NORTHWEST PUBLIC POWER ASSOCIATION

RESOLUTION 08-9

IMPROVED AGENCY COOPERATION FOR UTILITY RIGHTS-OF-WAY ON FEDERAL LANDS

Northwest Public Power Association (NWPPA) members have an obligation to provide dependable electric power to all consumers in their service area, which necessitates a reliable and safe transmission and distribution system. In operating and maintaining these systems on or near federal lands, consumer-owned utilities require timely and economical access to these lands for the purpose of construction, maintenance, relocation and repairs of electric utility facilities and rights-of-way. To gain access to federal lands, they are also required to work with federal agencies such as the:

- Department of the Interior (including the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management and Bureau of Indian Affairs);
- Department of Defense (U.S. Army Corps of Engineers); and
- U.S. Department of Agriculture (including the U.S. Forest Service).

In working with these agencies, utilities often encounter policies that prohibit or delay access to federal lands, add excessive costs to perform the work to obtain the required permits, and create adverse impacts to public health and safety – including damage to electric lines and forest lands. These policies include:

- Forbidding or delaying development, maintenance and use of roads in national forests;
- Imposing a strict liability clause for fire suppression in utility easement agreements, while restricting utility's ability to minimize such liability by clearing brush from forest floors or trimming and topping trees. Such a standard holds the utility responsible for all fires regardless of the cause; and
- Forbidding or delaying the extension of service to private property or adding unreasonable conditions to such extensions.

NWPPA therefore requests the heads of the federal agencies named above work with NWPPA member utilities to (1) enhance the right for utilities to operate and maintain facilities and rights-of-way; (2) revise and streamline all policies that can adversely impact a utility's ability to obtain timely access to federal lands for the purposes of maintaining safe and reliable operations; and (3) assist NWPPA members in obtaining Congressional support to revise the current strict liability clause statute and other laws that restrict timely access to federal lands for the purposes of construction, maintenance, relocation and repairs of electric utility facilities and rights-of-way located on federal lands.

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