing demand. Comprehensive reforms to reduce liabilities are necessary to ensure reliability, affordability, and resilience of the grid moving forward. The Forest Service should:

- Maintain its commitment to not increase the \$1 million strict liability cap. To solidify this commitment, the Forest Service should withdraw the increase proposed in 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 the Federal Land Management and Policy Act (FLPMA) and 36 C.F.R. §§ 251.56(d) and 251.56(h)(9) for utility special use authorization holders without finding of fault. In the meantime, the Forest Service should utilize its discretion to lower the amount levied on utilities for wildfire events.
- The Forest Service should use memoranda of understanding and other authorities to allow utilities to remove felled timber and slash from in and around their rights-of-way without a timber sales agreement.
- The Forest Service should work with utilities to reduce natural resources damages where appropriate; and to increase transparency in the fire investigation and natural resources determination processes.

INCREASE PROCESS CONSISTENCY:

Utilities must navigate inconsistent permitting and approval processes across multiple forest service regions and federal agencies. A single linear project can cross multiple jurisdictions with differing permitting and approval processes. The Forest Service should:

- Ensure permitting and approval processes and policies are consistently and reasonably implemented among its regions for wildfire mitigation projects.
- Coordinate with the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, and other government stakeholders, as applicable, where possible, to ensure more consistent policies and practices for utilities operating across the public lands system, and develop instructional memorandums¹ that are consistent across agencies, especially regarding operations and maintenance activities.

¹ See the Bureau of Land Management's Permanent Instructional Memorandum PIM2025-007.