



Western Utilities Partnership

**A story of forest health, regulation,
and changing paradigms**



Evan Burks, USDA FS

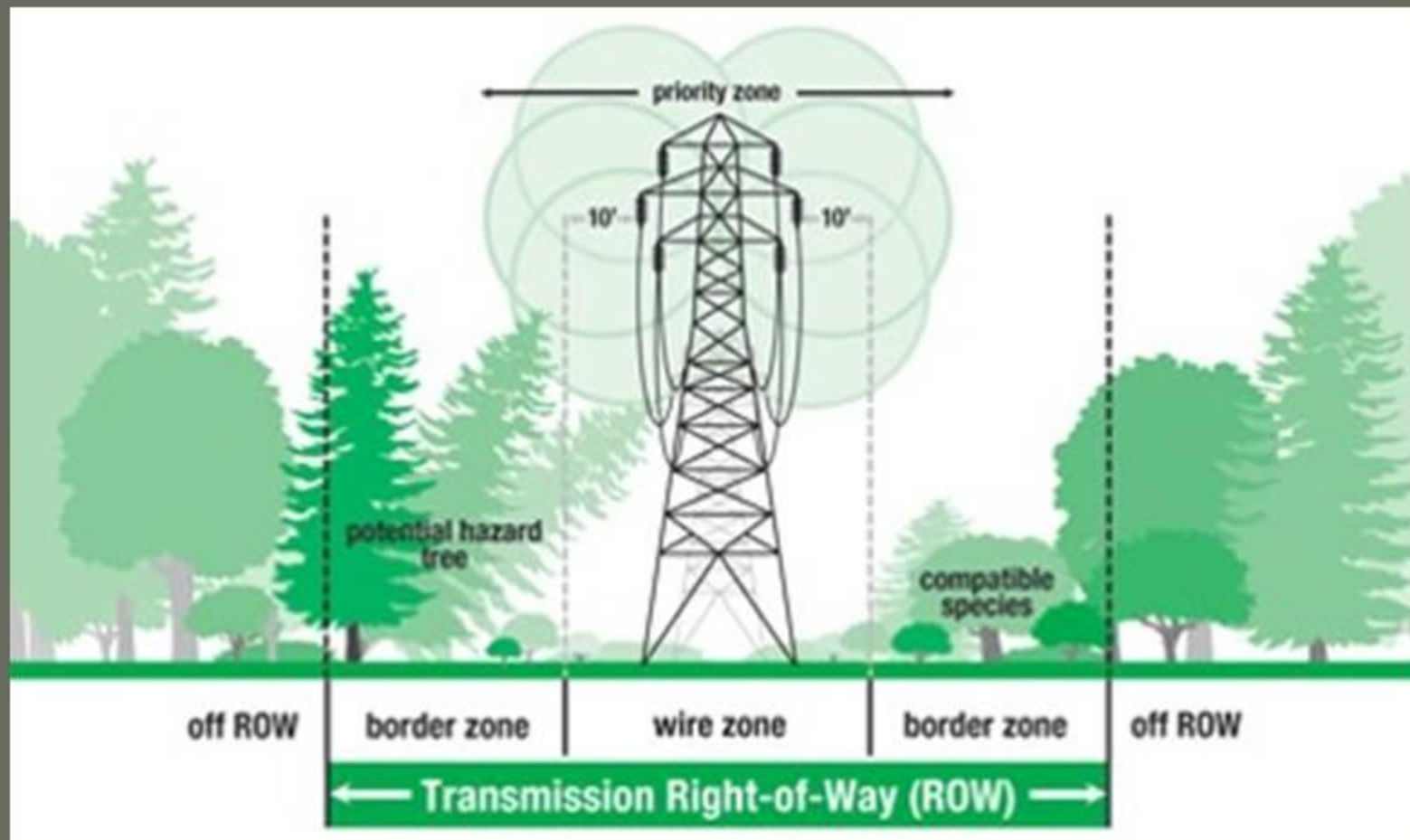
Partnership Coordinator

Pike & San Isabel National Forests, Cimarron & Comanche National
Grasslands, CO

Legislation and Administrative Actions that focused attention on the utility grids

