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June 8, 2026

Congressional Research Service
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R48973

CRS REPORT
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SUMMARY

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Vegetation Management for Wildfire Mitigation Along Electric Power Line Rights-of-Way on Federal Lands

Congress has shown interest in protecting lives and property from catastrophic wildfires and in protecting electric grid reliability. Electric power line rights-of-way (hereinafter, *power line ROWs*) often cross multiple land jurisdictions, which may include one or more parcels of federal land. Power line owners and operators (hereinafter, *operators*) are responsible for clearing vegetation (e.g., trees), both to prevent wildfire ignitions and to protect power line facilities from wildfires on the surrounding landscape. Operators do this by various means, including removing, cutting, or replacing vegetation.

Four federal land management agencies (FLMAs) administer the vast majority of federal lands in the United States: the Bureau of Land Management (BLM), National Park Service (NPS), and U.S. Fish and Wildlife Service (FWS) within the U.S. Department of the Interior (DOI), and the Forest Service (FS) within the U.S. Department of Agriculture (USDA). Each has its own management mission and purposes. The majority of power line facilities on federal lands are on lands managed by BLM or the FS, which adhere to the same statutes regarding vegetation management along power line ROWs (43 U.S.C. §1772), though each has its own regulations and policies. Vegetation management along power line ROWs on NPS and FWS lands is generally guided by each agency's regulations and policies. Power line ROWs also cross lands under the jurisdiction of other federal departments or agencies and are managed according to their unique missions and policies.

Operators whose power lines affect the bulk-power system, defined as those "facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof)" and the electric energy "needed to maintain transmission system reliability" also must adhere to mandatory and enforceable *reliability standards* (16 U.S.C. §824o). The reliability standards are developed and enforced by the North American Electric Reliability Corporation (NERC), a designated not-for-profit organization that is certified by the Federal Energy Regulatory Commission (FERC), the government agency that oversees the bulk-power system. Operators of power lines that affect the bulk-power system and are located on federal land must comply with both the reliability standards and the requirements of the FLMA that manages the underlying land.

The relevant FLMAs must approve operators' vegetation management plans (which may be part of more comprehensive facility operation and maintenance plans) and the implementation of activities within those plans. Statute directs the Secretary of the Interior (for BLM lands) and the Secretary of Agriculture (for FS lands) to create processes for reviewing and approving these plans and the activities within them, and guides the contents of these plans. Vegetation management typically involves a recurring cycle of inspection and maintenance. Vegetation management is commonly split into emergency and routine (i.e., nonemergency) activities, which generally have different processes for notifying and receiving approval from the relevant FLMA. Emergency activities address vegetation that presents an imminent threat of disrupting electric service or creating a fire or safety hazard and must be treated before the next routine maintenance cycle. *Hazard trees* are trees or shrubs at risk of falling near or into power lines, and might be pruned or removed as part of emergency or routine vegetation management activities.

Ongoing congressional debate includes how best to protect natural and cultural resources on federal lands in place and the appropriate ways to manage vegetation to mitigate wildfire risk. Some stakeholders assert several potential issues, including a lack of consistency between land jurisdictions, onerous regulations, lack of agency capacity, staff turnover, or poor coordination and information sharing, for causing administrative delays and vegetation management challenges. Congress is considering legislation with provisions that aim to reduce administrative delays and jurisdictional inconsistencies, including the Fix Our Forests Act (S. 1462/H.R. 471) and the Farm, Food, and National Security Act of 2026 (H.R. 7567, a 2026 farm bill).

Contents

Figures

Contacts

Background

Congress has shown interest in protecting communities from the threat of wildfires and in protecting the reliability of the electric grid.[1] Electrical power lines can ignite wildfires and be damaged by them.

High winds can cause vegetation (e.g., trees) to strike power lines and cause the lines to hit one another (called *conductor slap*). Vegetation strikes can also cause components to break and fall to the ground, creating sparks or *arcing* (sending an electric current outside its intended pathway), or releasing molten material.[2] Both cases can ignite fires (i.e., electrical ignition). High winds make electrical ignitions more likely and also rapidly spread fire, causing some electrical ignitions to become catastrophic.[3] Electrical ignitions are associated with some of the nation's most destructive fires, including the 2023 Lahaina Fire, the 2021 Marshall Fire, and the 2018 Camp Fire. Collectively, these fires caused more than 185 deaths, destroyed more than 22,000 structures, and cost more than $24 billion in damages.[4]

Wildfire can also damage electrical infrastructure, potentially causing power outages, safety hazards, and longer-term financial impacts to electric utilities and their customers.[5] An estimated

[1] See, for example, 43 U.S.C. §1772; recommendations relevant to topics discussed in this report from the Wildland Fire Mitigation and Management Commission, authorized by the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58 Division G Title II, §70201), in Wildland Fire Commission, *On Fire: The Report of the Wildland Fire Mitigation and Management Commission*, September 2023, pp. 49-53, https://www.usda.gov/sites/default/files/documents/wfmmc-final-report-09-2023.pdf (hereinafter Wildland Fire Commission, *On Fire*); U.S. Congress, House Natural Resources Committee, *Electricity Reliability and Forest Protection Act, report together with dissenting views to accompany H.R. 2358*, 114th Cong., 1st sess., H.Rept. 114-287, pp. 4-10, 24; U.S. Congress, House Natural Resources Committee, Water, Wildlife and Fisheries Subcommittee, *Oversight Hearing titled "Bureaucratic Delays and the Costs to Ratepayers and Electric Power Systems,"* Hearing Memo V2, prepared by Subcommittee on Water, Wildlife and Fisheries Staff: Richie O'Connell and Jackson Renfro, 119th Cong., 2nd sess., February 20, 2026. For more information, see CRS Report R47521, *Electricity: Overview and Issues for Congress*, by Ashley J. Lawson.

[2] National Interagency Fire Center (NIFC), "Wildland Fire Investigation: Common Wildfire Causes, https://www.nifc.gov/fire-information/fire-prevention-education-mitigation/wildfire-investigation#power.

[3] Holly Eagleston et al., "Systemic Drivers of Electric-Grid-Caused Catastrophic Wildfires: Implications for Resilience in the United States," *Challenges*, vol. 16, no. 13 (February 18, 2025); Claire Miller et al., "Electrically Caused Wildfires in Victoria, Australia are Over-Represented when Fire Danger is Elevated," *Landscape and Urban Planning*, vol. 167 (November 2017); Joseph W. Mitchell, "Power Line Failures and Catastrophic Wildfires Under Extreme Weather Conditions," *Engineering Failure Analysis*, vol. 35 (December 15, 2013).

[4] Boulder County, "Boulder County Sheriff's Office Concludes the Investigation into the Cause and Origin of the Marshall Fire," press release, June 8, 2023, https://bouldercounty.gov/news/boulder-county-sheriffs-office-concludes-the-investigation-into-the-cause-and-origin-of-the-marshall-fire/; CalFire, *Top 20 Deadliest California Wildfires*, October 9, 2025, https://www.fire.ca.gov/our-impact/statistics; CBSColorado.com Staff, "Marshall Fire Damage Estimate Now Tops $2 Billion," *CBS News*, October 27, 2022; Stewart Yerton, "Lahaina Fire Cause Revealed: Maui Blames Fallen Power Line," *15 CB Honolulu Civil Beat*, October 2, 2024; U.S. Fire Administration, *Preliminary After-Action Report: 2023 Maui Wildfire*, February 28, 2024, https://www.usfa.fema.gov/blog/preliminary-after-action-report-2023-maui-wildfire/; Vicente Vera, "Camp Fire Legacy: Breaking Down California's Most Devastating Wildfire," *ABC 10*, November 7, 2023.

[5] Paul Arbaje, "Wildfires and Power Grid Failures Continue to Fuel Each Other," *The Equation* (blog), Union of Concerned Scientists, May 23, 2024, https://blog.ucs.org/paul-arbaje/wildfires-and-power-grid-failures-continue-to-fuel-each-other/. See, for example, U.S. Congress, Senate Energy and Natural Resources Committee, *The Impacts of Wildfire on Electric Grid Reliability and Efforts to Mitigate Wildfire Risk and Increase Grid Resiliency*, 116th Cong., 1st sess., December 19, 2019, S. Hrg. 116-362 (GPO, 2021), p. 63.

9,200 miles of power lines were within the perimeters of large fires in the continental United States between 2000 and 2019.[6]

Various entities hold rights-of-way (ROWs) for power lines on federal lands (hereinafter, *power line ROWs*), crossing through various vegetation types. A ROW is a kind of easement, or nonpossessory legal right to use or control land for a particular purpose. Power line ROWs may be held by private entities, nonfederal publicly owned utilities, member-owned electric cooperatives, or the federal government.[7] Electric utility owners and operators (hereinafter, *operators*) are responsible for managing vegetation along their ROWs on federal lands to protect their infrastructure from wildfires or from causing wildfires, among other reasons.

These operators must follow federal regulations and laws when they maintain ROWs on federal lands. Four federal land management agencies (FLMAs) administer the vast majority of federal lands in the United States: the Bureau of Land Management (BLM), National Park Service (NPS), and U.S. Fish and Wildlife Service (FWS) within the U.S. Department of the Interior (DOI), and the U.S. Forest Service (FS) within the U.S. Department of Agriculture (USDA).[8] Vegetation management along power line ROWs is guided by statutes, regulations, and policies that may vary among the agencies. Most power line ROWs on federal lands are on lands managed by BLM or the FS, which adhere to the same authorities and statutory requirements for managing vegetation along electric power line ROWs.[9] The NPS and FWS, also covered in this report, do not have statutory direction specific to vegetation management along power line ROWs. Policies regarding vegetation management along power line ROWs on NPS and FWS lands may relate to the purpose of the underlying land.

This report discusses common approaches to vegetation management along power line ROWs; the responsibilities of power line ROW holders; and selected statutes, regulations, and policies that guide FLMA ROW vegetation management along power lines. It also discusses potential issues for Congress.

This report does not discuss all aspects of power line ROWs and wildfire. For example, the report does not discuss power line ROWs on nonfederal lands, nor does it contain a full discussion of wildfire mitigation actions that operators can take (e.g., burying lines, power safety shutoffs, insulation, and other measures).

Vegetation Management Approaches Along Power Lines on Federal Lands

Vegetation management along power line ROWs aims to reduce the risk of vegetation coming into contact with power line components, thereby lowering the probability of an ignition event. *Vegetation management* does not have a statutory or regulatory definition that is generally applicable to all federal lands. BLM and the FS have regulatory definitions that are substantively

[6] Arash Modaresi Rad et al., "Human and Infrastructure Exposure to Large Wildfires in the United States," *Nature Sustainability*, July 3, 2023.

