



# Oregon

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## Department of Forestry

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May 10, 2006

Oregon Public Utility Commission  
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"STEWARDSHIP  
IN FORESTRY"

### **RE: OPUC Docket No. AR 506 – Public Comment In the Matter of a Rulemaking to Amend and Adopt Permanent Rules in OAR 860 Division 24 Regarding Vegetation Clearance Requirements**

This document contains public comment pursuant to a proposal by the Oregon Public Utility Commission to amend OAR 860-024-0016. One original and one copy of these comments are being mailed to the PUC, and one electronic copy is being concurrently filed with the Commission.

The Oregon Department of Forestry (ODF) has an Urban and Community Forestry program that provides assistance to Oregon cities to help them maintain a safe and healthy urban forest. On an environmental and ecological level, a healthy urban forest is characterized both by age and species diversity of its trees. Ideally, the trees in a healthy forest are growing at a normal rate, have healthy leafy canopies, and have as much room as possible for growth. Aggressive and poor pruning can severely impact the growth rate and the canopy health, causing trees to decline and become liabilities instead of assets to a community. ODF's technical assistance helps cities maintain public safety and reap the economic, environmental, and social benefits that healthy urban forests provide. A significant part of our work involves helping cities implement proper tree care principles, reducing risk from potentially hazardous trees, and making the proper investments in the planting and management of their urban forests. Each year, ODF provides over 600 technical assists to Oregon cities and communities.

ODF met with PUC staff last November when these rules were originally released, and some of our previous concerns appear to have been resolved in the current version. However, the Department still has concerns about the impact of these rules on the overall health of the urban forests in the cities we serve. As such, we offer the enclosed comments.

#### **General comments on the PUC proposal:**

ODF consistently defends good utility vegetation management work done by utility companies, but also receives complaints when that work is in conflict with research-based arboricultural principles. When one's perspective is focused on the safe and reliable delivery of such an essential resource as electricity, it is easy to over-focus on the potential obstacles to these goals. While it may be desirable to remove or radically prune all trees within reach of power-lines, the ill-will and environmental and economic impacts of doing so would so negatively impact the PUC, the utilities, and the cities, such that a more reasonable approach must be considered. ODF has had long-standing positive relationships with the PUC, PGE, PacifiCorp, CPI and other utilities in Oregon, and with many cities throughout the state. Because of these relationships, we are compelled to advocate for an approach that can strike an appropriate balance among maintaining a practical level of tree safety around power-lines, reliable service delivery, and the health of our urban forests.

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Since leaves produce the food for the tree, trees can suffer when significant amounts of their leaves are removed. A stressed tree cannot as readily defend wounds as a healthy tree, and can become hazardous over time as a result. Years of research has guided the arboricultural profession to a better understanding of how to prune trees to create less stress on them. This proposal, if adopted as written, could force utilities to embark on an aggressive tree pruning operation far beyond what is considered to be normal utility tree pruning practices.

If an overly aggressive pruning action is taken in the name of safety, the other values of the urban forest will surely suffer. This is not to say that safety isn't important; certainly it is, but it must be balanced with other concerns lest we devalue the landscape and subsequently the economic and environmental health of our urban forest. As ODF staff indicated to PUC staff in earlier conversations, if public safety was our only consideration in life, the speed limit on Interstate 5 would be 25 mph. The actual speed limit is set to balance safety with all the other aspects of travel, including getting from point A to point B in a reasonable amount of time. Shouldn't we take this same approach to utility line clearance pruning?

#### **Comments on OAR 860-024-0016 1(a) "interfere or interference"**

The current language might best be described as a "zero tolerance" contact proposal, which runs counter to the reality that some trees impact power-line safety more than others. A mature cottonwood, with notoriously brittle wood, would perhaps require a different management strategy than, say, a sycamore or oak. The broad-brushstroke approach of aggressive pruning of all trees will ultimately cause both utilities and cities far more problems than they solve. It would seem more prudent to develop an "incidental interference" definition that would strike a reasonable balance based on tree species, tree growth, and climatologically appropriate factors. ODF is concerned that this lack of balance between public safety and reasonable arboricultural principles could result in a considerable decline in the overall health of the urban forest, causing extreme and unnecessary pruning in response to the rule.