- Executive Order by President Bush (E.O. 13212)
 - Signed in May of 2001
 - Declared the Electric Utility Grid to be a matter of national security
 - Improve and expedite cooperation among federal agencies to insure the supply and availability of energy for the country
- Energy Policy Act of 2005 (P.L. 109-58)
 - Required federal agencies to expedite approvals to comply with applicable reliability standards
 - Directed FERC and NERC to develop and enforce reliability standards
 - Enforcement began in February of 2007
- Executive Order by President Obama (E.O. 13604)
 - Signed March of 2012
 - Another attempt to improve permitting process for utility ROWs
 - Charged agencies with developing a Federal Permitting and Review Performance Plan

36 CFR 251.58 outlines rules for agency cost-recovery for special use applications and monitoring. Agencies have the authority to charge entities rent for occupying federal lands and associated costs for processing, NEPA, monitoring etc.



Legislation and Administrative Tools for Agencies

- Healthy Forests Restoration Act of 2003 (P.L. 108-148)
 - Defines ROW corridors as Wildland Urban Interface (WUI)
 - Focuses on reduction of hazardous fuels and removal of biomass
 -
- MOU between Edison Elect Inst and Fed Land Mgt agencies
 - Framework for IVM
 - Encourages agencies to expedite review and approvals for electric transmission line security and reliability

So, Why Isn't It Done?

- ◉ MOU between Edison Electric Inst. And Federal Agencies sent to Regions, but apparently not forwarded to the Field.
- ◉ Agencies directed to “expedite clearances”, but not given support for NEPA
- ◉ Energy Policy Act of 2005 was never funded by Congress (“Unfunded Mandate”)

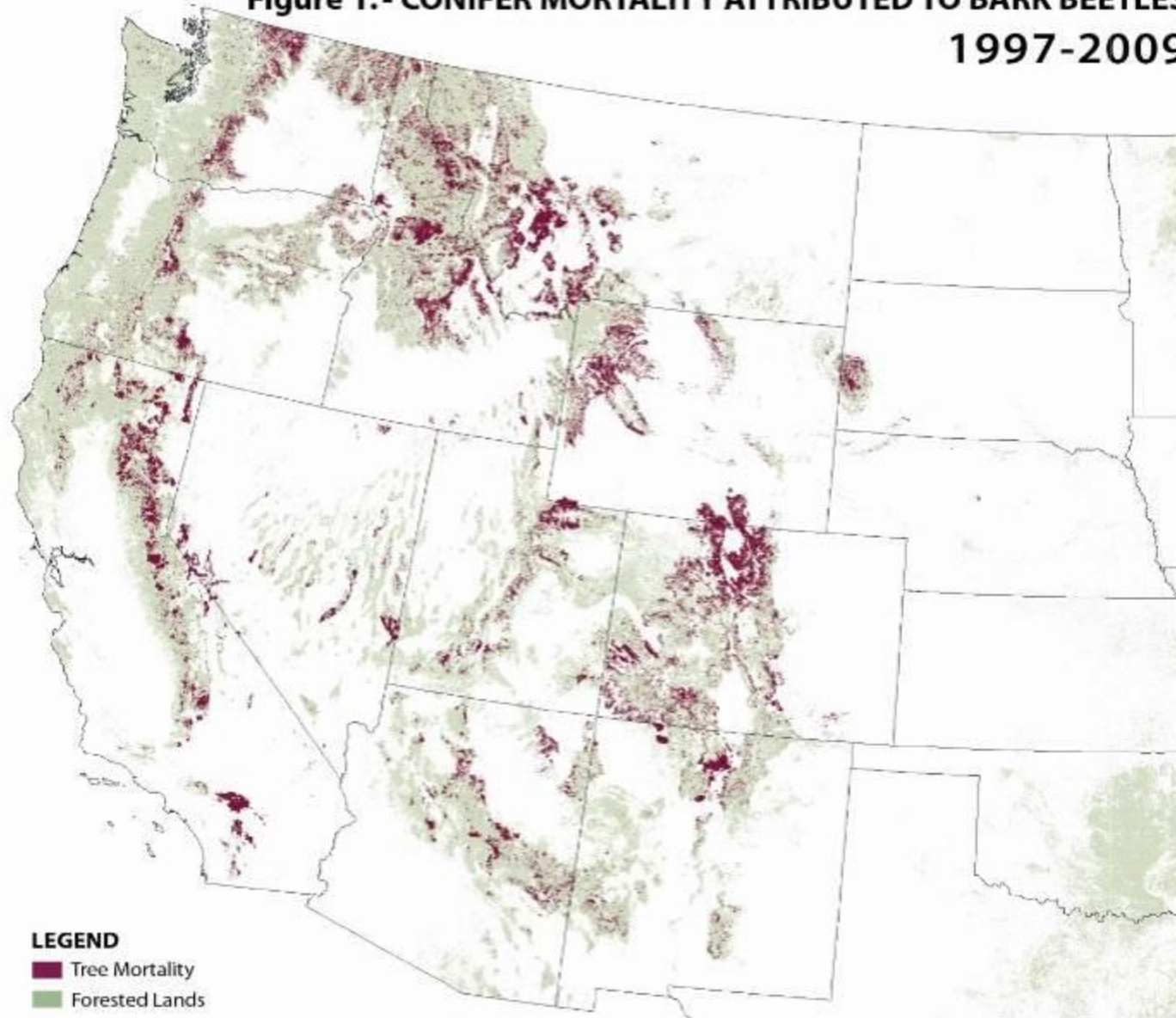
By the way...