[7] CRS In Focus IF12253, *Introduction to Electricity Transmission*, by Ashley J. Lawson; CRS Report R47862, *Electricity Transmission: What Is the Role of the Federal Government?*, by Ashley J. Lawson and Adam Vann.

[8] CRS In Focus IF10585, *The Federal Land Management Agencies*, by Carol Hardy Vincent et al.; CRS Report R47862, *Electricity Transmission: What Is the Role of the Federal Government?*, by Ashley J. Lawson and Adam Vann.

[9] 43 U.S.C. §1772.

similar.[10] NPS and FWS do not define *vegetation management* in their regulations regarding power line ROWs. For clarity and consistency, this report defines the term *vegetation management* as activities that a power line ROW operator takes to clear a ROW of combustible biomass in order to prevent power line-caused wildfires or to protect power lines from wildfires.

Vegetation management along power line ROWs generally consists of removing, pruning, or otherwise limiting vegetation growth (for example, by applying herbicide or planting smaller species) that might contact or come within a specified distance of power line facilities.[11] Operators might clear vegetation to a specified distance from power lines, or might clear beyond a minimum distance to allow for plant growth during the ensuing maintenance cycle.

Vegetation management along power lines typically follows a recurring inspection and maintenance cycle. Operators may base the timing of this cycle on vegetation growth rates. Inspection programs sometimes use technologies such as field cameras, aerial or drone imaging, or Light Detection and Ranging (LiDAR) scanning.

At times, operators need to manage vegetation outside of the regular maintenance cycle. Vegetation cut during the regular maintenance cycle is *routine* or *nonemergency vegetation management*. Vegetation cut on short notice to respond to an imminent threat is *emergency vegetation management*. Vegetation at risk of falling near or onto power lines, called *hazard trees* (see "Hazard Trees and Minimum Vegetation Clearance Distance (MVCD) on BLM and FS Land" section and **Figure 1**), might be pruned or removed during routine or emergency vegetation management activities.

Operators might employ one or more strategies for long-term ROW vegetation management. *Integrated vegetation management* is a set of principles that combine site-specific observations, various vegetation management approaches, monitoring, evaluation, and maintenance to promote durable, low- and/or slow-growing plant communities.[12] Another practice is *zone management*, where areas within the ROW are separated based on the types of vegetation and management practices that are most appropriate. Zone management typically involves a *wire zone* that is clear of tall vegetation and one or more *border zones* with low-growing shrubs or pruned trees.[13]

[10] *Vegetation management* is defined in the Code of Federal Regulations for the purpose of ROWs on public lands managed under the Federal Land Policy and Management Act (FLPMA, 43 U.S.C. §§1701 et seq.) by the Bureau of Land Management (BLM) and special uses on lands managed by the Forest Service (FS); 43 C.F.R. §2801.5(b); 36 C.F.R. §251.51. The definitions are substantively similar. Both divide vegetation management into categories of *emergency vegetation management* and *nonemergency (routine) vegetation management*.

[11] For examples of approaches to vegetation management along power lines, see Eversource, "Transmission System Vegetation Management," https://www.eversource.com/residential/about/reliability/vegetation-management/transmission-system-vegetation-management; Southern California Edison, "Vegetation Management," https://www.sce.com/outages-safety/wildfire-safety/wildfire-mitigation-efforts/vegetation-management; U.S. Environmental Protection Agency (EPA), Office of Pesticide Programs, *Integrated Vegetation Management*, EPA 731-F-08-010, October 2008, https://www.epa.gov/sites/default/files/2016-03/documents/ivm_fact_sheet.pdf.

[12] EPA, Office of Pesticide Programs, *Integrated Vegetation Management*, EPA 731-F-08-010, October 2008, https://www.epa.gov/sites/default/files/2016-03/documents/ivm_fact_sheet.pdf; The Pennsylvania State University, Penn State Extension, "Integrated Forest Vegetation Management," March 4, 2024, https://extension.psu.edu/integrated-forest-vegetation-management.

[13] Eversource, "Transmission System Vegetation Management," https://www.eversource.com/residential/about/reliability/vegetation-management/transmission-system-vegetation-management; Benjamin D. Ballard et al., "New Diagrams and Applications for the Wire Zone–Border Zone Approach to Vegetation Management on Electric Transmission Line Rights-of-Way," *Arboriculture & Urban Forestry*, vol. 33, no. 6 (November 2007).

Vegetation Management Responsibility and Regulation on Federal Lands

Operators that hold power line ROWs on federal lands are responsible for vegetation management along their ROWs. A ROW grant or permit authorizes the holder to conduct operation and maintenance activities, including vegetation management, on and in some cases adjacent to the ROW, in accordance with the regulations and policies of the relevant FLMA.[14]

Each FLMA administers lands pursuant to its management mission and purposes.[15] Vegetation management along power line ROWs is guided by statutes, regulations, and policies that may vary among the FLMAs. (For more on FLMA policies and regulations, see section "FLMA Policies and Underlying Statutory Authorities to Address Vegetation Along Power Line ROWs.") The relevant FLMAs must approve vegetation management plans and the implementation of specific activities within those plans for power line facilities on their land.[16] Typically, this approval occurs as part of granting the ROW.[17] Operators may modify plans with FLMA approval (e.g., when renewing or amending ROW grants).[18]

When FLMAs consider vegetation management activities on land under their jurisdictions, they adhere to statutory processes to comply with environmental and administrative requirements, such as the National Environmental Policy Act (NEPA).[19] NEPA establishes a national policy with respect to environmental quality and the basic process for integrating environmental considerations into federal decisionmaking (i.e., an environmental review).[20] Unless exempted by another statute, NEPA generally requires federal agencies to evaluate the environmental impacts of a proposed federal agency action, such as approving vegetation management activities.[21] Agencies can meet NEPA's environmental review requirements by preparing an environmental impact statement (EIS) or an environmental assessment (EA), depending on the level of potential impacts of the proposed action.[22]

[14] FLPMA applies the term *right-of-way* to include various types of permissions on BLM or FS land: "The term 'right-of-way' includes an easement, lease, permit, or license to occupy, use, or traverse public lands granted for the purpose listed in subchapter V of this chapter" (43 USC 1702(f)).

[15] For an introduction to electric transmission line siting and operation on federal lands, see CRS Report R47862, *Electricity Transmission: What Is the Role of the Federal Government?*, by Ashley J. Lawson and Adam Vann.

[16] 43 U.S.C. §1772 (c); 43 U.S.C. §1772 (k); 36 C.F.R. §14.10 (a); 36 C.F.R. §14.10 (c)(5); 50 C.F.R. §29.16 (d)(3); 16 U.S.C. §824o; Federal Energy Regulatory Commission (FERC), "Transmission Line Vegetation Management," June 23, 2025, https://www.ferc.gov/transmission-line-vegetation-management.

[17] For example, see regulations for BLM at 43 C.F.R. §2805.21(a), (c); FS at 36 C.F.R. §251.56(h); National Park Service (NPS) at 36 C.F.R. §14.10; and U.S. Fish and Wildlife Service (FWS) at 50 C.F.R. §29.16(d).

[18] Section 512 of FLPMA, enacted in 2018, required BLM and FS to create new guidance regarding power line ROW vegetation management plans, including a process for modifying plans (43 U.S.C. §1772). The statute directed the Secretary of the Interior and Secretary of Agriculture to provide "the option to develop and submit a plan" but did not require a new plan if a previously approved plan was consistent with the new requirements and guidance (43 U.S.C. §1772(c)(1), (k)).

[19] 42 U.S.C. §§4321 et seq.

[20] 42 U.S.C. §4332(2)(C) requires agencies of the federal government to include a detailed statement for every major federal action significantly affecting the quality of the human environment.

[21] 42 U.S.C. §4336(a).

[22] 42 U.S.C. §4336(b) requires that an agency issue an EIS for a proposed agency action that has a reasonably foreseeable significant effect on the quality of the human environment or an EA for a proposed agency action where the effects are unknown or reasonably foreseeable effects are not significant (unless a categorical exclusion applies).

An agency is not required to prepare an EIS or an EA for a proposed agency action if the action is excluded by statute or a categorical exclusion (CE).[23] CEs are typically established through an agency's prior experience in assessing the significance of impacts associated with similar types of actions. Congress also may establish CEs legislatively.[24]

Multiple other authorizations may be required for the approval of vegetation management activities.[25] Depending on the site-specific circumstances, examples of other applicable federal laws include, but are not limited to, the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA).[26]

Additionally, operators of transmission facilities that impact the *bulk-power system*, the national interconnected electric energy transmission network, also must comply with the North American Electric Reliability Corporation's mandatory reliability standards. (See "North American Electric Reliability Corporation (NERC) Reliability Standards" section.)

North American Electric Reliability Corporation (NERC) Reliability Standards

In the Energy Policy Act of 2005 (P.L. 109-58), Congress gave the Federal Energy Regulatory Commission (FERC) the authority to enforce mandatory standards to ensure the reliability of the "interconnected electric energy transmission network."[27] The North American Electric Reliability Corporation (NERC), a designated not-for-profit organization certified by FERC as the Electric Reliability Organization for the United States, developed and intermittently updates the reliability standards, which are subject to FERC's review and approval.[28] NERC's standards cover planning, operation, and emergency preparedness, among other concerns. NERC sets requirements for

[23] 42 U.S.C. §4336(a)(2). Further, 42 U.S.C. §4336e(1) defines a CE as a category of actions that a federal agency has determined normally does not significantly affect the quality of the human environment. For more information about NEPA, see CRS In Focus IF12560, *National Environmental Policy Act: An Overview*, by Kristen Hite and Heather McPherron.

[24] When Congress establishes a statutory CE, there is no requirement that the category of actions "normally does not significantly affect the quality of the human environment." These statutory CEs provide an opportunity for Congress to specify the level of environmental review for specific policy objectives, such as infrastructure development or the need for rapid response to emergencies or natural disasters. For more information about legislative CEs, see CRS Report R48595, *Legislative Categorical Exclusions Under the National Environmental Policy Act*, by Heather McPherron.

[25] As defined by 42 U.S.C. §4370m(3), the term *authorization* includes, "any license, permit, approval, finding, determination, or other administrative decision issued by an agency and any interagency consultation that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations."

