

1 **Northwest Public Power Association**
2 **Resolution 2010-05**
3 **Improved Agency Cooperation for Utility**
4 **Rights-of-Way on Federal Lands**

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6 **Background**

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8 NWPPA members have an obligation to provide dependable electric service to their customers.
9 This requires a reliable and safe transmission and distribution system. In operating and
10 maintaining these systems on or near federal lands, consumer-owned utilities require timely
11 and economical access to these lands for the purpose of construction, maintenance, relocation,
12 and repairs of electric utility facilities and rights-of-way. To gain access to federal lands, these
13 utilities are required to work with numerous federal agencies, such as the U.S. Department of
14 the Interior (including the National Park Service, U.S. Fish and Wildlife Service, U.S. Bureau of
15 Land Management and Bureau of Indian Affairs), Department of Defense (U.S. Army Corps of
16 Engineers), and U.S. Department of Agriculture (including the U.S. Forest Service).

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18 In working with these agencies, utilities often encounter policies that prohibit or delay access to
19 federal lands, add excessive costs to perform the work to obtain the required permits, and
20 create adverse impacts to public health and safety including damage to electrical lines and
21 forest lands. These policies include: forbidding or delaying development, maintenance and use
22 of roads in national forests; imposing a strict liability clause for fire suppression in utility
23 easement agreements, while restricting a utility's ability to minimize such liability by clearing
24 brush from forest floors or trimming and topping trees; and forbidding or delaying the
25 extension of service to private property or adding unreasonable conditions to such extensions.

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27 **NWPPA's Position**

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29 • NWPPA believes Congress should propose the creation of an interagency review
30 committee with the authority to revise and streamline all policies that can adversely
31 impact a utility's ability to obtain timely access to federal lands for the purposes of
32 maintaining safe and reliable operations.
33 • Federal agencies should work with NWPPA members to enhance the utility's rights to
34 operate and maintain facilities and rights-of-way.
35 • Federal agencies should assist NWPPA members in obtaining Congressional support to
36 revise the current strict liability clause statute and other laws that restrict timely access
37 to federal lands for the purposes of construction, maintenance, relocation and repairs of
38 electric utility facilities and rights-of-way located on federal lands.

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40 Origination Date: 2006. Revised in 2008 and 2010.