



**Testimony of Jason Bowling**  
**CEO, Sulphur Springs Valley Electric Cooperative**  
**United States House of Representatives, Committee on Natural Resources Subcommittee**  
**on Water, Wildlife, and Fisheries**

“Bureaucratic Delays and the Costs to Ratepayers and Electric Power Systems”

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10:15am ET

1324 Longworth House Office Building

Chairwoman Hageman, Ranking Member Hoyle, and Members of the Committee, thank you for the opportunity to testify before you today. My name is Jason Bowling, and I serve as Chief Executive Officer of Sulphur Springs Valley Electric Cooperative (SSVEC). I am testifying today to provide my own perspective both as an electric co-op leader and to also represent the National Rural Electric Cooperative Association (NRECA). SSVEC is one of the nearly 900 electric cooperatives (co-ops) serving approximately 42 million people in 48 states.

Electric cooperatives are vital to rural America, delivering power across vast, remote areas that often cross federally managed lands. Co-ops maintain tens of thousands of miles of transmission and distribution lines spanning 56% of the nation’s landscape. Many of those lines are in very rural areas and run across public lands. Coordinated access and timely federal approval of Rights-of-Way (ROWs) are essential to ensuring safe, reliable, and affordable electricity.

Our cooperative and NRECA support responsible stewardship of federal lands and thorough review of energy projects. However, implementation of Section 512 of the Federal Land Policy and Management Act (FLPMA), which governs federal ROW approvals and related vegetation management, has not consistently provided the predictability or interagency coordination needed for timely permitting approvals. Though intended to standardize ROW oversight and minimize impacts on public lands, its execution has often been overcomplicated, resulting in project delays, higher costs, and setbacks to wildfire mitigation in high-risk areas.

We appreciate recent congressional and administrative steps to improve permitting processes and hope continued action ensures land management agencies are empowered to use their full authority in support of our shared goal of protecting our forests, reducing wildfire risk, and strengthening the reliability of electric cooperative infrastructure.

**About Sulphur Springs Valley Electric Cooperative**

Located in southeastern Arizona, SSVEC is a not-for-profit, member-owned electric cooperative serving nearly 60,000 meters across Cochise, Graham, Pima, and Santa Cruz counties in southeastern Arizona. Those meters deliver power to well over 100,000 residents across rural communities, farms, ranches, mining operations, and small businesses.

Founded in 1938, SSVEC has grown to own and maintain approximately 5,000 miles of electric distribution line across 5,700 square miles, making it Arizona's largest electric co-op. Our system includes the electric distribution infrastructure serving Fort Huachuca, one of Arizona's largest military installations and the largest in the state by economic impact.

The National Rural Electric Cooperative Association (NRECA) represents nearly 900 rural electric cooperatives, including 64 generation and transmission cooperatives and 832 distribution cooperatives. These member-owned utilities operate across some of the largest service territories in the country with lower customer density than other utilities, which makes infrastructure investment and maintenance more challenging. Co-ops also serve 92% of persistent poverty counties, underscoring the importance of keeping electricity affordable as a core part of our mission.

### *SSVEC Wildfire Mitigation*

Fire mitigation plays an essential role in SSVEC operational practices. Over the years, SSVEC has adopted several wildfire mitigation programs to adjust to environmental changes and has incorporated new technological advances and improved operational practices to further mitigate the potential for utility-caused ignitions.

For SSVEC, which aims to protect public safety and preserve the reliable delivery of electricity, wildfire mitigation is a top priority. While an electric utility can never entirely eliminate the risk of fire, SSVEC has adopted a Wildfire Mitigation Plan that outlines practical actions to reduce the devastation that a wildfire could bring to the people and communities we serve.

Our Wildfire Mitigation Plan describes vegetation management, asset inspection and maintenance, equipment upgrades, restoration of service processes, and community outreach efforts. It also addresses the unique features of SSVEC's service area such as topography, weather, infrastructure, grid configuration, and potential wildfire risks. Additionally, it spells out plan ownership, performance metrics, deficiency identification, and the plan's audit and approval process.

### *Responding to Growing Wildfire Risk*

Wildfire conditions have intensified across the West due to drought, higher temperatures, fuel accumulation, and expanding development near wildlands. For rural utilities like ours, wildfire mitigation is part of daily operations. As we continue to meet the needs of our member-owners, particularly as energy demand grows, federal permitting must be improved to allow co-ops to build and maintain the infrastructure critical to this mission.

At SSVEC, our wildfire mitigation approach includes regular system inspections and patrols, the use of drone technology for remote assessment, targeted pole replacement and system hardening, vegetation management along rights of way, and coordination with emergency partners. A meaningful portion of our infrastructure crosses or interfaces with federal lands managed by agencies such as the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the National Park Service (NPS) and Bureau of Reclamation (BOR). That means a significant share of our wildfire prevention work depends on federal permitting processes and timelines.

We have maintained a collaborative relationship with both the BLM and USFS field offices in our service territory to responsibly manage federal lands while ensuring dependable and cost-effective electric service. Because co-ops are locally owned and governed by their members, they are uniquely positioned to respond to community needs, drive innovation in meeting evolving energy demands, and operate with a strong sense of environmental responsibility.