Although we do not profess to be experts in the area of line clearance safety, we do have experience with utility vegetation management programs. ODF has questions about the PUC staff's claim that interference is "an indication of the failure of a vegetation management program". Does this mean that if a small branch was broken out of a tall tree 50 feet away from a line and blown by a windstorm into the line, causing contact, it would be an indication of the failure of the vegetation management program? Is it reasonable to assume that any contact, no matter how incidental, becomes an indictment of the entire program? If so, this will likely drive utilities to adopt overly aggressive tactics that would on one hand protect them from the wrath of the PUC, but on the other hand would inflict unnecessary wrath upon our urban forests. Left as is, ODF's concern is that this language could result in city neighborhoods that currently have old majestic trees becoming battlegrounds between utilities that have to literally clear-cut the urban forest to avoid any incidental contact, and upset citizens who will have to deal with the higher utility bills, reduced property values, and other negative consequences of losing their street trees.

#### **Comments on OAR 860-024-0016 1(b) "readily climbable"**

The current proposed definition remains overly broad and it's subjective interpretation will likely lead to an excessive amount of unnecessary pruning, resulting in a decline in the health of urban forests throughout the state. Compelling the removal or pruning of a "climbable tree" when there is no one around to climb it seems a bit excessive. The definition of "climbable" must be more objective in order to prevent trees from needlessly being removed and having the quality of our cities' urban forests suffer.

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ODF suggests the following addition to the definition: (1) (b) "Readily Climbable" means having sufficient handholds and footholds to permit an average person to climb easily without using a ladder or other special equipment. A tree is considered "Readily Climbable" if three or more of the following four factors are met: 1) The tree has lower limbs that are sufficiently positioned so that the tree is readily climbable by a child or an adult of average height, (2) the height of the second lowest branch is within 6 feet of the lowest branch, 3) the tree trunk or a scaffold branch greater than 8 inches in diameter is within one arms length reach of the a line, and 4) the tree is located in an street right-of-way, park, playground, or other heavily populated area.

### **Comments on OAR 860-024-0016 (8) "Communications Facilities"**

Over 20 years of urban forestry experience has shown us that the tree pruning that occurs around communications lines rarely meets ANSI A300 standards for proper tree care. Most communications companies do not appear to consistently hire or employ Certified Arborists. Requiring increased line clearance around communications lines will likely lead to a considerable increase in pruning of tree limbs that have not previously been pruned. If all of this new pruning is not done by qualified personnel (i.e. Certified Arborists), the health of the urban forest will suffer. The implications of this rule are beyond enormous. Not only would this dictate a slew of new pruning actions on trees or tree limbs that have never been clearance pruned before, it invites every "Larry the Cable Guy" in Oregon to pick up a saw and hack away. While ODF is not conceptually opposed to requiring line clearance for communications facilities, this brief but sweeping rule will generate all kinds of unintended consequences that could actually result in the creation of new hazard trees through improper pruning, thus lessening public safety. The PUC should not be mandating substandard pruning and the creation of hazardous conditions, which is the likely outcome of this clause as written.

### **Conclusion**

It is clear to the ODF staff that, given the current definitions and terminology proposed, the long term cost to the urban forests of the cities we serve could potentially outweigh the benefits of this proposal. It would be incorrect to characterize this as a concern for beauty at the expense of safety. On the contrary, these proposals could have a significantly negative legal, financial, and social impact on Oregon utilities as well as Oregon's urban forests. We suggest that these proposals be delayed until further study is completed and the potential implications and consequences for the health of local urban forests can adequately be determined. Alternatively, before passage by the Commission, more reasonable definitions of "interference" and "readily climbable" should be developed, and no communications pruning should be mandated without proper standards and protections being in force.

Sincerely,



Paul D. Ries

Urban and Community Forestry Program Manager