Congress is STILL working on this...

May 2015 – The Electricity Reliability and Forest Protection Act, introduced by Zinke (D-MT) and Schrader (D-OR) to the House Water, Power and Oceans Subcommittee

Bill focuses on cutting red tape in USFS and BLM policies to expedite permitting with regards to ROW management on federal lands.

**Figure 1.- CONIFER MORTALITY ATTRIBUTED TO BARK BEETLES
1997-2009**



Derived from Aerial Detection Survey Data

ACRES BY STATE

Arizona	2,343,000
California	5,528,000
Colorado	6,637,000
Idaho	5,177,000
Montana	6,166,000
Nebraska	30,000
Nevada	1,302,000
New Mexico	1,830,000
Oregon	3,000,000
South Dakota	473,000
Utah	1,960,000
Washington	3,622,000
Wyoming	3,654,000
TOTAL ACRES	41,722,000

BARK BEETLES INCLUDED

California fivespined ips	Pine engraver
Douglas-fir beetle	Pinyon ips
Douglas-fir engraver	Red turpentine beetle
Douglas-fir pole beetle	Roundheaded pine beetle
Fir engraver	Silver fir beetle
Ips pilifrons	Southern pine beetle
Ips spp.	Spruce beetle
Jeffrey pine beetle	Western balsam bark beetle
Lodgepole pine beetle	Western cedar bark beetle
Mountain pine beetle	Western pine beetle
Phloeosinus spp.	

BRIEF RECENT TIMELINE

2009 – R2 Regional Forester sends letter to Utilities making it clear that they can remove hazard trees on and off the ROW with proper FS approval.

2010 – Multiple R2 Forests in N. Colorado and S. Wyoming issue Emergency Powerline Clearing NEPA authorized under Title 1 of the Health Forests Restoration Act to remove hazard trees 400 ft. from transmission lines and 150 ft. from distribution.

2011 – USFS releases **Western Bark Beetle Strategy** indicating safety as a top priority and identifies “facilitating permittees completing hazard tree mitigation on lands under special use permits” as a top action item.

2013 – R2 signs regional MOU and Collection Agreement with Xcel Energy to begin working on fuel reduction projects in and outside ROWs based on LiDAR data and fire modeling provided by Xcel.