[26] National Historic Preservation Act (NHPA; 54 U.S.C. §§300101 et seq.), Endangered Species Act (ESA; 16 U.S.C. §§1531 et seq.). The intersection of vegetation management activities, NHPA, ESA, and other environmental statutes outside of NEPA is outside the scope of this report. For information on consultation requirements under NHPA and ESA, see CRS Report R47543, *Historic Properties and Federal Responsibilities: An Introduction to Section 106 Reviews*, by Mark K. DeSantis; and CRS In Focus IF12423, *Endangered Species Act (ESA) Section 7 Consultation*, by Erin H. Ward and Pervaze A. Sheikh.

[27] 16 U.S.C. §824o. The North American Electric Reliability Corporation's (NERC's) reliability standards, including those for Transmission Vegetation Management, are within the FAC—Facilities Design, Connection, and Maintenance family, and are available at NERC, "Reliability Standards," https://www.nerc.com/standards/reliability-standards. Additional background on FERC and NERC's enforcement of electric reliability standards is in CRS Report R45764, *Maintaining Electric Reliability with Wind and Solar Sources: Background and Issues for Congress*, by Ashley J. Lawson.

[28] P.L. 109-58, Title XII §1211(b); 16 U.S.C. §824o note.

technical performance, risk mitigation, and competency, including standards for vegetation management and emergency procedures to prevent system failures.

The federal reliability standards apply to "all users, owners and operators of the bulk-power system."[29] The *bulk-power system* is defined as "(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and (B) electric energy from generation facilities needed to maintain transmission system reliability."[30] Most transmission lines rated 100 kilovolts (kV) and above fall within the definition of the bulk-power system, and some lower-voltage lines may be included as well.[31] Local electric distribution lines are not considered part of the bulk-power system.

The currently enforced reliability standards include a set of Transmission Vegetation Management standards that applies to all bulk-power system transmission lines operated at 200kV or higher,[32] and some lines operated below 200 kV.[33] Generally, operators of bulk-power system lines within ROWs on federal land need to comply with the reliability standards and the requirements of the FLMA that manages the underlying land, as discussed below (see "FLMA Policies and Underlying Statutory Authorities to Address Vegetation Along Power Line ROWs").[34]

The Transmission Vegetation Management standards require operators to manage vegetation to prevent encroachment into a *minimum vegetation clearance distance* (MVCD), which is a distance calculated to prevent *flashover*, a condition where extreme heat from an electrical discharge might ignite nearby flammable material.[35] The standards prescribe MVCDs for various altitudes and system voltages.[36] Operators must retain records showing they considered the potential vertical movement (*sag*) and horizontal movement (*sway*) of power lines along with other factors to determine the MVCD (see **Figure 1**).[37] Factors such as heat (externally influenced by weather or internally influenced by electrical load) or ice buildup can increase sag, while wind usually causes sway.[38] Because the MVCD is a "minimum" distance, operators might remove vegetation from beyond the MVCD to prevent vegetation from falling, sagging, or blowing into the MVCD, and to accommodate new growth.[39]

[29] 16 U.S.C. §824o(b)(1).

[30] 16 U.S.C. §824o. Mandatory electric reliability standards do not apply in Alaska or Hawaii (16 U.S.C. §824o (k)).

[31] Information related to NERC's interpretation of the bulk-power system definition is available on NERC's website at NERC, "Bulk Electric System (BES) Definition, Notification, and Exception Process," https://www.nerc.com/pa/RAPA/pages/bes.aspx.

[32] NERC, *Transmission Vegetation Management*, FAC-003-5, April 1, 2024, https://www.nerc.com/globalassets/standards/reliability-standards/fac/fac-003-5.pdf (hereinafter NERC, *Transmission Vegetation Management*, FAC-003-05).

[33] NERC, *Transmission Vegetation Management*, FAC-003-05, Section 4.2, p. 1.

[34] See P.L. 109-58, Title XII §1211(c); 16 U.S.C. §824o note.

[35] NERC, *Transmission Vegetation Management*, FAC-003-05, p. 3. Note the spellings *flashover*, *flash-over*, and *flash over* all appear in this document; for examples, see pp. 3, 14, and 21-22. This report uses *flashover* because the BLM and the FS use this spelling for the purpose of defining *minimum vegetation clearance distance* (hereinafter, MVCD) in the Code of Federal Regulations (36 C.F.R. §251.51; 43 C.F.R. §2801.5(b)).

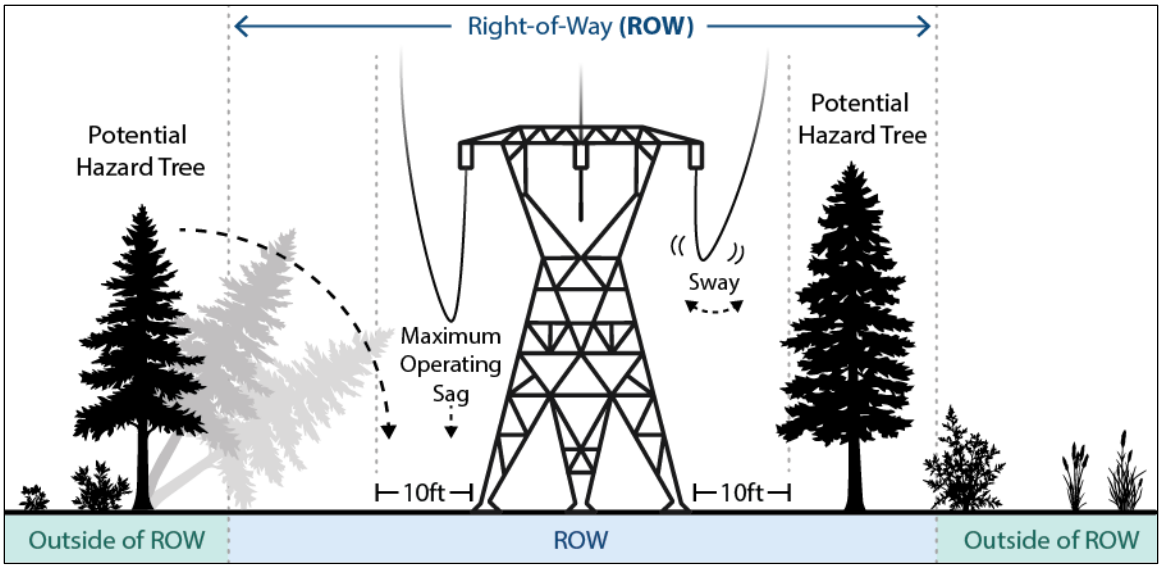
[36] NERC, *Transmission Vegetation Management*, FAC-003-05, pp. 17-19; 36 C.F.R. §251.51; 43 C.F.R. §2801.5(b).

[37] NERC, *Transmission Vegetation Management*, FAC-003-05, p. 24.

[38] NERC, *Transmission Vegetation Management*, FAC-003-05, p. 24.

[39] "The distances in this Table are the minimums required to prevent Flash-over; however prudent vegetation maintenance practices dictate that substantially greater distances will be achieved at time of vegetation maintenance." Table notes 12, 15, 18 for Table 2 in NERC, *Transmission Vegetation Management*, FAC-003-05, April 1, 2024, https://www.nerc.com/standards/reliability-standards/fac/fac-003-5. Also see FERC, "Transmission Line Vegetation Management," June 23, 2025, https://www.ferc.gov/transmission-line-vegetation-management.

Figure 1. Elements Affecting Vegetation Management.



Source: CRS.

Notes: An *ROW* is land with an easement, permit, or special use authorization that allows for construction, operation, and maintenance of facilities. *Sag* is the potential vertical (downward) movement of a power line and *sway* is the potential horizontal movement. *Maximum operating sag* is defined in Bureau of Land Management (BLM) and Forest Service (FS) regulations as "the theoretical position of a power line facility conductor (wire) when operating at 100 degrees Celsius, which must be accounted for when determining minimum vegetation clearance distance" (36 C.F.R. §251.51; 43 C.F.R. §2801.5(b)). Hazard trees, as defined in statute for the purpose of managing power line ROWs on BLM and FS land, may be inside or outside of a ROW and present a threat of damaging or disrupting an electric facility, or might "come within 10 feet of an electrical power line" (43 U.S.C. §1772 (a)(1)).

Among other requirements, the Transmission Vegetation Management standards require operators to retain documentation on maintenance strategies, procedures, and specifications used to prevent flashover conditions; provide timely notification to the appropriate entity when conditions could cause a flashover; conduct annual inspections; and complete the entire vegetation work plan on an annual basis.[40] Examples of violations include observed vegetation encroachment into the MVCD, as well as sustained electrical outages due to vegetation falling, the blowing together of power lines and vegetation, or vegetation growth into the MVCD (see **Figure 1**).

In 2025, FERC hosted a technical conference on wildfire mitigation and directed NERC to submit a report that (1) identifies best practices for reducing wildfire ignition risk from the bulk-power system and (2) assesses whether the use of new technologies could mitigate wildfire impacts to the bulk-power system.[41] FERC's actions responded to Executive Order 14308, "Empowering Commonsense Wildfire Prevention and Response," which directed the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and FERC to "consider initiating rulemaking proceedings" to establish best practices to reduce wildfire ignition risk from the bulk-

[40] NERC, *Transmission Vegetation Management*, FAC-003-05.

[41] FERC, *Order Directing Report*, Docket No. RD25-9-000, September 10, 2025, https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250910-3067&optimized=false&sid=575585eb-5222-4678-b63d-fff7aa75912c; FERC, *Notice of Wildfire Risk Mitigation Technical Conference*, Docket No. AD25-16-000, September 10, 2025, https://www.ferc.gov/media/notice-docket-no-ad25-16-000; FERC, "FERC Announces Technical Conference on Wildfire Mitigation and the Bulk-Power System; Directs NERC to Prepare Report," press release, September 11, 2025, https://www.ferc.gov/news-events/news/ferc-announces-technical-conference-wildfire-mitigation-and-bulk-power-system.

power system without increasing electricity prices.[42] NERC released a report with recommendations in May 2026.[43]

FLMA Policies and Underlying Statutory Authorities to Address Vegetation Along Power Line ROWs

Bureau of Land Management (BLM) and Forest Service (FS)

Most power line ROWs on federal lands are on lands managed by BLM or the FS, with more than 71,000 miles on BLM land and nearly 18,000 miles on FS land.[44] Congress directed BLM and the FS to manage lands under a multiple use-sustained yield model, pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA, P.L. 94-579) for BLM, and the Multiple Use-Sustained Yield Act of 1960 (MUSYA, P.L. 86-517) for the FS.[45] Through these statutes, Congress directed BLM and the FS to utilize their land resources to best meet the needs of the American people, while maintaining resource output in perpetuity and without impairing land productivity.[46] This directive also applies to managing vegetation in power line ROWs in the lands they administer.

