



Opening Statement
Hearing on Vegetation Management
Chairman Lisa Murkowski
September 19, 2017

The Committee will be back in order, as we begin the full committee hearing.

We're here to examine how the nation's utilities and our federal land managers work together to keep the lights on and prevent wildfires. We've certainly seen a lot of the wildfires in the news, certainly coming out of the state of Montana – it has been a tough, tough, tough season. To me, this hearing represents the intersection of the energy and natural resources components of our Committee's jurisdiction. We can see that connection with our panelists – we have representatives from the U.S. Forest Service, the Bureau of Land Management, the Arizona Public Service Company, the Missoula Electric Cooperative, and The Wilderness Society with us here this morning. Welcome, to each of.

Hurricanes Harvey and Irma have reminded us of the terrible damage that hurricanes can inflict on power lines and the very real hardships that people face without electricity. I was just reading an article a couple days ago about the debate as to whether or not burying our utility lines can save us if we have hurricanes with high winds – yes it might, but then what happens when you have flooding. I think it's just a clear and direct reminder to us that natural disasters come in various forms and the impact on our power generation is something that we need to know and understand, and to ensure a level of resilience. We've also spent considerable time examining the ever-evolving cyber threat to the nation's grid system. But it might surprise many to learn that the biggest danger that we might face in "keeping the lights on" is basic vegetation management around electricity transmission and distribution lines.

Back in August 2003, a single tree falling into a power line in Ohio started a cascading East Coast blackout that left 50 million people without power and cost billions in damages. It was this blackout event that led to the creation of the Electric Reliability Organization in the Energy Policy Act of 2005, and the imposition of mandatory reliability standards, including a vegetation management standard, on the utility industry.

Failing to keep power lines free of vegetation and so-called "hazard" trees can also be a cause of wildfires, which have again burned millions of acres in western states this

year. With contact, a power line's energy can transfer to the vegetation, causing sparks and potentially fire. Hundreds of wildfires have started on federal lands in this way. Out west, our federal forests are overstocked and stressed by prolonged drought, leaving millions of acres of dead and dying trees. And many of our western forests are tinderboxes for wildfire, and the result, while predictable, is simply devastating.

Given these public safety concerns, utilities face federal, state, and local requirements to maintain their lines. At the federal level, utilities are subject to fines of up to \$1 million per day for ERO standard violations and are strictly liable for damages that occur on federal lands.

So make no mistake: this is a significant undertaking. With 90,000 miles of transmission and distribution lines located on federal lands, utilities must cooperate with federal resource agencies to conduct this important work in a time-sensitive manner. But unfortunately, the federal government is not exactly known for its time-sensitivity and we often find inconsistent procedures among the various field offices. Still, under strict liability, a utility – and, really, its customers – may have to pay for damages that were preventable.

Both chambers now have legislation, which we are considering today, that aim to facilitate vegetation management activities on federal lands in order to enhance electric reliability and reduce wildfires.

Senator Cantwell and I have included text in our energy and natural resources bill. The House has passed its own bill, H.R. 1873, the Electricity Reliability and Forest Protection Act, with 300 votes from members on both sides of the aisle. I should note that then-Representative Zinke, now our Secretary of the Interior, sponsored the House bill in the last Congress, so I think we know that he, too, cares about this issue.

The House and Senate measures seek to bring greater certainty and timeliness to the federal process. Both provide for emergency situations. And while not identical, S. 1460 and H.R. 1873 direct the agencies to consider the categorical exclusion process for routine vegetation management work and attempt to bring fairness to the liability question.

These are significant issues – touching on electric system reliability, wildfire prevention, federal land management, regulatory compliance, and standards of liability. So, again, I want to thank our witnesses that are here to share their expertise with us as we consider them.

So Senator Cantwell, thank you for your interest in this, and your comments please.

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