



April 20, 2021

Clerk of the Board
 Board of Forestry and Fire Protection
 P.O. Box 944246
 Sacramento, CA 94244-2460

E-mail: publiccomments@bof.ca.gov

Re: San Francisco Public Utilities Commission’s Comments on Board of Forestry and Fire Protection Draft Utility and Public Agency Right-of-Way Exemption Rule Plead

Clerk of the Board,

The San Francisco Public Utilities Commission (SFPUC) appreciates the opportunity to submit these comments on the Board of Forestry and Fire Protection’s Draft Utility and Public Agency Right-of-Way Exemption Rule Plead, dated March 2, 2021 (Draft Rule). SFPUC wrote to the Board with our concerns in advance of its April 7th meeting (see attachment.) We continue to have significant concerns with the Draft Rule as written. We urge the Board to discard the current approach and engage with utilities to re-write the Draft Rule in a way that will not further increase California’s wildfire risk.

Our primary concerns are as follows:

- If adopted as currently written, the Draft Rule would increase the risk of wildfire by drastically slowing down forest maintenance and fuel reduction efforts for publicly owned utilities like the SFPUC.
- The requirement in the Draft Rule to use a Licensed Timber Operator (LTO) for tree maintenance will reduce public utilities’ ability to maintain watersheds and right of ways and result in time delays to resolve danger or hazard trees.
- LTOs are a designation under the Forest Practice Act, the intent of which is to provide regulatory requirements for commercial logging operations. This designation is inappropriate for day-to-day maintenance on utility right of ways. There are currently not enough LTOs in California to perform the work we do. Furthermore, LTOs generally do not have the necessary skill sets to perform this work, such as tree climbing, knowledge of species-specific proper pruning techniques, and/or operating bucket trucks.

- London N. Breed**
Mayor
- Sophie Maxwell**
President
- Anson Moran**
Vice President
- Tim Paulson**
Commissioner
- Ed Harrington**
Commissioner
- Newsha Ajami**
Commissioner
- Michael Carlin**
Acting
General Manager

Services of the San Francisco Public Utilities Commission

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



- Any final rule should allow a Registered Professional Forester and a Professionally Certified Arborist to delegate to a Supervised Designee. Such a rule falls within the scope of Wildfire Mitigation Plans and Vegetation Management Plans already developed by the California Public Utilities Commission.

Though we support the Board's intent to enforce environmentally sensitive forestry practices, we urge you not to implement the Draft Rule. We believe the framework the Draft Rule uses is misguided and that it would be preferable to start from scratch on a proposed regulation. The Board should remove the current framework and work with utilities to draft a workable alternative. While we strongly believe this is the best course of action, in the alternative we support CMUA's proposal to create a de minimis exclusion to recognize planned system maintenance. We believe such an exception would significantly improve the language in the Draft Rule and reduce some of the risks described above.

We are happy to work with you to attain our mutual goals of land maintenance and forest health. Should you have any questions or wish to discuss this matter further with us, please contact Michelle Novotny at (415) 627-8665 or mnovotny@sfwater.org. Thank you for your consideration.

Sincerely,

Steven R. Ritchie

Steven R. Ritchie
Assistant General Manager, Water Enterprise

Attachment: SFPUC Comments on Board of Forestry and Fire Protection Draft Utility and Public Agency Right-of-Way Exemption Rule Plead, Dated April 1, 2021.



April 1, 2021

Clerk of the Board
 Board of Forestry and Fire Protection
 P.O. Box 944246
 Sacramento, CA 94244-2460

E-mail: publiccomments@bof.ca.gov

Re: San Francisco Public Utilities Commission’s Comments on Board of Forestry and Fire Protection Draft Utility and Public Agency Right-of-Way Exemption Rule Plead

Clerk of the Board,

The San Francisco Public Utilities Commission (SFPUC) appreciates the opportunity to submit these comments on the Board of Forestry and Fire Protection’s Draft Utility and Public Agency Right-of-Way Exemption Rule Plead, dated March 2, 2021 (Draft Rule).¹ SFPUC urges the Board to revise the Draft Rule as follows:

1. remove the requirement that tree maintenance and removal be performed by a Licensed Timber Operator, or include an exemption for utilities that have demonstrated compliance with safety regulations and environmental policy; and
2. revise the Draft Rule definitions to allow the Supervised Designee of a professionally certified arborist to assess and identify Danger Trees.