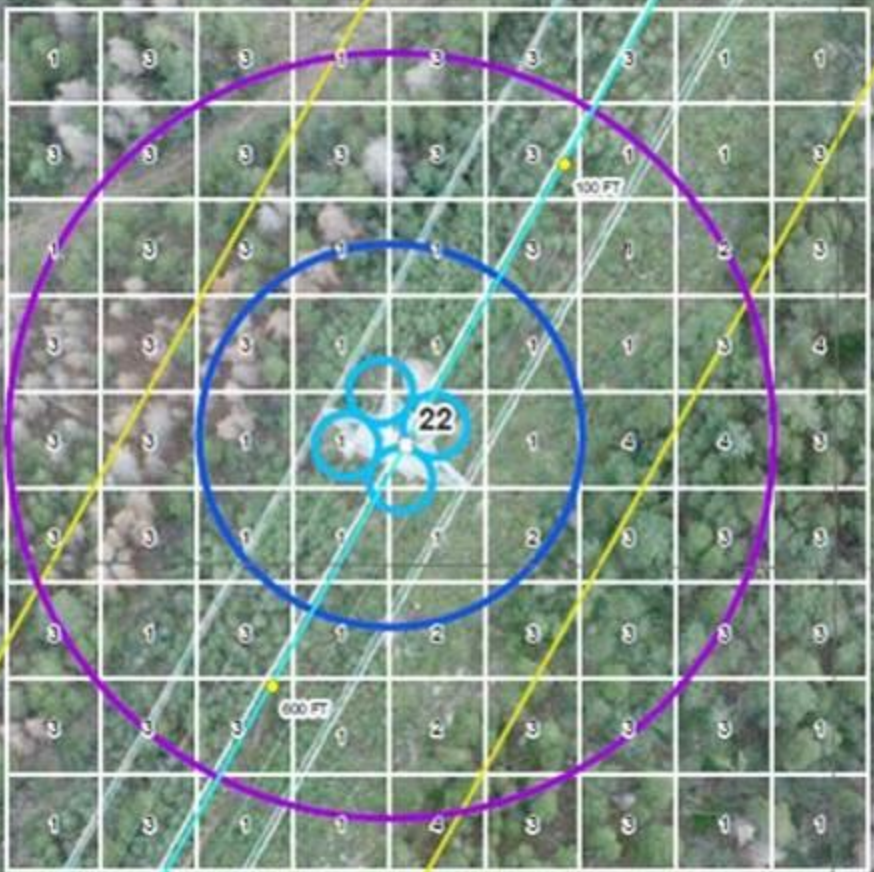
2014 – Tri-State Generation and Western Area Power approach PSICC about forming a new partnership to address fuel reduction around power line ROWs on the San Isabel National Forest.

Example 1: Xcel Energy Rx for fuel reduction project around structure

Rx depends on structure material (wood, aluminum, steel) and ROW width

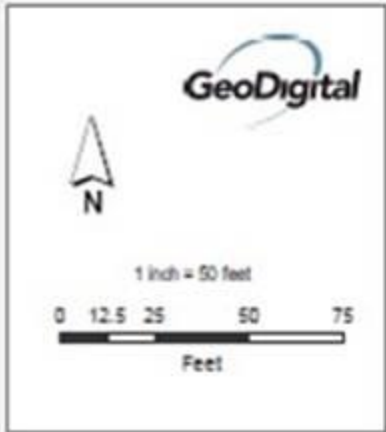
Generally <40% canopy closure is requested in Zone C except in Aspen stands

