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And On behalf of the American Public Power Association

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Subcommittee on Water, Wildlife and Fisheries

"Bureaucratic Delays and the Costs to Ratepayers and Electric Power Systems"

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I. EXECUTIVE SUMMARY AND INTRODUCTION

Chair Hageman, Ranking Member Hoyle, and Members of Subcommittee, thank you for the opportunity to testify on how administrative delays across federal lands raise wildfire risk, increase costs for electricity customers, and threaten grid reliability. Industry is very appreciative of the Committee's work on wildfire issues, including support for Fix Our Forest Act (FOFA) 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 today 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. Collectively we 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 current 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).

Your invitation specifically requested our perspective on the intersection of bureaucratic processes and electric system impacts. I am here to report that wildfire is now a systemic electric grid risk. As federal agencies have acknowledged, the nation faces a growing wildfire crisis requiring landscape-scale fuel reduction and faster permitting mitigation to protect exposed communities as well as critical infrastructure. The U.S. Forest Service's (USFS) 10-Year Wildfire Crisis Strategy aims to treat up to 50 million acres across jurisdictions, including 20 million acres on National Forest lands. Despite this documented crisis, progress continues to be constrained by permitting throughput and cross-agency coordination.

Delays translate into costs for impacts to grid reliability. Each month of deferment for hazard tree removal, right-of-way vegetation work, grid hardening, or post-fire management increases utility operation and maintenance (O&M) costs, insurance exposure, and most critically the need for last-resort measures like power safety shutoffs. These costs are ultimately borne by customers. In prior testimony before this Subcommittee, we outlined how post-fire sediment surges into hydropower reservoirs, driving multi-year dredging needs that can reach tens of millions of dollars and the inability to build-back-better and smarter reduces future resiliency. These compounded costs flow through to retail rates.

APPA and NCPA strongly support the bipartisan Fix Our Forests Act (FOFA), H.R 471, as passed by the House and S.1462, its Senate companion, which provides targeted, practical tools to lower wildfire risk and reduce costs that ultimately flow to electricity customers. Key provisions include the designation of fireshed management areas and a Fireshed Center/Registry to prioritize high-risk landscapes (Title I, §§101–106), expedited

environmental review for forest health projects, and, critically for utilities, the House-passed bill includes categorical exclusions (CEs) and authorities for vegetation management and inspection within and adjacent to electric rights-of-way (ROWs) and a CE tailored to electric utility lines (Title II, Section§§203–204).

For public power customers, these FOFA reforms translate directly into affordability. Predictable timelines for needed vegetation management and routine Operation and Maintenance (O&M) on federal lands paired with clarified CE coverage reduce repeat permitting, contractor standby charges, and emergency workarounds that drive up O&M budgets, reduce reliability, and increase insurance exposure. Every month saved on seeking federal agency approvals is a month of reduced wildfire ignition risk and avoided contingency operations that would otherwise increase customer rates.

Congress and federal agencies have recently provided important tools including section 109 adoption of CEs under the National Environmental Policy Act (NEPA) and the Bureau of Land Management's (BLM) Permanent Instruction Memorandum (PIM) 2025-007 for routine electric utility O&M on rights-of-way. And yet implementation is inconsistent region-to-region and across agencies, limiting the benefit to utilities and the communities we serve.

Public power utilities are seeking actionable steps to: (1) standardize and scale programmatic NEPA and cross-agency CE adoption for utility wildfire mitigation and post-fire recovery; (2) operationalize master O&M plans and access templates under Federal Land Policy and Management Act (FLPMA) Section§ 512 across both BLM and USFS; (3) preserve and clarify liability frameworks that do not punish utilities absent fault; and (4) align federal post-fire sediment redeposition pathways on adjacent federal lands to reduce consumer costs and environmental impacts.

The Problem in Practical Terms: Time Lost Equals Risk Gained

The FOFA responds to these practical realities with targeted authorities for high-risk firesheds and streamlined reviews for vegetation management near critical infrastructure, including ROWs used by electric utilities—tools that can materially reduce delay-driven costs borne by customers.

Across the Western United States, utility assets frequently cross or abut federal lands. Routine activities, such as hazard tree abatement adjacent to power lines, vegetation management, patrol access, pole replacements, and grid hardening can require sequential approvals under NEPA, the Endangered Species Act, and National Historic Preservation Act, even where activities are within existing, previously disturbed ROWs. While environmental review is indispensable, process time often becomes the dominant driver of risk and ratepayer costs. USFS's Wildfire Crisis Strategy set ambitious acreage goals precisely because communities and infrastructure are at risk; however, the agency's own materials underscore that scaling work depends on enabling conditions, including streamlined planning.

