



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Water, Wildlife and Fisheries Republican Members
From: Subcommittee on Water, Wildlife and Fisheries Staff: Richie O’Connell
(richie@mail.house.gov) and Jackson Renfro (jackson.renfro@mail.house.gov);
x5-8331
Date: Friday, February 20, 2026
Subject: Oversight Hearing titled “*Bureaucratic Delays and the Costs to Ratepayers and Electric Power Systems*”

The Subcommittee on Water, Wildlife and Fisheries will hold an oversight hearing titled “*Bureaucratic Delays and the Costs to Ratepayers and Electric Power Systems*” on **Tuesday, February 24, 2026, at 10:15 a.m., in room 1324 Longworth House Office Building.**

Member offices are requested to notify Hannah Garrett (hannah.garrett@mail.house.gov) by 4:30 p.m. on Monday, February 23, 2026, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- Nearly 90,000 miles of electricity rights-of-way (ROWs) are located on U.S. Forest Service (USFS) and Bureau of Land Management (BLM) lands. The costs of operating, maintaining, and repairing electricity lines on these ROWs are borne by electric utilities and their ratepayers.
- Current federal policies for ROWs on USFS and BLM lands are disjointed, inconsistent, and too often dependent on the unilateral decisions of local land managers.
- Inconsistent permitting and approval processes create a volatile environment with devastating consequences for ratepayers, utilities, and infrastructure. Addressing administrative bottlenecks is essential to protecting life and property from the escalating threat of catastrophic wildfire.
- The House of Representatives has passed H.R. 471, the “*Fix Our Forests Act*,” to restore healthy forests, strengthen collaboration between federal agencies and utilities, and give utilities greater flexibility to manage threats to public safety and electric grid reliability. It is time for the Senate to act.

II. WITNESSES

Panel I (Outside Experts)

- **Mr. Ralph Armstrong**, Senior Assistant Business Manager, International Brotherhood of Electrical Workers Local 1245, Vacaville, CA
- **Mr. Jim Anderson**, CEO and General Manager, Midstate Electric Cooperative, La Pine, OR (member company of the National Rural Electric Cooperative Association)

- **Mr. Jason Bowling**, CEO, Sulphur Springs Valley Electric Cooperative, Inc., Sierra Vista, AZ (member company of the National Rural Electric Cooperative Association)
- **Mr. Mason Baker**, CEO and General Manager, Utah Associated Municipal Power Systems, Salt Lake City, UT (member company of the American Public Power Association)
- **Mr. Randy S. Howard**, General Manager, Northern California Power Agency, Roseville, CA (member company of the American Public Power Association)
- **Mr. Jesse Murray**, Senior Vice President of Energy Delivery, NV Energy, Reno, NV
- **Dr. Carolyn Mahan**, Professor, Biology and Environmental Studies, The Pennsylvania State University, Altoona, PA; Member, Right-of-Way Stewardship Council [*Minority Witness*]
- **Ms. Christina Hayes**, Executive Director, Americans for a Clean Energy Grid, Washington, DC [*Minority Witness*]

III. BACKGROUND

Federal Land Management Agencies and Electricity ROWs

Transmission infrastructure is the backbone of the nation’s power system, ensuring that Americans across the country have constant access to affordable, reliable electricity to power their homes, businesses, and communities. However, catastrophic wildfires, cyberattacks, equipment failures, and harmful federal and state policies, among other issues, threaten the power grid’s reliability.¹ As a result, electricity bills across the country are rising, outages are becoming more frequent, and utilities are struggling to meet the needs of their ratepayers.² In response, utilities across the country are adopting wildfire mitigation strategies to reduce the risk of catastrophic wildfire impacting transmission lines, hardening grid infrastructure, to quickly restore service to their ratepayers following an incident.³



Figure 1: Distribution lines on a ROW | Source: Flathead Electric Cooperative

The federal government owns nearly half of the land in the 11 coterminous western states, with federal ownership exceeding 60 percent in several of them.⁴ Powering the West requires transmission ROWs crossing these federal lands, and proactive ROW management is required to protect the public and critical infrastructure from wildfires and outages. These land corridors, typically a few hundred feet in width, provide linear paths for delivering electricity to American

¹ North American Electric Reliability Corporation, *2025 Long-Term Reliability Assessment*, January 2026, https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

² Macomber, E., et al., *Wildfire: An Updated Look at Utility Risk and Mitigation*, Version 2, Stanford Digital Repository, June 6, 2025, <https://purl.stanford.edu/nj087tm1688/version/2>.

