



Lands and Realty Staff
 201 14th St., SW
 Mailstop 1124
 Washington, DC 20250-1125

Re: Docket No. FS-2019-0019

Dear Sir/Madam

The National Association of State Foresters is pleased to provide comment on proposed changes to federal rules regarding the administration of electric transmission rights-of-way on US Forest Service (USFS) lands.

Changes to broaden the ability to use Categorical Exclusions (CE) for administering this activity would be a positive effort to lower the cost of compliance with the National Environmental Policy Act (NEPA). In order to achieve scale, we propose the CE cover all routine and emergency management activities as declared in the owner or operator’s operating plan, and be applicable to the extent of the area covered in the operating plan. Additional proposed changes would streamline overall processes and procedures related to other federal requirements. We encourage the Forest Service, to the fullest extent possible, use all authority to streamline processes and procedures related to vegetation management in utility rights-of-way in order to reduce wildfire risk to life and property. Attached is a comment letter we provided recently regarding proposed changes to USFS NEPA rule compliance and we would simply reiterate that we feel such efforts to lower administrative costs and streamline processes and procedures are necessary and well received.

In addition, as we state in that letter, we share in the Forest Service’s responsibility for protecting and managing the Nation’s forest resources. The proposed rule change emphasizes the importance of hazard tree removal which lowers fire risk. Since fire knows no boundaries this is a shared risk and we all benefit from reductions in risk.

We provide the following comments on the Proposed Rule:

- 1) For the proposed definition of “Hazard Tree” under 251.51- the proposed rule states that a “hazard tree” be designated by a certified or licensed arborist, or forester under the supervision of the Forest Service or the owner or operator. Although Rural Electric Cooperatives are likely to have staff trained in the trimming and felling of trees, they may not have certified or licensed arborists or foresters on their staff. We suggest employees trained in the trimming and felling of trees be considered qualified for designating a “hazard tree.” Requiring certified or licensed arborists or foresters to conduct this common-sense task seems overly burdensome and an added layer of

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bureaucracy. We suggest using the following language: “a hazard tree be designated by *any qualified employee* under the supervision of the Forest Service or the owner or operator.”

- 2) Per section 512(c)(3) and (c)(4), (e), and (f), paragraph (h)(5) of the proposed rule would address the contents of an operating plan or agreement for a power line, including among other items; “Types of activities that require prior written approval.”
 - We would like to see clear recognition stating management activities such as “thinnings immediately adjacent to rights-of-way” be considered as “routine,” as opposed to “non-routine activity.” Prohibiting activity such as conducting “thinnings immediately adjacent to rights-of-way,” from being considered routine would seem to contradict congressional intent of reducing risk to life and property, especially in rural areas where distribution line rights-of-way are only 20’ to 40’.
- 3) Per Section 512(c)(4)(A), paragraph (H)(6) of the proposed rule would require proposed operating plans and agreements to be reviewed and approved in accordance with procedures developed jointly by the Forest Service and the US Department of the Interior, Bureau of Land Management. We would propose the “approval of an operating plan” constitutes “prior written approval” to conduct vegetation management activities including “thinnings immediately adjacent to rights-of-way.”
- 4) Per Section 512(c)(3) and (c)(4), (e), and (f), paragraph (h)(5) of the proposed rule would address the contents of an operating plan or agreement for a power line.
 - We would like to see clear recognition stating implementation of a vegetation management plan is included in “activities covered by an operating plan” and is categorically excluded from documentation in an EA or EIS.

Thank you for your efforts and please do not hesitate to contact our office if you have questions.

Sincerely,



Greg Josten
NASF President
South Dakota State Forester