The scale of the wildfire challenge continues to grow. Federal statistics and analyses show that the largest wildfire years by area burned have been in the recent era, operational reports continue to highlight heavy seasonal loads on firefighting resources and damage to property, individuals, and habitat. These trends reinforce the urgency of mitigation and of timely approvals for work that reduces ignition probability and exposure.

For Utilities, Delays Create Compounding Exposure

Vegetation and hazard trees: Each season delays in addressing hazard trees and vegetation management increases the probability of a line strike from weakened trees just outside ROW boundaries, a factor repeatedly cited in post-incident reviews nationwide. BLM's policy now emphasizes reducing wildfire risk through routine O&M and vegetation management under Section 512 authorities.

Sediment and debris after major fires: As described in my January 2026 testimony before this Subcommittee, post-fire sediment yields into hydropower reservoirs can spike an alarming order of magnitude above baseline. Field studies in the Sierra Nevada confirm these increases in sediment amounts, which rapidly reduce forebay depth and increase intake risks necessitating expensive emergency actions that burden ratepayer affordability, reduce hydroelectric generation, and diminish critical water storage capacity.

Grid reliability implications: The North American Electric Reliability Corporation's (NERC) 2024 & 2025 Long-Term Reliability Assessment warns that the

bulk power system faces mounting adequacy challenges amid growing demand and more extreme weather; wildfire risk and associated mitigation operations (including public safety shutoffs or constrained operations in high wind/red flag conditions) add to the stress margins, particularly where interties traverse high-fire risk terrain.

II. What's Working—and What Isn't—Under Current Authorities

A. *Recent Improvements We Strongly Support:*

1) NEPA CE Adoption and Programmatic Tools: Following enactment of the Fiscal Responsibility Act, agencies can adopt other agencies' categorical exclusions under NEPA Section 109. The Department of the Interior (DOI) and the National Park Service have publicly documented adoption of multiple CEs, and the Forest Service has announced adoption of dozens of CEs—including additional categories in 2024–2025 and a department-wide update to environmental procedures. These tools can materially shorten timelines for like-kind, low-impact utility O&M activities, if applied consistently to vegetation and facility work within existing corridors.

2) BLM's PIM 2025-007: BLM's April 2025 PIM provides guidance for routine O&M and emergency actions on electric utility ROWs, including vegetation management, access, temporary staging, and fire prevention stipulations. The guidance implements FLPMA Section 512, emphasizing that the objective is to enhance reliability and reduce wildfire risk both within ROWs and on abutting federal lands, including hazard tree management. The PIM also standardizes O&M plans with a fillable template and appendices exactly the kind of operational streamlining utilities need. It encourages the consolidation of existing ROW grants into master plans to streamline operations. Unfortunately, few master plans have been developed and implementing plans themselves are taking years.

3) USFS Wildfire Crisis Strategy: The strategy sets national direction to treat at-risk firesheds that directly affect communities and critical infrastructure, using thinning, prescribed fire, and partnerships. The Implementation Plan acknowledges the need for enabling conditions, including planning capacity, cross-boundary work, and partner support—all relevant to utility corridors and watershed protection.

4) Fix Our Forests Act: The House-passed FOFA (H.R. 471) and companion Senate bill (S. 1462) provide additional, complementary tools that directly support utility wildfire mitigation and ratepayer affordability. Title I establishes fireshed management areas, a Fireshed Center, and a public Fireshed Registry to prioritize high-risk landscapes. Title II includes dedicated provisions for vegetation management, facility inspection, and O&M relating to electric transmission and distribution rights-of-way (Section 203–204), including a CE tailored to electric utility lines. These authorities, implemented consistently with existing FLPMA Section 512 plans, can shorten timelines and reduce costs for routine vegetation and access work within and abutting utility corridors.

B. *Persistent Gaps That Impose Costs on Ratepayers*

1) Inconsistent Application Across Field Units and Agencies: Despite available CEs and programmatic approaches, utilities often experience region-to-region and agency-to-agency inconsistency in permitting for nearly identical activities, such as hazard tree removal just outside an existing ROW, grid hardening, or temporary access for a pole replacement. These inconsistencies create months-long delays that escalate costs and risk. While adoption of other agencies' CEs is now lawful, field application remains uneven across federal lands.

2) Strict Liability Exposure and Cost Recovery Proposals: The Forest Service's March 2023 proposed rule signaled increases in strict liability caps and insurance requirements for special use holders. For public power entities already operating under public oversight and prudence standards -- that are often "no fault" -- expanding strict liability amplifies financial exposure regardless of negligence increases rates and constrains capital for mitigation.