³ Ciampoli, Paul, “Utilities Adopt Various Strategies to Mitigate Against the Threat of Wildfires,” American Public Power Association, June 6, 2024, www.publicpower.org/periodical/article/utilities-adopt-various-strategies-mitigate-against-threat-wildfires.

⁴ Vincent, Carol Hardy and Hanson, Laura A., “Federal Land Ownership: Overview and Data,” Congressional Research Service, February 21, 2020, <https://crs.gov/reports/pdf/R42346/R42346.pdf>.

families and businesses. Due to the West’s significant federal footprint, ROWs run through a patchwork of private and public land, most of which is managed by the BLM and USFS.

USFS lands include approximately 3,000 authorized electric transmission and distribution lines, including about 1,300 rural electric facilities and accounting for nearly 18,000 miles of electrical ROW.⁵ Similarly, BLM administers nearly 17,000 ROWs for electric transmission and distribution lines across more than 70,000 miles.⁶ To operate and maintain transmission and distribution lines on federal lands, utilities must receive authorization from the appropriate agency, and the costs of operating, maintaining, and repairing electricity lines on these ROW are borne by utilities and their ratepayers.⁷



Figure 2: Dead trees near a transmission line, White River National Forest | Source: Vail Daily

An electricity ROW can have multiple benefits. While their primary purpose is to facilitate electricity transmission, they also serve as vital corridors for native wildlife and pollinators.⁸ The vegetation along ROWs, where trees, shrubs, and climbing vines are prevented from growing into or falling across power lines, maintains a low profile that provides optimal habitat for pollinators, such as bees, butterflies, and hummingbirds.⁹ Furthermore, ROWs’ proximity to forest and old field habitats offers birds and other wildlife with valuable resources, including food, nesting, and reproduction sites.¹⁰

The Need to Maintain Electricity ROWs

The approximately 90,000 miles of power lines located on USFS and BLM lands¹¹ cover only a small fraction of total federal lands. But the consequences of failing to effectively and efficiently manage vegetation in and adjacent to ROWs can be catastrophic.

⁵ *H. Rept. 114-287: Electricity Reliability and Forest Protection Act*, 114th Cong., U.S. House of Representatives, 1st sess., House Committee on Energy and Commerce, 2015–2016, <https://www.congress.gov/committee-report/114th-congress/house-report/287/1>.

⁶ Bureau of Land Management, “BLM Montana/Dakotas Issues Policy to Reduce Wildfire Risk Around Power Lines on Public Lands,” December 12, 2019, <https://www.blm.gov/press-release/blm-montanadakotas-issues-policy-reduce-wildfire-risk-around-power-lines-public-lands>.

⁷ 43 U.S.C. 1761-1772.

⁸ Koenig, Mara, “Fueling Pollinators Along Rights-of-Way,” U.S. Fish and Wildlife Service, June 16, 2025, <https://www.fws.gov/story/2025-06/fueling-pollinators-along-rights-way>.

⁹ Beaty, Colleen, “Rights-of-Way Are for the Birds: Managing Power Line Corridors to Help Wildlife,” *Electrical Contractor Magazine*, June 15, 2021, <https://www.ecmag.com/magazine/articles/article-detail/your-business-rights-way-are-birds-managing-power-line-corridors-help-wildlife>.

¹⁰ *Id.*

¹¹ America’s Electric Cooperatives, “Electric Co-ops Praise House Passage of Fix Our Forests Act, a Crucial Tool for Reducing Wildfire Hazards,” January 23, 2025, <https://www.electric.coop/electric-co-ops-praise-house-passage-of-fix-our-forests-act-a-crucial-tool-for-reducing-wildfire-hazards>.

On August 14, 2003, for example, inadequate vegetation management contributed to the largest U.S. electrical power blackout in North American history.¹² This event was triggered when an overgrown tree contacted a sagging transmission line, resulting in power outages that affected over 50 million people and caused an estimated \$4 to \$10 billion in economic losses.¹³

Prior to the 2003 blackout, the North American Electric Reliability Cooperation (NERC) issued operating guidelines for utilities that were largely discretionary and lacked federal enforcement authority to penalize noncompliant utilities.¹⁴ In response to the 2003 blackout, however, NERC finalized vegetation management standards for the electric industry in 2005.¹⁵ That same year, the Energy Policy Act of 2005¹⁶ was signed into law to establish mandatory nationwide electricity reliability standards and expedite agency approvals so utilities could implement them. In an effort to prevent cascading blackouts and other disasters, the statute also authorized penalties of up to \$1 million per day for utilities that allow trees to encroach on transmission lines.¹⁷