BLM and the FS adhere to the same authorities and statutory requirements under FLPMA, as amended, for managing electric power line ROWs.[47] Title V of FLPMA authorizes BLM and the FS to grant electric transmission and distribution facility ROWs on lands they administer, provided that "the applicant shall also comply with all applicable requirements of the Federal Energy Regulatory Commission under the Federal Power Act."[48] The Consolidated Appropriations Act of 2018 amended FLPMA to add Section 512, requiring BLM and the FS to create guidance regarding vegetation management, facility inspection, and operation and maintenance plans (hereinafter, *plans*) for power line ROWs.[49]

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[42] Executive Order 14308 of June 12, 2025, "Empowering Commonsense Wildfire Prevention and Response," 90 *Federal Register* 26175, June 18, 2025.

[43] Candice Castaneda, *North American Electric Reliability Corporation Report on Reducing the Risk of Wildfire Ignition by the Bulk Power System*, NERC, Docket RD25-9-000, May 1, 2026, https://www.nerc.com/globalassets/who-we-are/legal--regulatory/filings--orders/nerc-filings-to-ferc/2026/wildfire-report-filing_signed.pdf (hereinafter NERC, *Report on Reducing Wildfire Risk*, Docket RD25-9-000).

[44] U.S. Congress, House Natural Resources Committee, *Electricity Reliability and Forest Protection Act, report together with dissenting views to accompany H.R. 2358*, 114th Cong., 1st sess., H.Rept. 114-287, p. 4.

[45] 43 U.S.C. §§1701 et seq.; 43 U.S.C. §1702(c),(h); 16 U.S.C. §§528 et seq. Some provisions of FLPMA, for example 43 U.S.C. §1772 regarding power line rights-of-way (ROWs), apply to both the BLM and the FS.

[46] 43 U.S.C. §§1701 et seq.; 16 U.S.C. §§528 et seq.; 16 U.S.C. §531.

[47] FLPMA, 43 U.S.C. Chapter 35. More information on power line ROWs on federal lands is in CRS Report R47862, *Electricity Transmission: What Is the Role of the Federal Government?*, by Ashley J. Lawson and Adam Vann; and CRS Report R48130, *Energy Production on Federal Lands: Leasing and Authorization*, by Adam Vann.

[48] 43 U.S.C. §1761(a). For information on the Federal Power Act, see CRS In Focus IF11411, *The Legal Framework of the Federal Power Act*, by Adam Vann.

[49] 43 U.S.C. §1772; Division O §211 of the Consolidated Appropriations Act of 2018 (P.L. 115-141) amended Title V of the Federal Land Policy and Management Act (FLPMA, P.L. 94-579) to create 43 U.S.C. §1772, Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights of way. Section 512 of FLPMA contains provisions related to "vegetation management, facility (continued...)

Section 512 of FLPMA directs the Secretary of the Interior, with respect to BLM lands, and the Secretary of Agriculture, with respect to FS lands, to each create vegetation management guidance (i.e., regulations and policy) that applies to their agency and managed lands.[50] (See "BLM-Specific Regulations and Policies" and "FS-Specific Regulations and Policies" sections.) The Secretaries are to issue this guidance to "enhance the reliability of the grid" and "reduce the threat of wildfire damage to, and wildfire caused by" vegetation conditions and hazard trees within ROWs and adjacent federal land.[51] (See "Hazard Trees and Minimum Vegetation Clearance Distance (MVCD) on BLM and FS Land" section and **Figure 1**.) The Secretaries must consult with operators when creating this guidance. It must be compatible with NERC's reliability standards, "seek to minimize the need for case-by-case approvals" for routine vegetation management activities and hazard tree control, and provide "prompt and timely review" for cases that require approval.[52] The FS and BLM are also to "identify categories of actions for which neither an environmental impact statement nor an environmental assessment shall be required" under NEPA with regard to plans, approval of plans, and "actions carried out under such plans."[53]

FLPMA also addresses the content, review, modification, and approval of plans, and specifies what vegetation management activities require prior approval and what actions qualify as *emergency conditions* that do not require prior approval.[54] The law directs BLM and the FS to create procedures for review, approval, and modification of plans that should not exceed 120 days.[55] Operators are not required to update existing plans if they are consistent with current law and approved by the appliable Secretary.[56] Operators may prune or remove vegetation to address *emergency conditions*, described as vegetation in or adjacent to the ROW that is in contact with or in "imminent danger of contacting" power lines, if they notify the appropriate agency official within one day after their actions.[57] The law limits an operator's responsibility under federal law for damages or injury if the Secretary "unreasonably" delays approval of its plan or agreement, or misses the deadlines within.[58] The BLM and FS are required to annually report on activities that require advance approval (i.e., *routine* vegetation management activities) and their responses.[59]

Operators that are not subject to NERC's reliability standards (i.e., those operating lines that are not part of the bulk-power system; see "North American Electric Reliability Corporation (NERC) Reliability Standards") or that are below certain thresholds for power sales may enter into an agreement with the Secretary, in lieu of a plan, that "reflect[s] the relative financial resources of the applicable owner or operator" and meets specified requirements.[60] Until 2028, operators in this category are subject to a $500,000 per-incident *liability limitation* that caps their financial

inspection, and operation and maintenance plans"; however, this report only discusses plans or the parts of plans relating directly to vegetation management.

[50] 43 U.S.C. §1772 (b).

[51] 43 U.S.C. §1772 (b).

[52] 43 U.S.C. §1772 (b)(2); 43 U.S.C. §1772 (b)(4).

[53] 43 U.S.C. §1772 (c)(5). CRS did not identify any CEs developed by DOI or USDA in response to the congressional direction in Section 512 of FLPMA.

[54] 43 U.S.C. §1772.

[55] 43 U.S.C. §1772 (c)(4).

[56] 43 U.S.C. §1772 (k).

[57] 43 U.S.C. §1772 (e).

[58] 43 U.S.C. §1772 (g)(1).

[59] 43 U.S.C. §1772 (h); 43 U.S.C. §1772 (f).

[60] 43 U.S.C. §1772 (d); 16 U.S.C. §824o(b)(1).

responsibility for damages or injury they might cause from activities they conduct under an approved agreement.[61]

Hazard Trees and Minimum Vegetation Clearance Distance (MVCD) on BLM and FS Land

The phrase *hazard trees* describes certain trees or vegetation at risk of falling near or into power lines. There are differences between the statutory and regulatory definitions of *hazard tree* applicable to BLM and FS lands. Statute defines hazard trees for the purpose of managing power line ROWs on BLM and FS land as trees, or parts of trees inside or outside of a ROW that are (1) designated by an authorized individual to be dead, or likely to die or fail within a routine vegetation management cycle, and (2) likely to substantially damage or disrupt an electric facility or "come within 10 feet of an electrical power line."[62] (See **Figure 1**.) For the purpose of vegetation management along power lines, BLM and FS regulations define a hazard tree as any type of vegetation (i.e., not only trees) that an authorized individual determines to be dead, likely to die or fail, or that is located where it might "fall, sway, or grow into the power line" before or during the next vegetation management cycle.[63] Additionally, according to BLM and FS regulations, the vegetation must be likely to substantially damage or disrupt an electric facility or come within 10 feet of the power line, or come within an applicable MVCD (see "North American Electric Reliability Corporation (NERC) Reliability Standards" section).[64] The statutory definition does not mention an MVCD.[65]

Although neither BLM nor the FS explicitly specify an MVCD or an analogous formula to determine vegetation clearance distances around power lines in its regulations or policy documents, they may include a requirement for a clearance distance in plans or agreements.[66] BLM requires operators to maintain vegetation clearance to meet the standards of the state where the power line is located.[67] BLM and the FS both define MVCD and *maximum operating sag* in their relevant regulations for the purpose of system reliability.[68] For operators of power lines that are not subject to NERC's reliability standards, neither agency's regulations or policy documents explicitly require the consideration of power line sag, sway, or potential flashover distances for vegetation management.[69] The FS and BLM requirements are in addition to, but do not supersede, the reliability standards when operators are subject to both.

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[61] 43 U.S.C. §1772 (g)(2).

[62] 43 U.S.C. §1772 (a)(1).

[63] 43 C.F.R. §2801.5 (b); 36 C.F.R. §251.51. The BLM and FS regulatory definitions are consistent with one another.

[64] 43 C.F.R. §2801.5 (b); 36 C.F.R. §251.51.

[65] 43 U.S.C. §1772 (a)(1).

[66] For more information on MVCDs, see "North American Electric Reliability Corporation (NERC) Reliability Standards" section.

[67] U.S. Department of the Interior (DOI), BLM, *Standard Fire Prevention and Control Stipulations*, PIM2025-007, Attachment 5, p.1, https://www.blm.gov/sites/default/files/docs/2025-04/PIM2025-007%20att5.pdf.

[68] 43 C.F.R. §2801.5 (b); 36 C.F.R. §251.51. Both BLM and FS define *maximum operating sag* in regulation as the theoretical position of a power line at 100 degrees Celsius, for the purpose of determining MVCD (43 C.F.R. §2801.5, (b), 36 C.F.R. §251.51). For examples of *maximum operating sag* in agency policy documents, see U.S. Department of Agriculture (USDA), Forest Service (FS), *Forest Service Handbook 2709.11—Special Uses Handbook, Chapter 80—Operating Plans and Agreements for Powerline Facilities*, Amendment 2709.11-2022-1, February 10, 2022, p. 7, https://www.usda.gov/guidance-documents/operating-plans-and-agreements-powerline-facilities/fs/forest-service-handbook-270911-80-special-uses-handbook (hereinafter, USDA, FS, *Special Uses Handbook, Chapter 80*).

[69] BLM ROW regulations are within 43 C.F.R. Part 2800; regulations specific to power line ROW operating plans and (continued...)