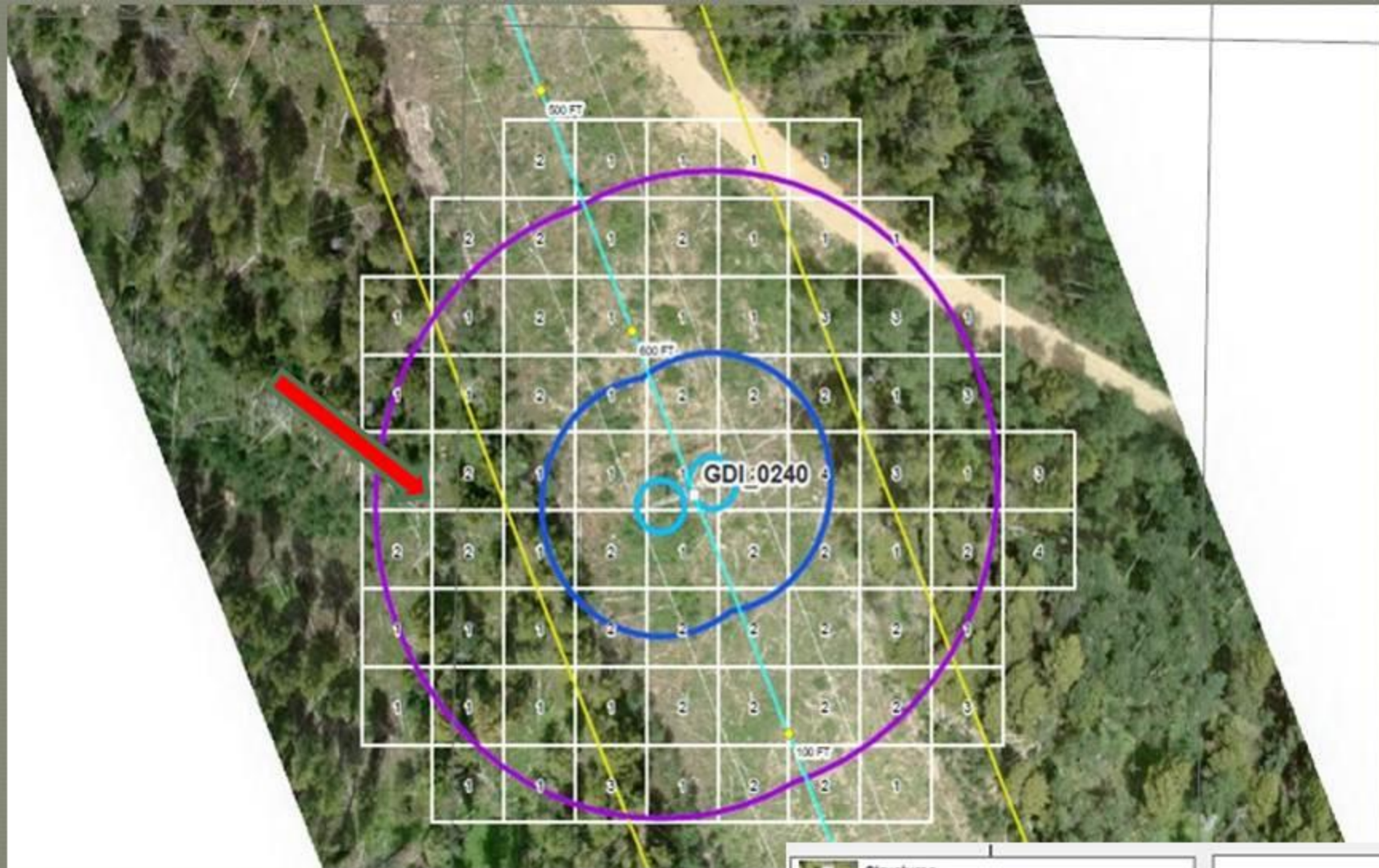
This Rx is all about reducing transport canopy fire to minimize impact to structure



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No surface fuel load removal required under this Rx.





Example 2: Xcel Energy Rx

Supported by fire science from
Missoula Lab (Butler et al. 2014)