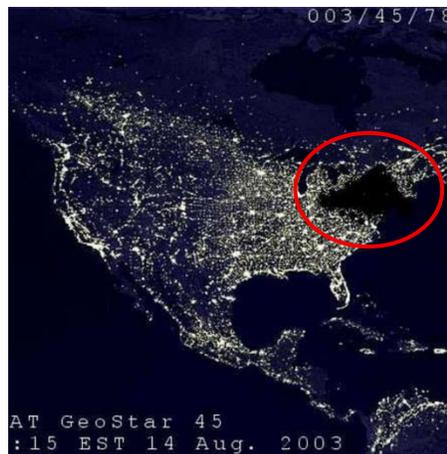


Figure 3: Northeast blackout of 2003 | Source: AM980.ca

Despite the 2005 law, federal land managers faced heightened criticism over the following decade for preventing utilities from performing vegetation management on a consistent and uniform basis.¹⁸ Specifically, many utilities expressed concerns that agencies implemented contradictory policies, that no timely decision-making process existed for removing hazardous trees, and that the utilities themselves could be held liable if a tree outside their ROWs fell onto powerlines and sparked a fire on federal lands.¹⁹

¹² National Aeronautics and Space Administration, Office of Safety and Mission Assurance, *Powerless: Northeast Blackout of 2003*, NASA Safety Message SM-2008-03-01, March 1, 2008, <https://sma.nasa.gov/docs/default-source/safety-messages/safetymessage-2008-03-01-northeastblackoutof2003.pdf>.

¹³ *Id.*

¹⁴ United States Government Accountability Office, *Electricity Restructuring: 2003 Blackout Identifies Crisis and Opportunity for the Electricity Sector*, GAO-04-204, November 2003, <https://www.gao.gov/products/gao-04-204>.

¹⁵ Federal Energy Regulatory Commission, “Transmission Line Vegetation Management,” June 23, 2025, <https://www.ferc.gov/transmission-line-vegetation-management>.

¹⁶ P.L. 109-58; 119 Stat. 594.

¹⁷ *Id.*

¹⁸ *Hearing: Keeping the Lights On and Reducing Catastrophic Forest Fire Risk: Proper Management of Electricity Rights of Way on Federal Lands*, Subcommittee on Water and Power, Committee on Natural Resources, U.S. House of Representatives, May 7, 2014, <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=102191>.

¹⁹ *Id.*



Figure 4. Tree leaning on distribution line in Big Horn National Forest | Source: Big Horn REA

In 2011, for example, the Jemez Mountains Electric Cooperative, a rural electric cooperative in New Mexico, faced bankruptcy after a wildfire that began in the Santa Fe National Forest caused an aspen tree to fall onto a power line in the utility's USFS ROW.²⁰ Although the tree was located outside the ROW, USFS held the utility responsible for firefighting costs, billing it for more than \$38.2 million.²¹ Because the utility had only \$20 million in liability insurance coverage, the remaining costs were ultimately borne by ratepayers.²²

To address these growing issues caused primarily by bureaucratic delays and inconsistencies, Congress added section 512 to the Federal Land Policy and Management Act of 1976 (FLPMA) as part of the Consolidated Appropriations Act, 2018.²³ Specifically, this new section sought to streamline and clarify vegetation management processes, expedite federal agency review and decision-making, and reduce utility liability in certain situations.²⁴ To improve coordination between utilities and agencies and minimize the need for case-by-case approvals, this law directs the Secretaries of the Interior and Agriculture to give utilities operating on federal lands the option to develop long-term plans for vegetation management, facility inspection, and operation and maintenance.²⁵ The appropriate Secretary is required to approve the plan within 120 days and identify categories of actions that do not require the preparation of an environmental assessment or environmental impact statement (categorical exclusions) under the National Environmental Policy Act.²⁶

Section 512 allows the owner or operator of a transmission or distribution line to trim or remove any tree—whether inside or outside the ROW's linear boundary—that has died or is likely to die or fail within the routine vegetation management cycle if such occurrence would cause substantial damage or disruption to the line or come within 10 feet of the line.²⁷ Following the trimming or removal of the tree or its hazardous portions, the appropriate land management agency must be notified within 24 hours.²⁸ Lastly, section 512 absolves utilities of strict liability for damages or injury if a federal agency unreasonably fails to allow maintenance in accordance

²⁰ Hayden, Mark C. *Testimony of Mark C. Hayden, General Manager, Missoula Electric Cooperative, Before the Subcommittee on Water, Power, and Oceans, Committee on Natural Resources, U.S. House of Representatives*. May 20, 2015, <https://naturalresources.house.gov/uploadedfiles/haydentestimony.pdf>.