Operators on BLM and FS lands may remove hazard trees from inside or outside of a power line ROW.[70] If the removal is necessary to alleviate an emergency condition, the operator must notify the appropriate agency official within one day after the action.[71] Hazard trees that are not in contact or in imminent contact with a power line are managed as nonemergency or routine maintenance, and require approval from BLM or the FS before removal.[72]

Fuel Breaks Along Power Line ROWs on BLM and FS Lands

Another topic that is related to vegetation management and wildfire mitigation along power lines is the creation of features called *fuel breaks*.[73] Fuel breaks are strips or blocks of land where wildfire fuel (e.g., vegetation and plant litter) is reduced to change wildfire behavior and provide firefighters with places to respond to wildfires.[74] Land managers sometimes install fuel breaks along linear features such as power lines to protect communities or other resources. Fuel breaks can reduce fire ignition potential, fire intensity, and rate of fire spread under certain conditions.[75]

The Infrastructure Investment and Jobs Act (P.L. 117-58, §40806; 16 U.S.C. §6592b) created a statutory CE under NEPA for the establishment of certain fuel breaks on BLM and FS lands.[76] The CE is not intended to inhibit power line-caused ignitions nor to protect the power lines themselves, but rather to install fuel breaks along existing linear features, such as power lines, to

agreements are at 43 C.F.R. §2805.21. BLM policies regarding power line ROWs are in DOI, BLM, *Routine Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way and Required Fire Prevention and Control Stipulations*, PIM2025-007, April 14, 2025, https://www.blm.gov/policy/pim2025-007 (hereinafter, DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007). The relevant BLM regulatory definitions are found at 43 C.F.R. §2801.5 (b). FS ROW regulations are within 36 C.F.R. Part 251 Subpart B; regulations specific to power line ROW operating plans and agreements are at 36 C.F.R. §251.56 (h). The relevant FS regulatory definitions are found at 36 C.F.R. §251.51. FS policies regarding power line ROWs are in USDA, FS, *Special Uses Handbook, Chapter 80*. *Flashover* is defined in FS policy at USDA, FS, *Special Uses Handbook, Chapter 80*, §80.5, and mentioned in the definitions of *minimum vegetation clearance distance* in BLM and FS regulations in 43 C.F.R. §2801.5 (b) and 36 C.F.R. §251.51.

[70] Hazard trees might be removed during emergency or nonemergency (routine) vegetation management "within the linear right-of-way for a powerline facility and ... on abutting [public or National Forest System] lands." See definitions for *vegetation management* in 43 C.F.R. §2801.5 (b), 36 C.F.R. §251.51. See also 43 U.S.C. §1772 (a)(3); 43 U.S.C. §1772 (b); 43 U.S.C. §1772 (e).

[71] 43 U.S.C. §1772 (e).

[72] 43 U.S.C. §1772 (f)(3).

[73] Fuel breaks are statutorily defined for the purpose of the Healthy Forests Restoration Act (HFRA, 16 U.S.C. §§6501 et seq.; 16 U.S.C. §6511(2)(B)(i)). The definition in HFRA is not broadly applicable. More information about fuel breaks is in CRS Report R48779, *Hazardous Fuels and Wildfire Mitigation: Background and Congressional Considerations*, by Alicyn R. Gitlin.

[74] USDA, Natural Resources Conservation Service, "Conservation Practice Standard, Fuel Break," in *National Handbook of Conservation Practices*, 383-CPS-1, November 2022, https://www.nrcs.usda.gov/sites/default/files/2022-11/383-NHCP-CPS-Fuel-Break-2021.pdf.

[75] Benjamin Gannon et al., "A Quantitative Analysis of Fuel Break Effectiveness Drivers in Southern California National Forests," *Fire*, vol. 6, no. 3 (March 7, 2023); Alexandra D. Syphard et al., "Comparing the Role of Fuel Breaks Across Southern California National Forests," *Forest Ecology and Management*, vol. 261, no. 11 (June 2011); Cali L. Weise et al., "A Retrospective Assessment of Fuel Break Effectiveness for Containing Rangeland Wildfires in the Sagebrush Biome," *Journal of Environmental Management*, vol. 341 (September 1, 2023).

[76] The fuel breaks CE was codified under the Healthy Forests Restoration Act (HFRA, 16 U.S.C. §§6501 et seq.) at 16 U.S.C. §6592b(b); the Infrastructure Investment and Jobs Act (P.L. 117-58, §40806) did not directly amend HFRA. HFRA also includes fuel break creation, with no requirement regarding the presence of linear features such as power lines, in its definition of an *authorized hazardous fuel reduction project*. Authorized hazardous fuel reduction projects that meet requirements and limitations set forth in HFRA potentially qualify for expedited compliance and implementation processes, and specific requirements for judicial review. The definition is not generally applicable outside of HFRA (16 U.S.C. §6511(2); 16 U.S.C. §§6512 et seq.).

protect adjacent resources. The fuel breaks CE applies to projects that (1) establish or maintain linear fuel breaks up to 1,000 feet in width that are contiguous with or incorporate existing linear features, including transmission and distribution lines; and (2) intend to reduce wildfire risks to federal land or an adjacent at-risk community. The fuel breaks CE is limited to projects of no more than 3,000 acres; is subject to constraints including location, road construction, and public participation; and is subject to the application of extraordinary circumstances procedures.[77]

BLM-Specific Regulations and Policies

BLM regulates power line ROWs as part of its ROW program under FLPMA.[78] BLM requires plans or agreements from operators for all new, renewed, or amended power line ROWs.[79] BLM's regulations specify plan requirements, timelines for plan approvals and modifications, timelines related to vegetation management actions under emergency and nonemergency conditions, and operator liabilities.[80] BLM regulations require fire-prevention plans.[81] BLM policies for power line ROWs address access, staging areas, and fire-prevention measures, among other provisions.[82]

BLM categorizes vegetation management activities into (1) routine (nonemergency) activities, which require prior agency notification; (2) nonroutine nonemergency activities, which require prior agency notification and agency approval; and (3) emergency activities, which require agency notification after they occur.[83] To ensure notification and approval requirements for each vegetation management activity are listed, BLM offers to work with operators to categorize routine activities within plans and agreements.[84] Regarding nonemergency or routine maintenance, BLM regulations specify that if BLM fails to respond to a request to conduct vegetation management activities within the time frame set forth in an approved plan or agreement, the operator may proceed as long as there are no conflicts with the approved plan or

[77] Unless exempted by Congress, prior to applying a CE, an agency considers whether there are any extraordinary circumstances that may preclude the application of the CE. The presence of extraordinary circumstances indicates that, despite the typical lack of significant environmental impact associated with the action, the specific context or nature of the proposal may lead to unforeseen or elevated environmental effects (e.g., impacts to federally listed species, historic resources, or sensitive ecosystems). If extraordinary circumstances are present and the effects to those resources cannot be avoided or mitigated, the agency may have to prepare an EA or EIS. For more information on the application of extraordinary circumstances procedures, see CRS Report R48595, *Legislative Categorical Exclusions Under the National Environmental Policy Act*, by Heather McPherron.

[78] The BLM ROW program regulations are in 43 C.F.R. Part 2800. The BLM may also publish policy guidance in manuals, handbooks, and Instruction Memoranda (*IMs*, which may be *PIMs*, Permanent IMs or *TIMs*, Temporary IMs) (43 C.F.R. Part 2800; 43 C.F.R. §2801.5; 43 CFR Subpart 2805). Current rules and policy specific to plans and agreements for electric facility ROWs on BLM lands are published in the Code of Federal Regulations (examples of BLM ROW regulations are at 43 C.F.R. §2801.5; 43 C.F.R. §2805.21; 43 C.F.R. §2805.22) and in DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007. General guidance on ROWs and ROW grant administration, including FLPMA grants, is in the 2000 Series of BLM manuals, available at https://www.blm.gov/policy/manuals. Templates, outlines, and forms are available at DOI, BLM, "Electric Power Lines Rights-of-Way," https://www.blm.gov/programs/lands-and-realty/rights-way/electric-power-lines, and DOI, BLM, "Routine Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way and Required Fire Prevention and Control Stipulations," April 9, 2025, https://www.blm.gov/policy/pim2025-007. BLM uses the term *holder* for "any entity with a BLM right-of-way authorization" (43 C.F.R. §2801.5).

[79] 43 C.F.R. §2805.21.

[80] 43 C.F.R. §2805.21, 43 C.F.R. §2805.22, 43 C.F.R. §2807.12.

[81] 43 C.F.R. §2805.1 (c)(3).

[82] DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007.

[83] DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007.

[84] DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007.

agreement.[85] Emergency actions require notification of the action not more than one day after the action, and submission of additional details about the action within 30 days.[86] BLM specifies that certain other unplanned actions that may relate to vegetation management, such as preventing and suppressing wildfires, controlling and preventing damage to resources, or protecting public health and safety, can proceed after advanced notification to an appropriate BLM officer and do not require approval.[87]

BLM requires plans to include components related to wildfire prevention and removal of cut vegetation.[88] BLM power line ROW grants must include a list of fire prevention and control stipulations that guide preparedness, vegetation clearance, liability, and reporting requirements.[89] In addition to planning for vegetation management and inspection, operators must also plan for disposal of the vegetation they cut and the sale of forest products, among other issues.[90] If marketable timber is cut, BLM may require a timber sale contract before or after work is completed.[91] Operators must "do everything reasonable to prevent and suppress wildfires on or adjacent to the right-of-way," including pruning or removing vegetation to prevent ignitions; this may necessitate addressing vegetation conditions outside of the ROW.[92] Operators must take all reasonable measures to prevent and suppress wildfires that "could reasonably lead to adverse impacts to public land."[93]

FS-Specific Regulations and Policies

The FS regulates power line ROWs and the development of ROW vegetation management plans and agreements as *special uses*.[94] FS's regulations specify a procedure for plan approvals and

[85] 43 C.F.R. §2805.22 (b)(2).

[86] Emergency actions address vegetation in or adjacent to the ROW that is in contact with or in "imminent danger of contacting" power lines. DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007; DOI, BLM, *Standard Fire Prevention and Control Stipulations*, PIM2025-007, Attachment 5, https://www.blm.gov/sites/default/files/docs/2025-04/PIM2025-007%20att5.pdf. See definition for *vegetation management* in 43 C.F.R. §2801.5(b).

[87] See "Routine (Non-Emergency) O&M" in DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007. The guidance includes actions "required under 43 CFR 2805.12(a)(4) or 43 CFR 2805.12(a)(8)(iii), or authorized under 43 CFR 2805.14(d)."

[88] DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007.

[89] DOI, BLM, *Standard Fire Prevention and Control Stipulations*, PIM2025-007, Attachment 5, https://www.blm.gov/sites/default/files/docs/2025-04/PIM2025-007%20att5.pdf.

[90] DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007.

[91] DOI, BLM, *Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way*, PIM2025-007. Section 102 (a)(9) of FLPMA (43 U.S.C. §1701 (a)(9) requires that "the United States receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute."

[92] 43 C.F.R. §2805.12(a)(4); 43 CFR 2805.22 (c); DOI, BLM, Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way, PIM2025-007; DOI, BLM, Standard Fire Prevention and Control Stipulations, PIM2025-007, Attachment 5, https://www.blm.gov/sites/default/files/docs/2025-04/PIM2025-007%20att5.pdf.

[93] DOI, BLM, *Standard Fire Prevention and Control Stipulations*, PIM2025-007, Attachment 5, https://www.blm.gov/sites/default/files/docs/2025-04/PIM2025-007%20att5.pdf.

