

1 **NORTHWEST PUBLIC POWER ASSOCIATION**

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3 **RESOLUTION 7-09**

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5 **IMPROVED AGENCY COOPERATION FOR UTILITY RIGHTS-OF-WAY**
6 **ON FEDERAL LANDS**
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8 Northwest Public Power Association (NWPPA) members have an
9 obligation to provide dependable electric power to all consumers in their
10 service area, which necessitates a reliable and safe transmission and
11 distribution system. In operating and maintaining these systems on or near
12 federal lands, consumer-owned utilities require timely and economical
13 access to these lands for the purpose of construction, maintenance,
14 relocation and repairs of electric utility facilities and rights-of-way. To gain
15 access to federal lands, they are also required to work with federal agencies
16 such as the:

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

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

26 These policies include:

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

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

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