²¹ *Id.*

²² *Id.*

²³ P.L. 115-141.

²⁴ P.L. 94-579.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

with an approved plan or delays a request to remove a hazard tree.²⁹ It also caps strict liability damages at \$500,000 per incident for qualifying small utilities with approved vegetation plans.³⁰ However, a utility remains liable if its lines or facilities spark a fire independently of a federal agency's action or inaction on vegetation management.

Consequences of Bureaucratic Delays and Discrepancies

To implement section 512 of FLPMA, USFS and BLM issued final rules in 2020³¹ and 2024³², respectively. Both rules provide for the development and approval of operating plans and agreements for maintenance and vegetation management, add a definition of "hazard tree" consistent with the statute, and allow utilities to perform emergency vegetation management on and adjacent to the ROW. Neither agency identified nor established any new categorical exclusions as required in law.

Despite section 512 and the agencies' subsequent rules, vegetation management and infrastructure maintenance on federal ROWs is an ongoing challenge for many utilities. Specifically, the electric power sector has expressed unified frustration over the agencies' implementation of the law, citing persistent inconsistencies between regions and agencies.³³ These bureaucratic discrepancies not only increase costs (and therefore electricity rates for customers), but they also delay wildfire mitigation projects, putting communities and the bulk power system at heightened risk.³⁴

Witnesses at this hearing will testify about their organizations' and members' difficulties in obtaining approvals from federal land managers to conduct maintenance activities to reduce the threat of catastrophic wildfire. One witness, Midstate Electric Cooperative, operates a power line through Deschutes National Forest in Oregon and the Newberry National Volcanic Monument therein. Inside the monument boundaries, the cooperative's ROW has become overgrown with vegetation, with trees encroaching within six feet of power lines in some areas. Midstate has worked for years to gain the necessary USFS approvals to clear the ROW. To date, it has not made any progress or even meaningfully initiated the permitting process.

Another witness, NV Energy, a Nevada-based utility, undertook a specific initiative to identify and pursue the removal of abandoned, de-energized, and idle lines in Humboldt-Toiyabe

²⁹ *Id.*

³⁰ *Id.*

³¹ U.S. Forest Service, U.S. Department of Agriculture, *Land Uses: Special Uses; Procedures for Operating Plans and Agreements for Powerline Facility Inspection, Operation, Maintenance, and Vegetation Management*, Federal Register, vol. 87, no. 29, February 11, 2022, <https://www.federalregister.gov/documents/2022/02/11/2022-02889/land-uses-special-uses-procedures-for-operating-plans-and-agreements-for-powerline-facility>.

³² *Update of the Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way*, 89 Fed. Reg. 25922 (April 12, 2024), Bureau of Land Management, U.S. Department of the Interior, final rule, effective May 13, 2024, <https://www.federalregister.gov/documents/2024/04/12/2024-06997/update-of-the-communications-uses-program-cost-recovery-fee-schedules-and-section-512-of-flpma-for>.

³³ Lange, Clif, *Written Testimony at the FERC Wildfire Risk Mitigation Technical Conference*, National Rural Electric Cooperative Association, October 21, 2025, Prepared for the Federal Energy Regulatory Commission Wildfire Risk Mitigation Technical Conference, Docket No. AD25-16-000, <https://www.electric.coop/wp-content/uploads/2025/10/10-21-2025-FERC-Wildfire-Technical-Conference-Written-Testimony-of-Clif-Lange-NRECA-FINAL.pdf>.

³⁴ Cramer, Rachel, "Beetle-Killed Trees Near Power Lines Bring Increased Wildfire Risk," *Montana Public Radio*, August 6, 2019, <https://www.mtpr.org/montana-news/2019-08-06/beetle-killed-trees-near-power-lines-bring-increased-wildfire-risk>.

National Forest to reduce the risk of wildfire from unintentional energization. For nearly a year, NV Energy has been fully staffed, funded, and prepared to decommission an abandoned 60 kV line in extremely remote, high-fire-risk terrain. However, the local USFS office has repeatedly deferred action, initially indicating that a review would start within weeks, then pushing it to the fall prioritization cycle, and most recently stating that it has no time to review the project at all.