[94] 36 C.F.R. Part 251 Subpart B; 36 C.F.R. §251.50(a). The FS regulates power line ROWs and the development of plans and agreements as special uses (36 C.F.R. Subpart B, 36 C.F.R. §251.51; 36 C.F.R. §251.56 (h)). The FS publishes policies for power line facility operating plans and operating agreements in guidance documents, particularly the *FS Handbook* (FSH). The FSH, along with the *FS Manual*, comprise the *FS directives* and are periodically updated. 36 C.F.R. §200.4; 36 C.F.R. §251.56 (h)(10); USDA, FS, *Special Uses Handbook, Chapter 80*. The FS defines the term *owner or operator* as "for purposes of a powerline facility, the owner or operator of the powerline facility or a contractor or other agent engaged by the owner or operator of the powerline facility" (36 C.F.R. §251.51). Sample permits and templates are available at USDA, FS, "Powerline Administration and Management," https://www.fs.usda.gov/managing-land/lands-minerals-geology/powerline-administration-and-management.

modifications; establish minimum plan requirements that include specifying time frames for vegetation management under emergency and nonemergency conditions; and require a description of fire control methods that may be used.[95] The FS says it developed its power line ROW *FS directives* in consultation with operators, and they include procedures developed jointly with BLM for reviewing and approving plans and modifications.[96] The FS directives encourage consideration of applicable fire safety, electrical system reliability, and vegetation management standards; industry best management practices; and coordination with BLM when facilities traverse lands managed by both agencies.[97] The FS directives describe operators' liability standards.[98]

The FS describes its policies as minimizing the need for case-by-case approvals for vegetation management activities and providing for timely review of routine vegetation management requests.[99] FS directives describe plan requirements and scope; procedures and timelines for plan submission, review, and approval; compliance with applicable laws and agreements; facility inspection requirements; and other considerations plans must address.[100] The FS says that plans should address vegetation management within power line ROWs and "felling and pruning of hazard trees on NFS lands adjacent to" ROWs.[101] The FS suggests an activity classification system for clarity and requires operators to categorize activities within plans by the level of FS acknowledgement, approval, or further environmental analysis the activities might require prior to implementation.[102]

The FS requires authorized FS officers to monitor operator compliance with applicable facility permits, easements, and plans and to annually document all requests for routine vegetation management and the service's responses.[103] Once a year, authorized officers are required to send documentation of annual requests and FS responses to the Washington, DC Office of the Director of Lands and Realty Management to post on its website.[104]

National Park Service (NPS)

Other agencies also manage power line ROWs, including the NPS. Congress established the NPS within the DOI with a dual mission—to preserve "scenery, natural and historic objects and wild life" and to make these resources available for public enjoyment (National Park Service Organic Act, 39 Stat. 535).[105] NPS manages individual NPS units according to each unit's enabling

[95] 36 C.F.R. §251.56 (5,6,7).

[96] USDA, FS, *Special Uses Handbook, Chapter 80*, §80.2.

[97] USDA, FS, *Special Uses Handbook, Chapter 80*, §§80.2, 80.3, 85.

[98] USDA, FS, *Special Uses Handbook, Chapter 80*, §89.

[99] USDA, FS, *Special Uses Handbook, Chapter 80*, §80.3.

[100] USDA, FS, *Special Uses Handbook, Chapter 80*.

[101] USDA, FS, *Special Uses Handbook, Chapter 80*, §80.2.

[102] See USDA, FS, *Special Uses Handbook, Chapter 80*, §§87, 87.1, 87.2, 87.3, 87.4. The classification system is intended to ensure consistency with section 512 of FLPMA and 36 C.F.R. §251.61; see *Special Uses Handbook, Chapter 80*, §87.

[103] USDA, FS, *Special Uses Handbook, Chapter 80*, §§88, 88.1, 88.2.

[104] USDA, FS, *Special Uses Handbook, Chapter 80*, §88.2; 43 U.S.C. §1772 (h); 43 U.S.C. §1772 (f).

[105] 54 U.S.C. §§100101 et seq.

legislation. ROWs on NPS lands and their maintenance must be consistent with the NPS Organic Act and the purposes for which each NPS unit was created.[106]

NPS manages ROWs as special uses.[107] Special uses are those that occupy a specific area of NPS-managed land for a specific purpose and amount of time.[108] The service has authority to grant ROWs extending 50 feet on each side from the center line of power line facilities when the purpose is "generation and distribution of electrical power" and 200 feet from the center line of power line facilities when the purpose is "transmission and distribution of electrical power."[109] NPS only allows power line ROWs if the Secretary of the Interior determines the ROW "is not incompatible with the public interest."[110]

To comply with its mission, NPS requires ROW operators performing infrastructure maintenance to (1) comply with all statutes including the NPS Organic Act, (2) protect NPS resources, and (3) protect visitor experiences while promoting human health and safety.[111] NPS monitors maintenance activities at the permittee's expense.[112] NPS ROW permits may prohibit specific vegetation management activities, such as herbicide or pesticide use.[113] Additional regulations and policies may apply to specific NPS units to ensure compliance with their enabling legislation.

U.S. Fish and Wildlife Service (FWS)

Some power line ROWs cross national wildlife refuges, which are in the jurisdiction of the FWS. FWS, in the DOI, administers the National Wildlife Refuge System (NWRS) "for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future

[106] See Michael Caldwell, Associate Director, Park Planning, Facilities, and Lands, *Rights-of-Way*, DOI, NPS, Reference Manual 53B, June 22, 2021, pp.12-13, https://www.nps.gov/subjects/policy/upload/RM-53B.pdf.

[107] The NPS ROW regulations are in 36 C.F.R. Parts 1 and 14. Current NPS agency-wide rules and policies specific to electric utility ROWs on NPS lands are published in 36 C.F.R. Part 14; DOI, NPS, *Management Policies 2006*, 2006, https://www.nps.gov/subjects/policy/upload/MP_2006_amended.pdf; Jonathan B. Jarvis, Director, *Special Park Uses*, DOI, NPS, Director's Order #53, February 23, 2010, https://www.nps.gov/subjects/policy/upload/DO_53_2-23-2010.pdf; Michael Caldwell, Associate Director, Park Planning, Facilities, and Lands, *Rights-of-Way*, DOI, NPS, Reference Manual 53B, June 22, 2021, https://www.nps.gov/subjects/policy/upload/RM-53B.pdf. NPS vegetation management policies may also appear in the agency-wide NPS management policies and director's orders. Director's orders are interpreted in reference manuals. Vegetation management policies for specific NPS units may appear in unit-level policy documents such as foundation documents, superintendent's compendiums, and other park planning documents.

[108] See for example DOI, NPS, National Capital Parks—East, "Permits & Reservations," April 28, 2026, https://www.nps.gov/nace/planyourvisit/permitsandreservations.htm.

[109] 54 U.S.C. §100902.

[110] 54 U.S.C. §100902 (a)(3); 54 U.S.C. §100902 (b)(3).

[111] 36 C.F.R. §14.1 (b). NPS regulations use the term *permittee* for any "entity that holds a current, fully executed right-of-way permit or a special use permit for construction" (36 C.F.R. §14.2).

[112] Jonathan B. Jarvis, Director, *Special Park Uses*, DOI, NPS, Director's Order #53, February 23, 2010, p. 16, https://www.nps.gov/subjects/policy/upload/DO_53_2-23-2010.pdf; Michael Caldwell, Associate Director, Park Planning, Facilities, and Lands, *Rights-of-Way*, DOI, NPS, Reference Manual 53B, June 22, 2021, p. 56, https://www.nps.gov/subjects/policy/upload/RM-53B.pdf.

[113] Michael Caldwell, Associate Director, Park Planning, Facilities, and Lands, *Rights-of-Way*, DOI, NPS, Reference Manual 53B, June 22, 2021, p.7 of Exhibit H, https://www.nps.gov/subjects/policy/upload/RM-53B.pdf.

generations of Americans."[114] Each refuge is to be managed to fulfill the NWRS mission, "as well as the specific purposes for which that refuge was established."[115]

FWS has authority to grant easements for power line ROWs when the Secretary of the Interior "determines that such uses are compatible with the purposes for which these areas are established" and "under such regulations as he may prescribe."[116] FWS policy is to discourage ROW uses.[117] When the service receives a request for a power line ROW easement, a refuge manager performs a *compatibility determination* for the permitting of the ROW and its maintenance.[118] This written determination assesses whether a use is compatible with the mission of the NWRS and the purpose(s) of the specific refuge. For existing ROWs, the service must determine whether requested maintenance is compatible with an approved refuge management plan.[119] FWS requires provisions that avoid resource impacts and "ensure no net loss of habitat quantity and quality," among other protective measures, to make a compatibility determination.[120] FWS monitors maintenance activities at the operator's expense.[121]

FWS requires new and renewing ROW permit requests to include a proposed vegetation management plan, and specifies items that must be described in the plan.[122] Applicants must consult with the regional director's designee when preparing vegetation management plans.[123] Plans must include descriptions of potential vegetation clearing, management, chemical use, and revegetation or restoration activities.[124] Plans must also specify how the spread of nonnative species and adverse impacts on native species will be minimized.[125] The FWS project manager in charge may also require permit holders to take additional measures for the protection of soils, weed control, habitat connectivity, and other resources.[126]

[114] 16 U.S.C. §668dd; 16 U.S.C. §668dd(a)(2). For more information about the U.S. Fish and Wildlife Service and the National Wildlife Refuge System, see CRS Report R45265, *U.S. Fish and Wildlife Service: An Overview*, by Eric P. Nardi; and CRS Report R48381, *National Wildlife Refuge System (NWRS): Overview and Issues for Congress*, by Eric P. Nardi.

[115] 16 U.S.C. §668dd(a)(3)(A).

[116] 16 U.S.C. §668dd(d)(1)(B); 16 U.S.C. §668dd(d)(1). FWS ROW regulations are in 50 C.F.R. Part 29 Subpart B. Additional FWS regulations may apply to vegetation management along power line ROWs in specific circumstances, for example within certain refuges or when certain species are present. The FWS may also publish policy guidance in the FWS service manual, director's orders, handbooks, or memoranda. Current policies regarding ROWs on FWS land are generally within Sections 340 FW 3 and 603 FW 2 of the *FWS Service Manual*; DOI, FWS, Division of Realty, *Service Manual, Rights-of-Way and Road Closings*, 340 FW 3.3, July 28, 1993, https://www.fws.gov/policy-library/340fw3; DOI, FWS, Division of Natural Resources and Conservation Planning, *Service Manual, Compatibility*, 603 FW 2, November 17, 2000, https://www.fws.gov/policy-library/603fw2.

