

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COLORADO STATE OFFICE
2850 YOUNGFIELD STREET
LAKEWOOD, COLORADO 80215**

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EMS TRANSMISSION 12/13/2019
Instruction Memorandum No. 2020-001
Expires: 12/31/2020

To: BLM Colorado District Managers, Field Managers, and Realty Specialists

From: State Director

Subject: Routine Operations and Maintenance to Reduce Fire Risk on Utility Rights-of-Way

Program Area: Lands and Realty, Biological and Cultural Resources, Forestry and NEPA

Purpose: This instruction memorandum (IM) establishes policy regarding routine operations and maintenance activities on electric utilities' rights-of-way (ROW) to reduce the risk of wildfire during Calendar Year 2020.

Administrative or Mission Related: Mission

Policy/Action: Electric transmission and distribution facility ROW holders have the authority to conduct routine operations and maintenance (O&M) activities within their ROW (see 43 CFR 2805.14(a)). ROW holders must also do everything reasonable to prevent and suppress wildfires within or near the ROW area, 43 CFR 2805.12(a)(4), and comply with project-specific terms, conditions, and stipulations, including any requirements to control or prevent damage to property, and public health and safety. 43 CFR 2805.12(a)(8)(iii). To prevent the risk of wildfire, Field Offices should encourage ROW holders to conduct routine O&M activities for their facilities on public land. In taking such actions, ROW holders are responsible for ensuring that their activities comply to the maximum extent practicable with all applicable state and federal laws (see 43 CFR 2805.12(a)(1)).

To facilitate and expedite O&M activities necessary to reduce the risk of wildfire, Field Offices should immediately notify ROW holders that they are authorized and responsible to carry out O&M work to prevent wildfire and request that they notify the appropriate BLM Field Office within 30 days of completing such work, unless this timeframe is in conflict with applicable law

and regulation. If the ROW holder determines that O&M work is necessary to prevent or suppress wildfire, then Field Offices should not require the ROW holder to obtain any additional notice to proceed or other form of prior approval before conducting this O&M work. To the extent the terms and conditions of a ROW grant generally require a notice to proceed or other form of prior approval before a ROW holder conducts O&M and other activities, such provisions should not be construed to apply to actions that have already been authorized, including those required under 43 CFR 2805.12(a)(4), 43 CFR 2805.12(a)(8)(iii), or other applicable laws and regulations.

When coordinating with ROW holders, the BLM should request that any holder undertaking O&M work to prevent wildfire identify, as soon as practicable, the location of the ROW and the O&M activities undertaken (legal description, maps, etc.); access route; type of work; acreage of treatment area; equipment used; start and end dates; biological data or cultural survey data (cultural resource data must be submitted in a confidential folder supplied by each BLM office); species and exact diameter of trees cut greater than 8 inches; best management practices used; utility company point of contact; and BLM serial number for the ROW. Field offices will upload each individual ROW data to a Colorado OneDrive site. Data collected will be incorporated into ongoing efforts to streamline ROW processes as well as facilitate ROW renewals and consolidations, where appropriate.

Field Offices will follow direction as set forth in Section 512 of the Federal Land Policy and Management Act for ROW holders controlling vegetation associated with electric transmission or distribution lines, including hazard trees. A vegetative sale contract may need to be prepared after work has been completed.

This guidance does not supersede or negate any requirements imposed by state or federal law or national BLM policy.

The BLM will work with ROW holders to identify any follow-up actions or modifications that may be required to implement this policy.

Timeframe: Effective immediately through December 2020.

Budget Impact: The policy will have minimal budget impact, as ROW regulations allow the BLM to collect cost recovery fees from the ROW holder to cover the costs of monitoring the operation and maintenance activities of permanent or temporary facilities on public land.

Background: In recent years, the number and scope of wildfires across the West has increased substantially. This destructive wildfire trend emphasizes the need for effective vegetation management and facilities maintenance to reduce the threat of wildfire in association with electrical transmission and distribution lines.

Secretary's Order 3372, "Reducing Wildfire Risks on Department of the Interior Land Through Active Management" (01/02/2019) builds upon Executive Order 13855, "Promoting Active Management of America's Forests, Rangelands, and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk." The intent of this Order is to implement active vegetation management to reduce the risk of catastrophic wildfire.

Section 211 of Title 2 of Public Law 115-141 amended the Federal Land Policy and Management Act to add Section 512 titled “Vegetation Management, Facility Inspection, and Operations and Maintenance Relating to Electrical Transmission and Distribution of Facility Rights-of-Way.” This regulation acknowledges that it may be necessary to address conditions outside a ROW to prevent wildfire.

WO IM 2018-070 emphasizes that routine vegetation maintenance is the responsibility of the electrical utility facility owners, and to the extent feasible, the BLM will address vegetation management issues without the need for additional authorizations and processes.

Manual/ Handbook Sections Affected: None

Coordination: This instruction memorandum was coordinated with Office of Communications (CO-912); Branch of Lands and Realty (CO-923); Branch of Fire (CO-915).

Contact: If you have any question concerning the content of this IM, please contact Jennifer Whyte, Realty Program Lead at (303) 239-3708 or by email at jwhyte@blm.gov.

Signed by:
Gregory P. Shoop
Associate State Director

Authenticated by:
Brian Klein
Colorado State Records Administrator