As wildfire threats intensify, these risks increasingly affect co-ops' ability to secure affordable insurance, obtain financing, and invest in system expansion and grid hardening needed to meet rising electricity demand. Bureaucratic obstacles that delay vegetation management, hazard tree removal, and infrastructure improvements further compound wildfire risk, amplifying financial exposure and operational uncertainty. Together, these pressures heighten the very concerns that weigh most heavily on cooperative leadership: protecting their communities, maintaining reliable service, managing costs for members, and ensuring the long-term financial stability of the cooperative.

## **FLPMA**

### *Section 512 Implementation*

Delivering electricity to rural America often requires electric cooperatives to build and maintain infrastructure across federally managed lands, including areas overseen by the USFS and BLM. ROW activities on BLM lands are regulated under the Federal Land Policy and Management Act (FLPMA), which governs the issuance and administration of ROWs and establishes environmental and operational requirements. Section 512 of FLPMA directs the US Forest Service and BLM to coordinate guidance for vegetation management and risk-reduction along utility ROWs, standardize approvals and renewals across federal lands, and hold operators strictly liable for safe maintenance.

Federal agencies must coordinate the evaluation and approval of ROW applications, amendments, and routine activities within these corridors. For electric cooperatives, securing and retaining ROWs is foundational for long-term system planning, budgeting, and day-to-day operations. Reliable ROW access is critical for inspections, vegetation control, repairs, pole replacements, road access, and grid modernization efforts designed to strengthen resilience against wildfire and other threats, many of which require prior federal review that can be time-intensive and resource-heavy.

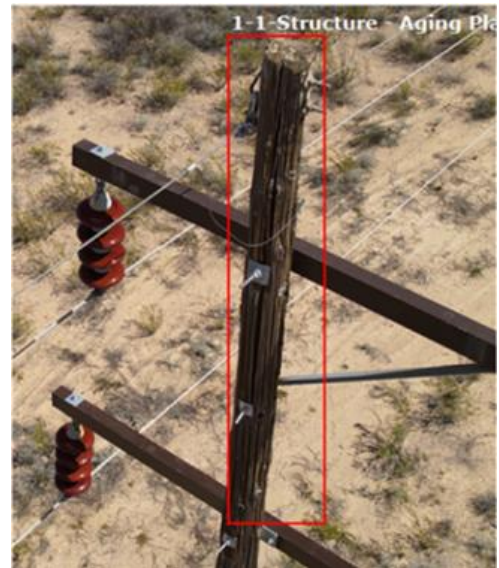
### **Practitioner Perspective: The Fairbank Corridor**

Challenges arise from uneven application of these requirements across agencies and regions. Differences in interpretation and implementation between agency headquarters and field offices, and between BLM and USFS jurisdictions, create uncertainty for cooperatives operating in multiple states or service territories. A real-world example from our service territory illustrates the challenge.

SSVEC maintains an electric transmission line near Fairbank, Arizona, a historic site along the San Pedro River, just west of Tombstone. The area includes riparian habitat, sensitive species considerations, and cultural and archeological resources. It is a landscape that deserves careful stewardship. The line itself was constructed in the 1950s. Over time, poles aged and vegetation encroached. Approximately fifteen years ago, we identified the need to replace poles and conduct vegetation management to reduce wildfire risk and maintain reliability.



*Vegetative Hazards, Fairbank, AZ*



*Structural aging of poles, Fairbank, AZ*

The physical work required was routine utility maintenance: pole replacement and brush clearing within an established corridor; however, the permitting process was not routine. Because the corridor involved multiple jurisdictions and resource considerations, we engaged with several agencies including the BLM, US Fish and Wildlife Service, Arizona Game and Fish Department, the Arizona Department of Transportation, and the State Historic Preservation Office. Each agency operated under its own process, sequencing requirements, and documentation standards.

At various points, reviews did not align. Some steps advanced while others stalled. The process ultimately took roughly fifteen years. During that time, poles continued to age. Vegetation continued to expand. Drought conditions intensified. The risk increased while we worked through a fragmented process.

Once approvals were secured, the construction and vegetation clearing work was completed in a matter of weeks. Environmental and archeological compliance costs for approximately one and a half miles of line totaled roughly \$500,000. For a small, not-for-profit cooperative, that represents a significant capital burden. If similar levels of review and cost were required across large portions of our system, the expense would exceed our annual capital capacity.



*Completed Fairbank project*

Electric cooperatives are not seeking to bypass environmental protection or cultural resource stewardship. Our concern is delay and fragmentation in routine maintenance approvals that increase wildfire and reliability risk while raising costs for rural consumers. In this case, prevention took weeks. Permitting took years.

The broad discretion afforded at the regional level can lead to inconsistent standards and unpredictable timelines, particularly for routine maintenance, system upgrades, and wildfire mitigation work. In our case, delays and procedural variability not only increased costs for our members, but also hindered proactive risk-reduction efforts, leaving infrastructure and communities more exposed to wildfire and service disruptions. Full utilization of expedited permitting authorities would improve predictability and help cooperatives more effectively manage their systems across federal lands.