[117] DOI, FWS, Division of Realty, *Service Manual, Rights-of-Way and Road Closings*, 340 FW 3.3, July 28, 1993, https://www.fws.gov/policy-library/340fw3.

[118] 50 C.F.R. §29.13; 50 C.F.R. §26.41; 50 C.F.R. §26.41(c).

[119] 50 C.F.R. §29.13; 50 C.F.R. §26.41; 50 C.F.R. §26.41(c).

[120] 50 C.F.R. §26.41(c).

[121] 50 C.F.R. §29.18(b). FWS regulations use the term *permit holder* for any "entity that holds a current, fully executed right-of-way permit" (50 C.F.R. §29.10).

[122] 50 C.F.R. §29.16(d)(3).

[123] 50 C.F.R. §29.16(d)(3).

[124] 50 C.F.R. §29.16(d)(3).

[125] 50 C.F.R. §29.16(d)(3).

[126] Examples of requirements relevant for vegetation management along power line ROWs on FWS lands "that the Service project manager in charge requests" are at 50 C.F.R. §29.20(d)(7), 50 C.F.R. §29.20(d)(8).

In general, operators are required to "keep clear the lands within the permit area to the extent and in the manner directed by the Service project manager in charge."[127] FWS regulations specify notification procedures and time frames for performing maintenance.[128] Operators must remove all vegetative debris created during construction and maintenance to decrease fire hazard, and must comply with any additional instructions from the service project manager.[129] FWS requires operators to "do everything reasonably within the permit holder's power ... to prevent and suppress fires on or near the permitted area."[130]

FWS requires advanced notification and compensation to the United States if any merchantable timber is to be cut, removed, or destroyed during maintenance activities.[131] Additional regulations affecting vegetation management along power line ROWs may apply in specific locations, to meet the specific purposes for which individual refuges were established, to comply with regulations related to the protection of specific species, or for other reasons.[132]

Other Jurisdictions

Power line ROWs may cross lands under the jurisdiction of federal departments or agencies other than the agencies previously discussed. For some federal lands, the "head of the department having jurisdiction over the lands" may grant a ROW easement for purposes including electric transmission and distribution "under general regulations to be fixed by him."[133] For example, a Secretary of a military department has authority to grant ROWs on lands under department control for purposes including electric transmission and distribution.[134] Each department or agency manages ROWs on its lands according to its unique mission and policies.

Issues for Congress

Congress has shown interest in protecting life and property from catastrophic wildfires and in protecting the reliability of the electric grid. The federal government also has an interest in protecting federal lands and the natural and cultural resources in place. The 119th Congress is considering proposed legislation, for example the Fix Our Forests Act (S. 1462/H.R. 471) and the Farm, Food, and National Security Act of 2026 (H.R. 7567, a 2026 farm bill), that would affect vegetation management along power line ROWs on certain federal lands if enacted.[135]

Ongoing congressional debate includes how best to protect natural and cultural resources on federal lands while managing vegetation to mitigate wildfire risk. Stakeholders continue to identify issues similar to those that motivated the passage of Section 512 of FLPMA in 2018,

[127] 50 C.F.R. §29.20(c)(12).

[128] 50 C.F.R. §29.20(d)(2).

[129] 50 C.F.R. §29.20(c)(12).

[130] 50 C.F.R. §29.20(c)(13).

[131] 50 C.F.R. §29.16(d)(9).

[132] Some examples of location-specific or species-specific regulations include off-road vehicle use for vegetation management in Kenai National Wildlife Refuge (50 C.F.R. §36.39(i)(3)(iii)) and vegetation maintenance along ROWs in and near habitat for certain insects (50 C.F.R. §17.47).

[133] 43 U.S.C. §961.

[134] 10 U.S.C. §2668; 43 U.S.C. §961.

[135] The 2026 farm bill includes provisions that would affect environmental compliance and requirements for the sale of marketable timber when managing vegetation along power line ROWs (H.R. 7567 §8406; H.R. 7567 §8417). Provisions of the Fix Our Forests Act are discussed in the section "The Fix Our Forests Act (FOFA) and Power Line ROWs on BLM and FS Lands."

such as a potential need for a timely, coordinated, and consistent process to plan and approve vegetation management along power line ROWs on federal lands under both routine and emergency circumstances.[136] Some stakeholders have also raised concerns over what they assert are administrative delays and inconsistencies caused by onerous regulations, lack of agency resources and capacity, disagreements over policy interpretations, other factors, or a combination of factors, and have associated these problems with increased costs and heightened wildfire threat.[137]

Statute requires BLM and the FS to post annual information on their websites about requests to perform vegetation management actions along power line ROWs.[138] The FS posts the information in annual *Routine Powerline Vegetation Management Reports*.[139] In 2024, the FS replied to 71% of requests within the time frame specified in an approved plan. In 2025, the FS replied to 68% of requests within the time frame specified in an approved plan.[140] The FS provides no time frame for requests that were not approved on time and provides no reason for the delays. CRS was unable to locate any annual BLM reporting on this issue.[141]

Some federal agency staff and some operators have stated that a lack of consistency among FLMAs leads to confusion about allowable actions, land access, permitting procedures, and the meaning of terms.[142] Power line ROWs are linear features and may cross multiple land management jurisdictions. Stakeholder recommendations to address inconsistencies include better information exchange (among federal agencies and between agencies and operators); consistent recordkeeping on topics such as ignitions; a unified set of best practices; or other coordination

[136] U.S. Congress, House Natural Resources Committee, *Electricity Reliability and Forest Protection Act, report together with dissenting views to accompany H.R. 2358*, 114th Cong., 1st sess., H.Rept. 114-287, pp. 4-10, 24; U.S. Congress, House Natural Resources Committee, Water, Wildlife and Fisheries Subcommittee, *Oversight Hearing titled "Bureaucratic Delays and the Costs to Ratepayers and Electric Power Systems,"* Hearing Memo V2, prepared by Subcommittee on Water, Wildlife and Fisheries Staff: Richie O'Connell and Jackson Renfro, 119th Cong., 2nd sess., February 20, 2026; American Public Power Association, Edison Electric Institute, NRECA, *Electric Utility Sector Wildfire Administrative Priorities*, https://www.congress.gov/119/meeting/house/118985/documents/HHRG-119-II13-20260224-SD005.pdf.

[137] For example, U.S. Congress, House Natural Resources Committee, Water, Wildlife and Fisheries Subcommittee, *Oversight Hearing titled "Bureaucratic Delays and the Costs to Ratepayers and Electric Power Systems,"* Hearing Memo V2, prepared by Subcommittee on Water, Wildlife and Fisheries Staff: Richie O'Connell and Jackson Renfro, 119th Cong., 2nd sess., February 20, 2026, p. 6; FERC, *Wildfire Risk Mitigation Technical Conference Transcript*, Docket No. AD25-16-000, Washington, DC, October 21, 2025, pp. 14-28, https://www.ferc.gov/media/wildfire-risk-mitigation-technical-conference-transcript; Statement of Jesse Murray, Senior Vice President, Energy Delivery, NV Energy, in U.S. Congress, House Natural Resources Committee, Subcommittee on Water, Wildlife, and Fisheries, *Bureaucratic Delays and the Costs to Ratepayers and Electric Power Systems*, hearing, 119th Cong., 2nd sess., February 24, 2026, https://www.congress.gov/119/meeting/house/118985/witnesses/HHRG-119-II13-Wstate-MurrayJ-20260224.pdf; U.S. Congress, Senate Energy and Natural Resources Committee, *The Impacts of Wildfire on Electric Grid Reliability and Efforts to Mitigate Wildfire Risk and Increase Grid Resiliency*, 116th Cong., 1st sess., December 19, 2019, S. Hrg. 116-362 (GPO, 2021).

[138] 43 U.S.C. §1772 (h); 43 U.S.C. §1772 (f).

[139] Reports are typically posted at USDA, FS "Powerline Administration and Management," https://www.fs.usda.gov/managing-land/lands-minerals-geology/powerline-administration-and-management; CRS searched the BLM website for a report or information that satisfies the requirements of 43 U.S.C. §1772 (h).

[140] USDA, FS, *2024 Routine Powerline Vegetation Management Report*, p. 3, https://www.fs.usda.gov/sites/default/files/2024-Routine-Powerline-Vegetation-Maintenance-Report_FINAL.pdf; USDA, FS, *Powerline Administration and Management—2025 Vegetation Management Report*, https://www.fs.usda.gov/managing-land/lands-minerals-geology/powerline-administration-and-management/2025-vmr.

[141] CRS searched for reports or webpages containing the phrase *vegetation management* and one or more of the following terms: *power*, *powerlines*, *Federal Land Policy and Management Act*, *Section 512*, and *1772*.

[142] FERC, *Wildfire Risk Mitigation Technical Conference Transcript*, Docket No. AD25-16-000, Washington, DC, October 21, 2025, pp. 14-28, https://www.ferc.gov/media/wildfire-risk-mitigation-technical-conference-transcript.

that increases safety and efficiency.[143] Meanwhile, some stakeholders have also stated that, while uniform standards for vegetation management would be advantageous in some regards, some flexibility is necessary to address local ecology, jurisdiction, and other variations.[144] Some stakeholders have also recommended additional education and training for agency staff; a training program for staff involved in making vegetation management decisions is "encouraged" in Section 512 of FLPMA.[145]

Some utility industry stakeholders assert administrative delays are caused by environmental compliance requirements, particularly NEPA, and say that statutory CEs would speed vegetation management planning and implementation.[146] Other stakeholders and some agency officials argue against creating statutory CEs for vegetation management along power line ROWs. Arguments against creating statutory CEs for this purpose include the potential for agencies to use existing CEs when necessary, and the need for agencies to have flexibility to protect resources and avoid unintended consequences in the case of extraordinary circumstances.[147]

Congress might consider standardizing aspects of vegetation management—including, for example, agency coordination, planning and response timelines, oversight, and information sharing—across jurisdictions.[148] Congress could choose to standardize regulation between the bulk-power grid and other power lines, or standardize regulations across agencies with power line ROWs. For example, 86% of the vegetation-caused power outages reported to NERC in 2025 occurred on lines operated between 100 kV and 199kV, many of which are not subject to NERC's currently enforced Transmission Vegetation Management standards (see "North American Electric Reliability Corporation (NERC) Reliability Standards" section).[149] Congress could

[143] FERC, *Wildfire Risk Mitigation Technical Conference Transcript*, Docket No. AD25-16-000, Washington, DC, October 21, 2025, pp. 14-28, https://www.ferc.gov/media/wildfire-risk-mitigation-technical-conference-transcript; Wildland Fire Commission, *On Fire*, pp. 49-53.

