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Sent: 5/8/2013 5:54:08 PM  
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Cc: Redacted

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Subject: Responses to Questions re Vegetation Management

Ray,

Below are the responses. Also, the Chief of Engineering at Cal Fire, Mike Wilson, is planning to give you a call.

Please let us know if you have questions or need more information.

Thanks,

Meredith

**Q. Does CEQA apply to Vegetation Management work?**

- CEQA applies to governmental agencies making a discretionary decision, such as whether to grant a requested permit, that could result in a physical change to the environment. PG&E is not a government agency but works closely with the various agencies that permit its projects to ensure that those agencies have the information they need to fully comply with CEQA.
- For any project, determining applicable permit requirements requires a case-by-case analysis of the proposed project activities, their environmental setting, and potentially

applicable laws including California Fish & Game Code section 1602 et. seq., the federal and state Endangered Species Acts, the Clean Water Act, and the Porter-Cologne Water Quality Control Act. PG&E carefully analyzes its vegetation management activities at each location to determine whether any discretionary permits are required, consulting with relevant agencies as necessary.

- The vast majority of PG&E’s vegetation management work occurs in existing PG&E transmission or distribution easements or franchise areas, outside of riparian areas, endangered species habitat, or other environmentally sensitive areas. As such, most of this work does not trigger environmental or other discretionary permit requirements to which CEQA would apply.
- However, some of PG&E’s vegetation management work in or near watercourses has been subject to California Fish & Game Code section 1602 requirements related to lake and streambed alteration agreements (LSAAs). The California Department of Fish and Wildlife (CDFW) is subject to CEQA with respect to those agreements.
- PG&E’s recent electric vegetation management work has resulted in approximately twelve LSAAAs between CDFW and PG&E. In all twelve of the cases, CDFW determined that the projects were categorically exempt from CEQA under CEQA Guidelines section 15301, as maintenance of existing utility facilities or topographical features.
- While the ultimate decision as to whether and how CEQA applies to any particular permit decision is for the lead agency, not PG&E, to decide, PG&E believes that most of its vegetation management maintenance work that triggers discretionary agency approvals should be considered statutorily or categorically exempt from CEQA. For example:
  - Much of this work would be covered by Public Resources Code section 21080(b)(2), which exempts emergency repairs to public facilities necessary to maintain service, and Public Resources Code section 21080(b)(4), which exempts specific actions necessary to prevent an emergency. These statutory exemptions are reflected in CEQA Guidelines section 15269. Section 15269(b) exempts projects that consist of emergency “repairs to publicly or privately owned serviced facilities necessary to maintain service essential to the public health, safety or welfare.”
  - PG&E’s vegetation management maintenance activities would also generally be categorically exempt from CEQA under Guidelines section 15301. Section 15301 exempts projects that consist of “repair” and “maintenance” of existing facilities and topographical features that involve negligible expansion of use, and the exemption specifically includes utility facilities.
- Entirely aside from CEQA, some environmental laws, including CDFW's LSAA program, exempt emergency work from permit requirements or specify an alternative process. Under Fish & Game Code section 1610, proponents of emergency projects must provide notification of the work to CDFW within 14 days of completing the project, but are not required to obtain an LSAA or receive any other discretionary approval from CDFW. They

are, however, subject to enforcement action should CDFW later conclude the project was not actually an emergency project as defined under applicable law. PG&E has provided CDFW with section 1610 notifications for electric vegetation management work on two occasions.

- PG&E will continue to assess its upcoming vegetation management projects to determine whether discretionary permits are required under applicable law. Where discretionary approvals are required, PG&E will work with the relevant lead agency to determine the level of environmental review, if any, that is required under CEQA.

**Q. Why is wood debris 4 inches in diameter and greater left behind following tree removal?**

- Even after PG&E trims or removes a tree pursuant to State or Federal law and PG&E's easement right, the property owner continues to own the downed wood from the trees on the property.

- Downed wood from utility vegetation management operations is generally classified into three categories: merchantable timber, valuable wood, and slash. While the property owner will not want the slash (debris and limbs less than 4 inches in diameter), the owner retains a property interest in the valuable wood (limbs larger than 4 inches) including firewood or merchantable timber (logs 16 feet in length).

- The California Code of Civil Procedure entitles the property owner to treble damages against any person who "cuts down or carries off any wood or underwood, tree, or timber ... on the land of another." Similarly, the California Penal Code prohibits the "carrying away [of] any kind of wood or timber" from the lands of another.

- Furthermore, some utility easements specifically state that while PG&E has the right to trim or remove trees, all valuable wood and timber will be left for the owner.

- Therefore, as a best practice, PG&E leaves the wood behind for the owner of the land.