### **Grid Resilience in a High-Demand Future**

SSVEC owns and maintains the distribution infrastructure serving Fort Huachuca. Tucson Electric Power provides the generation and transmission serving the region, including transmission corridors located not far from the Fairbank area.

Wildfire risk does not distinguish between distribution and transmission assets. An ignition event in that region could impact multiple layers of the grid. Fort Huachuca is one of Arizona's largest military installations and a major economic driver in southeastern Arizona. Reliable electric service is essential to its mission and to the surrounding communities that depend on it.

Efficient permitting for preventative maintenance on federal lands supports both public safety and grid resilience. At a time when the U.S. is competing aggressively in the global AI race, reliable electric infrastructure is more critical than ever. Advanced computing, defense technologies, and data center development all depend on uninterrupted, high-capacity power delivery. Permitting bottlenecks that delay infrastructure maintenance do not just affect local reliability; they risk undermining our ability to keep pace with rapidly expanding energy demands driven by artificial intelligence and next-generation defense systems. Proactive federal coordination and streamlined processes are essential to ensure that critical military installations and the broader energy ecosystem can support this new era of technological competition.

### **Strict Liability**

Electric cooperatives' on-the-ground responsibilities within ROWs on public lands give us a firsthand view of forest conditions and emerging risks. Through routine inspections, continuous vegetation management, and ongoing infrastructure upgrades, co-ops directly observe the effects of invasive species, overgrown or poorly managed forests, and reduced tree diversity. At the same time, we can be held strictly liable for wildfires associated with our infrastructure, even when hazardous conditions outside their ROWs are responsible for the damage, placing significant financial risk on the cooperative and its members.

Even when co-ops act proactively, they remain strictly liable for fires near their equipment — up to nearly \$4 million per incident increasing annually on BLM lands and \$1 million on USFS lands, even if they were not at fault. For not-for-profit co-ops, this exposure threatens financial stability, limits access to insurance and capital, and can impact reliable service for members. Currently, USFS caps strict liability at \$500,000 per incident for utilities with a forest operating agreement, a policy that is set to expire in 2028. BLM does not provide the same protection.

Fifteen years ago, we flagged the Fairbank line for pole replacement. For fifteen years, we tried to secure permits from the BLM, the Forest Service, the Arizona Department of Transportation, and the State Historic Preservation Office, all while the threat of wildfire increased. We lived in fear of the liability consequences within the Fairbank Corridor as we watched the cracked crossarms, hollowed pole tops, and dense brush hugging the lines get worse. Without reforms, co-ops face skyrocketing risk, higher costs for members, and barriers to keeping rural communities safe and reliably powered. Both USFS and BLM should cap strict liability at a reasonable level, with further capped liabilities for utilities with operating agreements indefinitely.

### **Policy Recommendations**

*Pass the Fix Our Forests Act:* This bill strengthens wildfire mitigation and grid resilience by expanding electric co-ops' authority to remove hazardous trees within 150 feet of power lines and by cutting red tape that delays clearing fallen timber on national forest lands.

- As it moves through the Senate, lawmakers should include categorical exclusions for routine maintenance and vegetation management to speed up proven, low-impact wildfire prevention efforts. We thank the House for including this provision in its 2024 bill.

*Expedite Permitting and Approvals:* The Forest Service and BLM 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 streamlining National Environmental Protection Act (NEPA) reviews through expanded and new categorical exclusions, programmatic analyses, and cost recovery agreements; and expediting Endangered Species Act and National Historic Preservation Act processes.

*Reform Strict Liability:* Comprehensive reforms are needed to protect affordability, resilience, and investment in the electric system. BLM and the Forest Service should maintain reasonable strict liability caps and withdraw proposed increases; work with the Department of Justice to eliminate or reduce strict liability where no fault is found; and improve transparency while reducing excessive natural resource damage claims where appropriate.

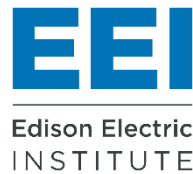
*Increase Process Consistency:* The land management agencies should ensure consistent, reasonable implementation of permitting policies across regions and coordinate with other federal agencies to align processes, guidance, and operational standards, particularly for routine operations, maintenance, and wildfire mitigation activities.

## **Conclusion**

Electric cooperatives are deeply rooted in the communities we serve. We live and work in landscapes where we maintain infrastructure. Wildfire mitigation is an operational priority because the consequences of failure are immediate and local. Our experience at Fairbank demonstrates that the principal barrier to timely prevention is often not technical feasibility but procedural delay.

We commend the Committee for examining opportunities to strengthen forest management, improve interagency coordination, and bring greater efficiency and predictability to the federal permitting process. A coordinated, predictable permitting framework for routine electric utility vegetation management and maintenance on federal lands would reduce wildfire risk, protect public resources, and support reliable service to rural communities and critical installations.

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



# Electric Utility Sector Wildfire Administrative Priorities

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## 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 memorandums<sup>1</sup> that are consistent across agencies, especially regarding operations and maintenance activities.

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