[144] FERC, *Wildfire Risk Mitigation Technical Conference Transcript*, Docket No. AD25-16-000, Washington, DC, October 21, 2025, pp. 24-28, https://www.ferc.gov/media/wildfire-risk-mitigation-technical-conference-transcript. See also recommendations 7 and 8 in Wildland Fire Commission, *On Fire*, pp. 51-52. NERC mentions regional differences as a potential consideration for vegetation management in NERC, *Report on Reducing Wildfire Risk*, Docket RD25-9-000, PDF pp. 4, 9, 10.

[145] 43 U.S.C. §1772 (i); U.S. Congress, Senate Energy and Natural Resources Committee, *The Impacts of Wildfire on Electric Grid Reliability and Efforts to Mitigate Wildfire Risk and Increase Grid Resiliency*, 116th Cong., 1st sess., December 19, 2019, S. Hrg. 116-362 (GPO, 2021), p. 24; FERC, *Wildfire Risk Mitigation Technical Conference Transcript*, Docket No. AD25-16-000, Washington, DC, October 21, 2025, p. 27, https://www.ferc.gov/media/wildfire-risk-mitigation-technical-conference-transcript; Recommendation 9 in Wildland Fire Commission, *On Fire*, p. 53.

[146] See, for example, Letter from Group of Community-Owned Electric Utilities in the Western United States to Six Members of Congress, July 24, 2025, https://www.congress.gov/119/meeting/house/118985/documents/HHRG-119-II13-20260224-SD004.pdf; American Public Power Association, Edison Electric Institute, NRECA, *Electric Utility Sector Wildfire Administrative Priorities*, https://www.congress.gov/119/meeting/house/118985/documents/HHRG-119-II13-20260224-SD005.pdf. For examples of proposed legislation in the 119th Congress that would create a statutory CE for certain vegetation management activities along power line ROWs on federal lands, if passed, see H.R. 168, H.R. 471, H.R. 7567, H.R. 7578.

[147] U.S. Congress, House Natural Resources Committee, Federal Lands Subcommittee, *Legislative Hearing on Discussion Draft of H.R., To Expedite Under the National Environmental Policy Act of 1969 and Improve Forest Management Activities on National Forest System Lands, on Public Lands Under the Jurisdiction of the Bureau of Land Management, and on Tribal Lands to Return Resilience to Overgrown, Fire-Prone Forested Lands, and for Other Purposes*, 118th Cong., 2nd sess., April 17, 2024, Serial No. 118-111 (GPO, 2024), pp. 17, 22, 27, 78.

[148] NERC recommends a "cross-functional committee across federal agencies" led by the Department of Energy to provide guidance and remove regulations that might impede wildfire mitigation actions. NERC, *Report on Reducing Wildfire Risk*, Docket RD25-9-000, PDF p. 27.

[149] NERC, *Transmission Vegetation Management*, FAC-003-05, Section 4.2, p. 1; NERC, *Report on Reducing Wildfire Risk*, Docket RD25-9-000, PDF p. 22. NERC recommends modifying its reliability standards to apply to certain bulk-
(continued...)

authorize agencies to mandate and enforce vegetation management practices in situations not covered by NERC's reliability standards.[150] Statute authorizes federal agencies to enter into interagency agreements to coordinate certain activities related to permitting, management, and oversight of pipeline ROWs on federal lands, with some restrictions; Congress could create a similar authority to allow coordination across power line ROWs.[151] Congress could authorize some combination of requirements—for example, by varying requirements by region—or make no changes that would standardize vegetation management.

The costs of vegetation management vary greatly among operators, and some stakeholders say that deferring vegetation management can increase maintenance costs and the risk of wildfire-associated expenses.[152] Congress could authorize an assistance program to help operators with costs related to vegetation management.[153] Congress could create special requirements regarding timber sales along power line ROWs.[154] Congress could legislate a combination of these or other changes, or choose not to change laws regarding vegetation management along power line ROWs.

The Fix Our Forests Act (FOFA) and Power Line ROWs on BLM and FS Lands

The Fix Our Forests Act (FOFA, S. 1462/H.R. 471) would alter various aspects of vegetation management planning along power line ROWs for the purpose of reducing wildfire risk.[155] Provisions differ between S. 1462 and H.R. 471, though the bills contain common elements.

FOFA would potentially widen the area along power line ROWs that could be cleared of hazard trees and other vegetation. FOFA would amend the definition of *hazard tree* in FLPMA to include trees that are likely to come within 150 feet, instead of the current 10 feet, of an electric power line if the tree or part of the tree failed (see **Figure 1**).[156] Both bills would require operators to develop processes for consulting with private landowners about hazard trees identified for removal from their land.[157]

FOFA would also expand the applicability of the CE to establish or maintain linear fuel breaks contiguous with existing linear features, such as power lines, for the purpose of reducing wildfire risk on federal land or an adjacent at-risk community to include projects of up to 10,000 acres.[158]

power system power lines operated above 100kV; see NERC, *Report on Reducing Wildfire Risk*, Docket RD25-9-000, PDF p. 26.

[150] See practices and recommendations in NERC, *Report on Reducing Wildfire Risk*, Docket RD25-9-000, PDF pp. 24-28; also see recommendations 7 and 8 in Wildland Fire Commission, *On Fire*, pp. 51-52.

[151] 30 U.S.C. §185.

[152] American Public Power Association, "Reliability: The Cost of (Not) Cutting Trees," https://www.publicpower.org/periodical/article/cost-not-cutting-trees; Lynn Grayson, *UAA Best Management Practices: Funding*, United Arborist Association (UAA), https://www.gotouaa.org/wp-content/uploads/2022/12/fundingWP.pdf; Lawrence Berkeley National Laboratory for the U.S. Department of Energy, Grid Deployment Office, *Vegetation Management: Resilience Investment Guide*, September 2024, https://www.energy.gov/sites/default/files/2024-11/111524_Vegetation_Management.pdf.

[153] See, for example, S. 4193 and H.R. 7977.

[154] See, for example, S. 349, S. 1462, H.R. 471, H.R. 2492, and H.R. 7567.

[155] The Farm, Food, and National Security Act of 2026 (H.R. 7567, a 2026 farm bill) as engrossed in the House also contains provisions, in particular §§8404, 8406, and 8417, that would affect vegetation management along power lines.

[156] S. 1462 §211 (a); H.R. 471 §203 (a); 43 U.S.C. §1772 (a)(1).

[157] S. 1462 §211 (b); H.R. 471 §203 (b).

[158] S. 1462 §106(b)(2); H.R. 471 §106(b)(2); 16 U.S.C. §6592b(d)(1).

The current statutory CE applies to projects of up to 3,000 acres (see "Fuel Breaks Along Power Line ROWs on BLM and FS Lands").

FOFA would consider certain projects to be *fireshed management projects*, potentially authorizing changes to environmental and cultural compliance, implementation, administrative review, litigation, information sharing, and other procedural matters, subject to other provisions within the bills, such as being within an area designated as a *fireshed management area*.[159] Both bills include hazard tree removal, fuel break creation, and "developing, approving, or conducting routine maintenance under" a vegetation management plan under Section 512 of FLPMA as fireshed management projects.[160] The bills differ in the specifics of which projects are fireshed management projects, and other provisions that would apply to the planning and implementation of fireshed management projects.[161] As a result, it is unclear how qualifying as a fireshed management project would affect vegetation management along power lines under FOFA.

Both bills would change the timelines for approving new or modified power line ROW vegetation management plans and require default approval within a specified time frame for plans submitted without modification.[162] H.R. 471 would statutorily establish a CE for the development or implementation of such plans, and the implementation of routine activities conducted under those plans, subject to specified exclusions and emergency provisions in effect on the date of enactment.[163] S. 1462 would not create a new CE specifically for electricity ROW vegetation management.

Both bills would authorize timber harvesting within electricity ROWs without a timber sale, with any proceeds remitted to the Secretary.[164] Among other differences, H.R. 471 provides permission to remove vegetation from "within the vicinity" of power lines and S. 1462 provides permission to remove vegetation when it is "within striking distance."[165]

[159] S. 1462 §2(5)(B); S. 1462 §2 (5)(C); S. 1462 §(2)(5)(D); H.R. 471 §106(a)(2)(C); H.R. 471 §106; H.R. 471 (a)(2)(D). *Fireshed management projects* is a new term introduced in FOFA. Fireshed management projects would potentially be subject to specialized environmental compliance procedures, contracting authorities, and other provisions that aim to expedite planning and implementation. Provisions of S. 1462 affecting fireshed management projects include, among others, §§101, 106, 108, 113, 124, and 131. Provisions of H.R. 471 affecting fireshed management projects include, among others, §§101, 104, 106, 107, 113, 114, and 121.

[160] S. 1462 §(2)(5); H.R. 471 §106 (a)(2). S. 1462 also uses the phrase *hazard tree* in provisions that do not specifically reference electrical facilities, for example §213, which would create a categorical exclusion under NEPA for trees defined as a *high-priority hazard tree*.

[161] S. 1462 §(2)(5)(D); H.R. 471 §106 (a)(2)(D). Provisions of S. 1462 affecting fireshed management projects include, among others, §§101, 106, 108, 113, 124, and 131. Provisions of H.R. 471 affecting fireshed management projects include, among others, §§101, 104, 106, 107, 113, 114, and 121. H.R. 471 includes "a vegetation management, facility inspection, and operation and maintenance plan submitted under section 512(c)(1) of the Federal Land Policy and Management Act of 1976" in its list of fireshed management projects (H.R. 471 §106 (a)(2)(D)); S. 1462 omits the word "submitted": "a vegetation management, facility inspection, and operation and maintenance plan under subsection (c) of section 512 of the Federal Land Policy and Management Act of 1976." S. 1462 also includes "an agreement under subsection (d)(1) of that section" in its list of fireshed management projects (S. 1462 §(2)(5)(D)).

[162] S. 1462 §211 (c); H.R. 471 §203 (c); H.R. 471 §204. These plans are codified at 43 U.S.C. §1772. Statute currently directs the Secretary of the Interior or Secretary of Agriculture to develop a process for plan review and approval that "includes timelines and benchmarks" and other specified details, and "ensures, to the maximum extent practicable, a prompt review and approval process not to exceed 120 days" (43 §1772 (c)(4)(A)).

[163] H.R. 471 §204.

[164] S. 1462 §212 (b); H.R. 471 §309.

[165] S. 1462 §212 (b); H.R. 471 §309.

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