3) Post-Fire Sediment Handling on Adjacent Federal Lands: Current agency practice – not federal law or even written guidance - frequently blocks or eliminates an opportunity for near-source redeposition of non-contaminated reservoir sediment back onto the federal lands from which it originated, even where environmental analysis shows lower impacts than long-haul trucking. The absence of a uniform, time-bound pathway for

near-source redeposition of post-wildfire sediment increases both the environmental footprint and ratepayer costs.

III. Case Study: Post-Fire Watersheds, Reservoir Sedimentation, and Customer Costs

Post-fire landscapes undergo well-documented geomorphic changes such as canopy loss, hydrophobic soils, and slope instability that can produce order-of-magnitude increases in sediment yield for several years. Public-domain studies following the 2021 Caldor Fire demonstrate this with measured pulses that overwhelm reservoir storage capacity and accelerate turbidity and debris loading at hydropower intakes. These conditions reduce generating capacity, increase infrastructure wear, reduce water storage, and can force costly outages.

From an operations perspective, utilities face choices regarding post-fire sediment, none of which are ideal:

1) Mechanical removal and long-haul disposal, which is expensive for ratepayers, slow to permit, and can strand sediment in landfills or distant sites.

2) Sluicing/flushing during high flows, which many federal manuals recognize as a component of sustainable sediment management once volumes are within safe ranges—but it still requires timely approvals and adaptive operating plans.

3) Near-source redeposition on adjacent federal lands, which is often the lowest-impact option when properly sited, because it maintains watershed sediment budgets and avoids long-haul emissions, yet this is the option most frequently denied.

The U.S. Army Corps of Engineers (USACE) and Bureau of Reclamation (Reclamation) have published technical guidance encouraging routing, flushing, and long-term sediment management to maintain reservoir function. These are standard references and their practices should be enabled, not hindered, by land management permitting in the same watershed.

IV. Reliability and Affordability: Why Timely Mitigation Matters

The bulk power system is navigating rising demand and tighter margins. NERC's 2024 Long-Term Reliability Assessment highlights growing resource adequacy risks over the next decade, driven by load growth, retirements, and extreme weather. In this context, wildfire risk management becomes a critical reliability tool: faster hazard tree removal, expanded defensible space around corridors and substations, and watershed stabilization all reduce the probability of forced outages, deratings, or preemptive shutoffs, and help maintain affordability for customers.

Recommendations to Reduce Risk, Cost, and Delay

1) Scale Programmatic NEPA and Section 109 CE Adoption for Utility Wildfire Mitigation: Direct USFS and DOI to jointly identify and publish uniform programmatic NEPA frameworks and adopted CEs that cover routine utility O&M (e.g., vegetation management, danger tree removal, grid hardening, including outside-ROW hazard trees that threaten conductors, pole replacements, access improvements, staging) within existing corridors, and post-fire recovery actions within hydropower watersheds and build-back-better and smarter opportunities. Require field units to use these tools absent documented extraordinary circumstances. USFS has already announced multiple CE adoptions, but benefits depend on consistent field-level application. Uniform programmatic coverage by these federal resource agencies will cut months from timelines and reduce variance across regions.

2) Normalize Master Operations & Maintenance Plans Under FLPMA Section§ 512 Across USFS and BLM: Build on BLM's PIM 2025-007 and its standardized O&M plan template or a similar framework, directing USFS to adopt a parallel national template and explicit guidance for "abutting federal land" hazard tree treatment where failure risks utility facilities. Encourage multi-region Master O&M and Consolidation (MOMAC) plans for linear facilities that cross multiple jurisdictions. Aligning USFS with BLM will reduce cross-boundary friction on the same line segments and improve safety and reliability.

3) Preserve Practical Liability and Insurance Frameworks that Do Not Penalize Prudent Actors: Avoid increasing or imposing the strict liability cap for public power entities and refrain from requiring insurance burdens that effectively tax mitigation

investments. Encourage fault-based frameworks and allow agencies to exercise discretion when utilities demonstrate proactive wildfire risk reduction and compliance. Expanding strict liability without fault ultimately is not only inherently unfair, it increases costs for customers, may discourage beneficial mitigation investments, and can drive smaller public power entities out of critical projects on federal lands.

4) Establish a Time-Bound, Uniform Pathway for Near-Source Sediment Redeposition and Functional Sluicing: Direct USFS and BLM, in consultation with USACE and Reclamation, to issue joint guidance that: (a) recognizes near-source redeposition of non-contaminated material on adjacent federal lands as presumptively lower impact than long-haul disposal, subject to standard Best Management Practices; (b) provides categorical exclusions or streamlined environmental assessments (EAs) for post-fire sediment routing and sluicing regimes that meet federal technical guidance; and (c) requires interagency coordination to reach binding decisions within defined timeframes after complete applications. This aligns land management approvals with watershed science and established sediment management practices, lowering costs, reducing environmental footprint and providing direct benefits for ratepayers.