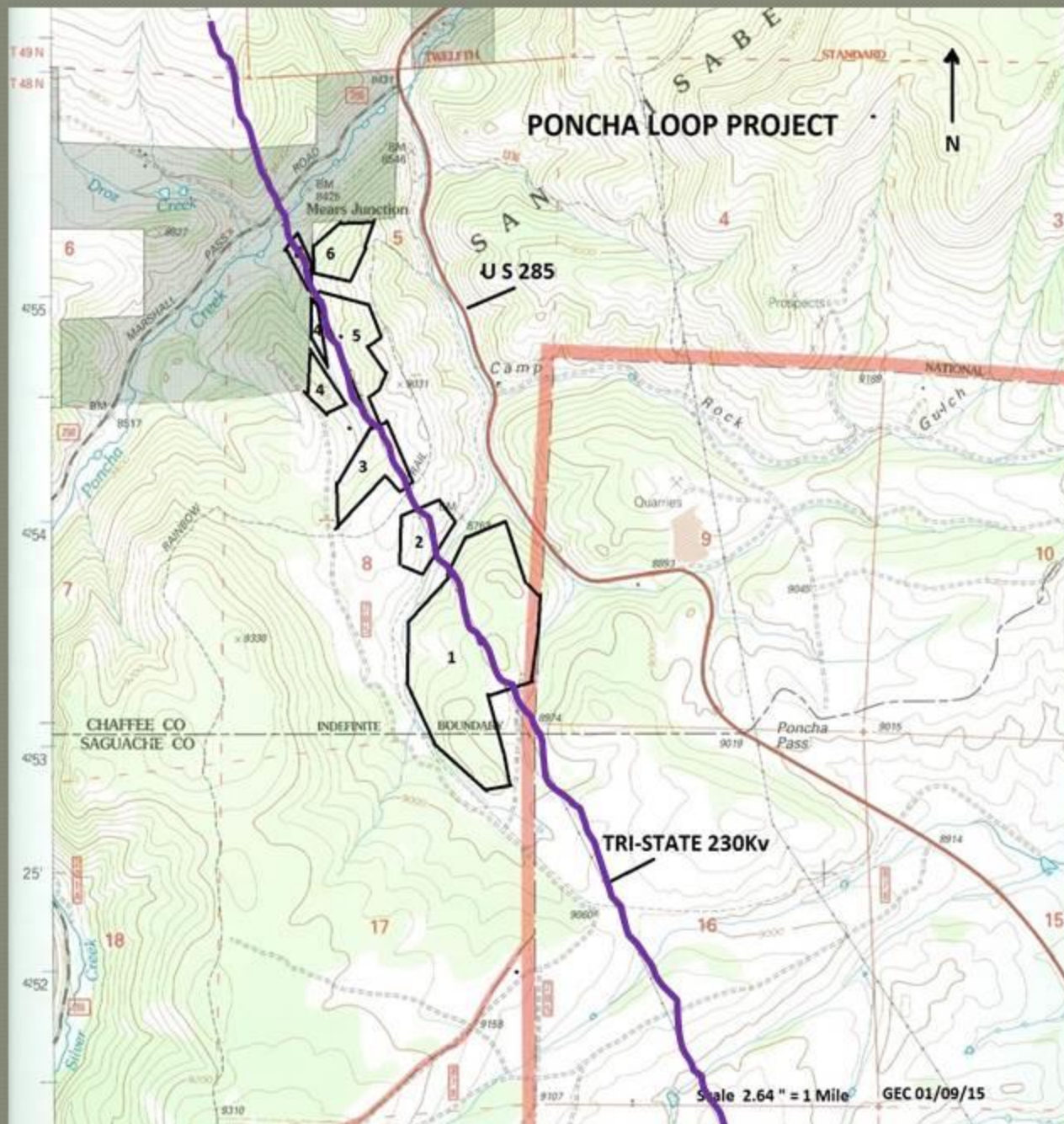


GeoDigital



1 inch = 50 feet





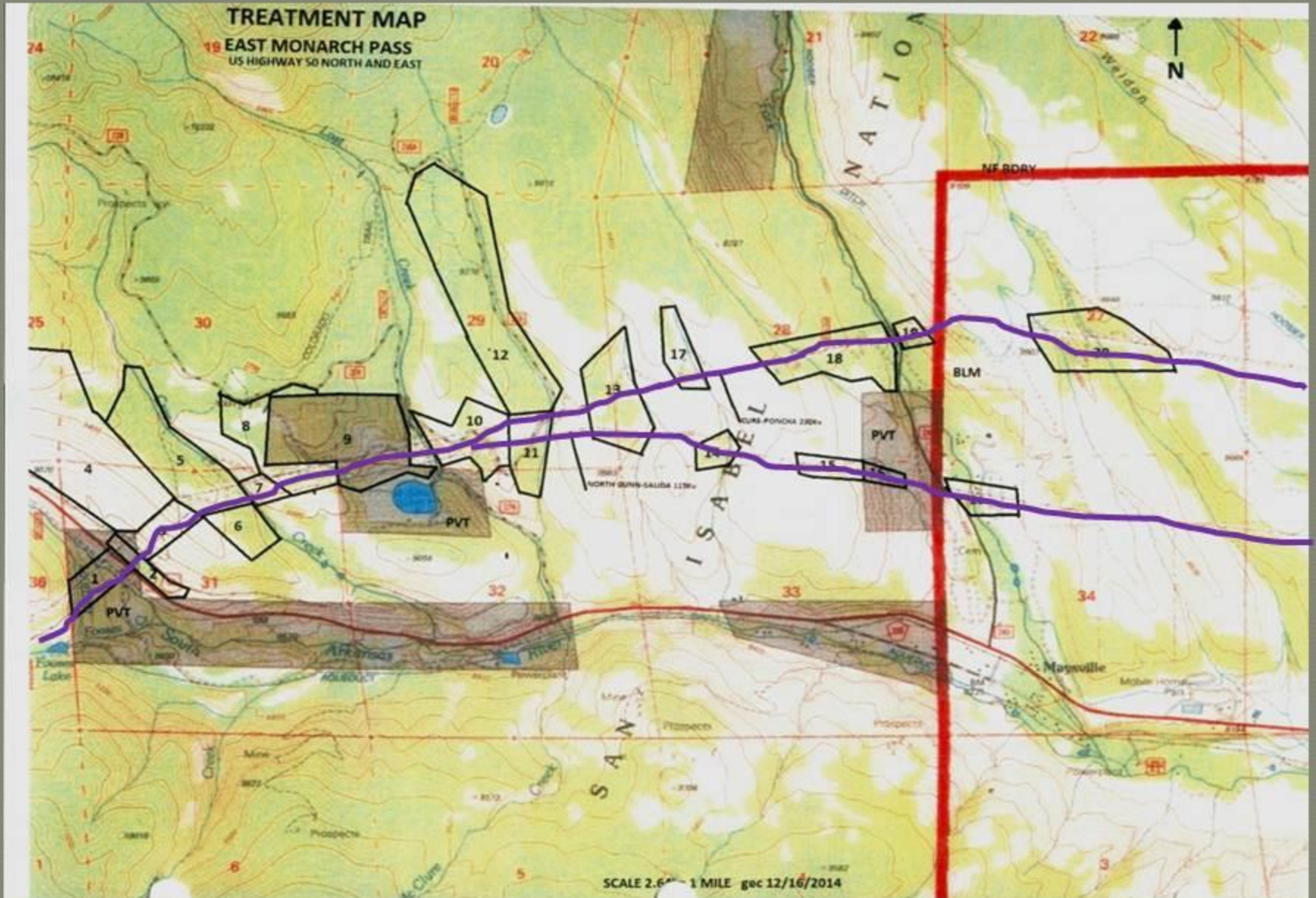
Example 3: Tri-State Rx

Rx varies by unit

Includes mastication, thinning by basal area rx, pile burning, broadcast burning, and traditional small timber sales or firewood sales.

*Note the difference in management style

Again, note how far off ROW the treatment areas are...