If adopted as currently written, the Draft Rule would increase the risk of wildfire by drastically slowing down forest maintenance and fuel reduction efforts for publicly owned utilities like the SFPUC.

The SFPUC provides water, wastewater, and power services within the City and County of San Francisco and wholesale water to three Bay Area counties through the Hetch Hetchy Regional Water System. We are the third largest public utility in California, with infrastructure in seven counties and a combined annual operating budget of over \$1 billion. We steward tens of thousands of acres of watershed designated as State Responsibility Areas and own over 220 miles of electrical transmission and distribution lines crossing multiple jurisdictions, including areas

¹ SFPUC also supports the comments on the Draft Rule being submitted by the California Municipal Utilities Association (CMUA). SFPUC is a member of CMUA.

Services of the San Francisco Public Utilities Commission

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

- London N. Breed**
Mayor
- Sophie Maxwell**
President
- Anson Moran**
Vice President
- Tim Paulson**
Commissioner
- Ed Harrington**
Commissioner
- Newsha Ajami**
Commissioner
- Michael Carlin**
Acting
General Manager



designated by the California Public Utilities Commission as “High Fire Threat” areas.

The drought that started in 2013 and ended in 2017, combined with bark beetle infestation, resulted in the death of thousands of trees in our watersheds and right of ways. Despite a robust land management program, it is a challenge to keep up with the necessary tree removal and vegetation management work.

At present, our vegetation is assessed by in-house staff and we have in-house vegetation management crews that perform removal or maintenance of the vegetation. Our vegetation management crews are not Licensed Timber Operators (LTO). An LTO performs work that is compliant with the Forest Practice Act to conduct forest tree cutting and removal operations. The intent of the Forest Practice Act is to provide regulatory requirements for commercial logging operations. While vegetation management activities may require following the Forest Practice Act, there are a multitude of conditions which do not meet the definition of a commercial logging operation. Our agency evaluates the needed vegetation management prescription and follows the state and federal requirements to perform the work, including review of California Environmental Quality Act requirements. Our crews use industry standard best management practices, often including biological monitoring, and at times delaying work to the appropriate season. We employ journey level tree cutting staff to perform the work under the direction of these requirements. In this regard, the SFPUC has the following concerns in requiring LTO’s to perform all tree removal within the Timber Harvest Zones:

- Low volume tree removal or trimming projects are not within the scope of normal LTO operations. LTOs work on larger landscape scale projects.
- LTOs typically do not have the equipment or skillsets to remove trees in and around houses or facilities. At times this work requires tree climbing skills, knowledge of species specific proper pruning techniques, and/or bucket trucks. LTOs employ tree fallers and use large equipment such as high-lines, limber/bucking machines, and skidders.
- There are not enough California LTOs to perform all of the work in California.
- Requiring an LTO perform the work will result in time delays to resolve danger or hazard trees.

For the above reasons, we strongly disagree with the proposal to require all tree removal to be done by an LTO and request the Board revise the draft rule accordingly. If this is not possible, we urge you to include a policy by which agencies meeting certain specified criteria, such as good environmental practices, would be exempt. If these revisions are not made, our tree maintenance and removal activity would slow down greatly, increasing the risk of wildfire in our watersheds and along our right of ways.

Requiring tree maintenance and removal to be assessed by a Registered Professional Forester or Supervised Designee or professionally certified arborist is our standard

operating procedure. However, we request a change in the definitions of the Draft Rule to allow a professionally certified arborist to also be supported by a Supervised Designee. Expanding the scope of the arborist falls within the scope of Wildfire Mitigation Plans and Vegetation Management Plans already developed under the guise of the California Public Utilities Commission.

Though we support the Board's intent to enforce environmentally sensitive forestry practices, we urge you not to implement the Draft Rule in the current form. Instead, we request that the Board revise the referenced requirements and provide appropriate policy to allow utilities to perform work responsibly.

We are happy to work with you to attain our mutual goals of land maintenance and forest health. Should you have any questions or wish to discuss this matter further with us, please contact Michelle Novotny at (415) 627-8665 or mnovotny@sfwater.org. Thank you for your consideration.

Sincerely,

Steven R. Ritchie

Steven R. Ritchie
Assistant General Manager, Water Enterprise