Similarly, Anza Electric Cooperative in California has encountered months of delays and thousands of dollars in increased costs for a pole replacement project. This is because USFS wants to evaluate the aging power poles—which urgently need replacing to harden the system against wildfire risks—for listing in the National Register of Historic Places. These bureaucratic delays not only result in higher electric bills for ratepayers but could also prove devastating for the utilities and the surrounding communities in the event of a fire.

Apart from the patchwork of inconsistent and inefficient policies, overstocked and unhealthy federal forests are a major concern for utilities operating in and around them. Recently, utilities across the West have increased spending on vegetation management, infrastructure improvements, and other wildfire mitigation efforts to proactively reduce the risk of a transmission-related fire. For



Figure 5: Distribution lines surrounded by overgrown vegetation | Source: Sulphur Springs Valley Electric Cooperative

example, Montana’s largest electricity supplier, NorthWestern Energy, has more than doubled its spending on hazard tree removal, from approximately \$3 million to \$8.5 million.³⁵ This increase comes on top of the more than \$83 million the utility spends each year on operations and maintenance.³⁶ Likewise, Rocky Mountain Power, which provides electricity to more than 1.2 million customers in the western U.S., forecasts an additional \$13.9 million through 2028 in wildfire mitigation investments in Idaho alone, including \$8.1 million in capital expenses.³⁷ Failure to improve consistency and permitting efficiency across federal land management agencies undermines these increased investments when utilities cannot manage the sections of their power lines that face the greatest risk.

Restoring Resiliency to Our Forests and Electric Power Systems

Sponsored by Chairman Bruce Westerman (R-AR-04), H.R. 471, the “*Fix Our Forests Act*” (FOFA), addresses several ongoing vegetation management challenges facing utilities. Specifically, Title II of the bill strengthens existing expedited authorities for ROWs by allowing

³⁵ *Id.*

³⁶ *Id.*

³⁷ Rocky Mountain Power, *2026–2028 Idaho Wildfire Mitigation Plan*, December 19, 2025, Idaho Public Utilities Commission, Case No. PAC-E-25-22, https://www.rockymountainpower.net/content/dam/pcorp/documents/en/rockymountainpower/rates-regulation/idaho/filings/case-no--pac-e-25-22/2026-2028_Idaho_Wildfire_Mitigation_Plan.pdf.

hazard tree removal within 150 feet of power lines, rather than the current 10-foot limit.³⁸ The legislation also requires automatic approval, after 120 days, of vegetation management plans submitted by electric utilities,³⁹ while section 204 establishes a new categorical exclusion for the approval of vegetation management plans and routine activities carried out consistent with such plans.⁴⁰ Additionally, FOFA authorizes USFS to approve hazard tree removal for maintenance purposes near power lines without requiring a separate timber sale.⁴¹ Under current rules, fallen or dead trees cannot be cleared without a timber sale, creating an administrative hurdle that can delay the clearing of hazardous fuels and other potential wildfire risks on federal lands.⁴²

Acknowledging the urgent need to restore forest health and protect electric power systems, the House of Representatives passed FOFA in January 2025 in an overwhelmingly bipartisan vote.⁴³ Companion legislation, S. 1462, was introduced in the Senate by Senator John Curtis (R-UT) and received a markup in the Senate Agriculture, Nutrition, and Forestry Committee on October 21, 2025. Notably, the Senate bill excluded the categorical exclusion in section 204 of H.R. 471. On July 24, 2025, 32 public power organizations, representing over 150 community-owned electric utilities, sent a letter to the lead House and Senate sponsors of FOFA urging Congress to include the section 204 categorical exclusion in any final compromise legislation.⁴⁴ FOFA currently awaits a vote in the Senate.

Accordingly, this hearing will focus on the pressing need to enact FOFA, implementation of section 512 of FLPMA, and opportunities to improve permitting for maintenance within and adjacent to utility ROWs.

³⁸ H.R. 471, 119th Congress, <https://www.congress.gov/119/bills/hr471/BILLS-119hr471ch.pdf>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Flathead Electric Cooperative, “Flathead Electric Joins Public Power Allies in Urging Passage of the Fix Our Forests Act,” January 22, 2026, <https://www.flatheadelectric.com/flathead-electric-joins-public-power-allies-in-urging-passage-of-the-fix-our-forests-act/>.

⁴³ H.R. 471, 119th Congress, <https://www.congress.gov/bill/119th-congress/house-bill/471/all-actions>.

⁴⁴ Northwest Public Power Association, et al., *Letter to Senators John Curtis, John Hickenlooper, Tim Sheehy, and Alex Padilla and Representatives Bruce Westerman and Scott Peters regarding the Fix Our Forests Act*, July 24, 2025.