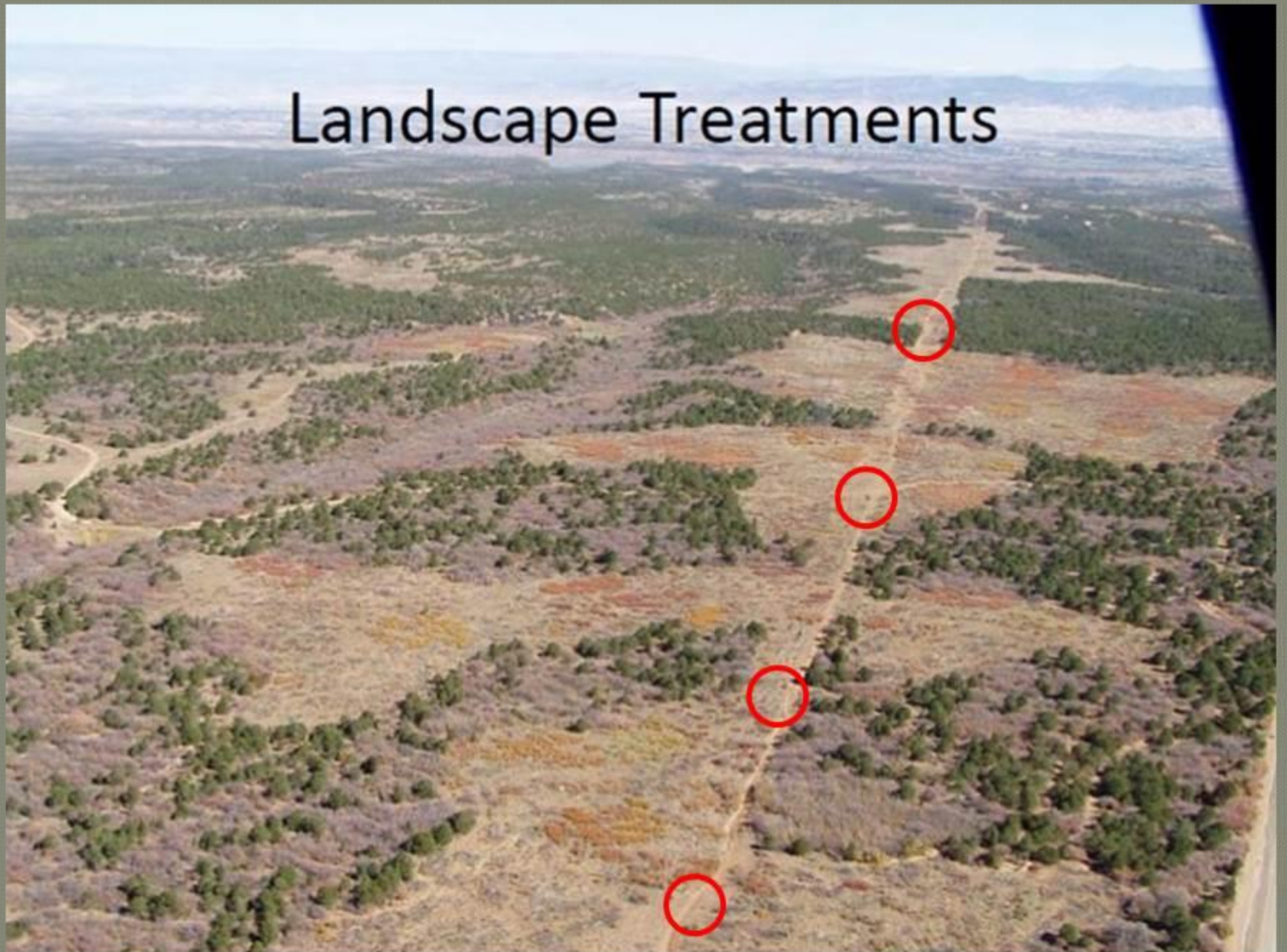




2010 ROW Cleared
Note Beetle Infestation



Landscape Treatments



A Brief Note on Partnership Development: Xcel

- Xcel Energy is a done deal, managed by the RO and handed down to the Forests to implement. Our first treatments will be this year. NEPA is underway for additional treatments in areas that weren't already covered by NEPA funded by 1-time WO money.
- Xcel is constrained by PUC regulatory requirements and needs to produce results at low cost because of rate-payer increases. They sold the PUC on 100% of rate-payer funds going to on-the-ground treatment (not NEPA).

A Brief Note on Partnership Development: WAPA/Tri-State

- WAPA/Tri-State also have a major sense of urgency and are hoping for some on-the-ground treatments this field season.
- They also want an MOU with BLM, USFS, State Forest Service, etc. MOU is currently being drafted, but held up in the review process.
- Their objectives are more holistic and include aesthetic importance. They aren't privately held companies meaning they don't have the risk of bankruptcy under liabilities like Xcel.
- We have ability to share NEPA costs with WAPA and Tri-State as they commonly do NEPA and have specialists on staff.

Discussion

- Internal differences of opinion
 - We can do this as a partnership vs. Hey! What about cost-recovery?
- Non-traditional way of doing business
 - Expanding relationship with permittees
 - Are we violating existing rules?
- Real threats of liabilities
 - Tree contact with powerline is number one cause of power outages and causes lots of fires
 - Uncleared powerlines are major concern for firefighter safety/public safety
 - Who is responsible when the power goes out in Denver?

Discussion

- Defining roles and responsibilities
 - Veg management vs. forest management (where to draw the line in the woods?)
- Setting priorities
 - Is the USFS in the business of protecting power infrastructure??

Questions to Ponder

- Do we have a responsibility to remain consistent with how we treat partners? How do we balance equal access to opportunities while the approach and constraints can be different?
- Are there best practices for managing politicized partnerships? Specifically, how do we deliver with unfunded mandates?
- What happens when partnerships challenge existing programs/directives (in this example, cost-recovery)?
- How do we balance doing what makes sense at a local level, while being mindful of potential larger regional/national precedent setting?
 - What happens when what we do on our unit impacts what might happen somewhere else?
 - When is it time to kick the partnership up or down the ladder?