5) Approve and Implement Fix Our Forests Act Provisions for Utility Corridors and Firesheds: Upon FOFA becoming law, direct the federal land management agencies to expeditiously implement FOFA Titles I–II, including designation of fireshed management areas, establishment of the Fireshed Center/Registry, and application of Section 203–204 to routine utility O&M and vegetation management within and abutting ROWs, coordinated with existing FLPMA Section 512 operating plans and BLM PIM 2025-007. This alignment will reduce duplicative review, speed hazard tree mitigation, and lower ratepayer costs.

VI. Addressing Concerns: Environmental Stewardship

Public power utilities operate at the community level, often serving disadvantaged and rural communities disproportionately affected by wildfire smoke, evacuations, and post-fire flooding. Streamlining processes does not mean cutting corners, it means using the right level of review and modernized tools (e.g., adopting existing CEs, programmatic

analyses, and data dashboards that support transparency), so that limited environmental staff time is devoted to projects with real risk.

Similarly, improved utility access and vegetation management within and near corridors is preventive medicine for both communities and the ecosystems of the federal lands. The USFS Wildfire Crisis Strategy emphasizes restoration and prescribed fire at the fireshed scale, routine utility O&M is a complementary layer that protects lifeline infrastructure running through those same landscapes.

VII. Closing

Congress now has before it a bipartisan framework—the Fix Our Forests Act—that pairs landscape-scale fuels reduction with practical, utility-focused permitting tools. Prompt enactment and field-level implementation of FOFA's fireshed provisions and the utility ROW authorities in Section 203–204, together with BLM's PIM 2025-007 and existing FLPMA Section 512 operating plan requirements, will reduce wildfire risk, improve reliability, and keep electricity more affordable for the communities we serve.

Delays in routine approvals are not abstract, they show up as higher bills, increased outage risk, and lost resilience for the customers we serve. Congress and federal agencies have already created the tools we need: CE adoption authority, programmatic NEPA, FLPMA Section 512 O&M plans, and resilience funding. Our request is straightforward: make those tools real at the field level, uniformly and predictably, across jurisdictions.

Thank you for your leadership and for the focus of this hearing. I look forward to your questions.

Appendix A — Specific Legislative/Administrative Options

1) Codify CE parity and timelines for utility wildfire mitigation on federal lands within existing ROWs: Require USFS/DOI to publish and periodically update a single cross-agency CE matrix applicable to utility O&M and post-fire watershed stabilization, with shot-clock timelines for determinations absent extraordinary circumstances.

2) Direct a joint USFS/BLM master O&M or directive harmonizing with BLM's PIM 2025-007 (including hazard trees on abutting lands), with national templates and a dispute-elevation pathway.

3) Establish a post-fire hydropower watershed pilot authorizing near-source redeposition and sluicing under standardized BMPs, paired with adaptive monitoring and programmatic consultation for listed species. (Coordinate with USACE/Reclamation technical guidance to ensure safe operations and long-term reservoir sustainability.)

4) Maintain current strict liability frameworks for public power special uses and avoid increases that would divert capital from mitigation; require fault findings before imposition of extraordinary damages, with transparent investigation protocols.

5) Direct DOE to reserve a portion of Section 40101(d) funds (or technical assistance) specifically to support federal-land O&M enabling actions (surveys, shared crews, cultural/biological clearances), prioritizing small utilities operating in high-risk firesheds identified by USFS.

Appendix B — Selected Public-Domain References

• Fire Safe Electrical Corridors Act — H.R. 2492 (119th Congress), Engrossed in House (May 13, 2025) (permits hazard tree and vegetation removal near electric lines on USFS/BLM lands without a separate timber sale, subject to applicable plans and laws).

• House Committee on Natural Resources — Fix Our Forests Act landing page, section-by-section, and toolkit (118th & 119th Congress).

• Fix Our Forests Act — H.R. 471 (119th Congress), Engrossed in House (Jan. 23, 2025); S. 1462 (119th Congress), Introduced (Apr. 10, 2025). (Titles I–II; §§203–204).

• USDA Forest Service — Confronting the Wildfire Crisis: 10-Year Implementation Plan and updates. • USFS/CEQ/DOI — NEPA CE Adoption & Guidance (CE lists and Section 109 adoption). • USFS — Environmental Planning updates (USDA interim rule; CE adoptions). • BLM — PIM 2025-007 and O&M Plan Template/Attachment (routine O&M to reduce fire risk). • BLM — Electric Power Lines Rights-of-Way (FLPMA § 512 implementation overview). • USFS — Proposed Rule on Special Uses; Cost Recovery; Strict Liability Limit; and Insurance

Appendix C — Electric Utility Sector Wildfire Administrative Priorities