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## PG&E CPSI Agreement

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To: manderson@lovelafayette.org, cburks@lovelafayette.org, mmitchell@lovelafayette.org, "Falk, Steven"

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Hello Mayor Anderson, City Council Members, Steve and Mala,

Thank you Steve for meeting with Michael and I last week. We were disappointed to hear that the city is not taking a leadership position on renegotiating this agreement. Since our meeting, we have encountered issues with the tree list documentation that may serve as valid reason for the city to rework the agreement.

For this reason and others, including lack of CEQA review, it is time critical that the city shows proactive movement on revising the agreement.

### Documentation Issues

Per the city staff report dated March 27, 2017, the city required PG&E to provide a site plan that included property lines, parcel numbers/addresses, and that indicated the trees proposed for removal. If the city has receipt of this document, we have not seen it per PRA. It is our opinion that the arborist appraisal report should not be acceptable as PG&E's documentation for trees targeted for removal as it is incomplete, possibly inaccurate in terms of tree tagging, and moreover, it is a city document that was created as a by-product to the terms of the agreement. It seems this appraisal report was originally commissioned to support calculation of in-lieu mitigation values. It seems also questionable that a 3rd party (the arborist) would understand PG&E's parameters for unacceptable risk when there seems to be a lack of clarity from PG&E as to the specifics of those parameters and their application. KMZ files and related spreadsheets provided by PG&E are also missing information. The following are issues that we believe the city should require to be resolved by PG&E with provision of a complete and correct targeted tree list:

1 - Lack of defined PG&E unacceptable risk factors for each tree that may satisfy Municipal Code section 6-1705(b)(5)

PG&E should provide description of all unacceptable risk factors. The proximity parameter (0-5 feet of pipeline) seems to be arbitrarily applied and the lack of consistency in applying that parameter seems to undermine the claim of public safety relative to trees being on or near the pipeline. This especially holds true when comparing the number of trees our city has at stake with the number of trees other cities have also had at stake but have been able to greatly reduce. For example, Danville had 200 trees targeted per CPSI dropped to 1 tree removed. Walnut Creek went from 250 trees down to 6. The city of Lafayette should demand that same standard of review for not just city trees, but all trees regardless of ownership

on the list provided by PG&E. It is important to note that it seems generally antithetical to the basis of the agreement that trees pose a hazard to public safety yet the majority of trees that were reviewed in the cities cited above are able to be left in place, within that 0-5 feet risk factor. Also, the pipeline burial depth measurement on the PG&E spreadsheet is not defined. Is this a current measurement taken recently or is this a record of historic coverage depth at installation? Either way, it seems that this burial depth measurement may be inaccurate based on the example of the exposed pipeline found off of the Lafayette Moraga trail. PG&E has reported to us that the pipeline is buried under no less than 1' 1" in that area, yet obviously, there is no coverage of the pipeline in that instance. If burial depth is a factor, it is important to define the burial depth parameter and how it affects the unacceptable risk of each tree. Unacceptable risk factors should be clearly defined per tree, particularly in deference to the waiver of existing tree ordinances and the particular exemption the city granted to allow this agreement.

## 2 - Lack of ownership of record information

Trees are identified by location but they are not identified in terms of property owner on record. This is of great concern because it seems PG&E is required to provide the city with mitigation plans approved of by property owners. It seems PG&E is not performing due diligence in identifying property owners to the city. We know of at least 30 trees along the Lafayette Moraga trail that are not on EBRPD property, but are listed as in their locale (this has been verified by EBRPD). These trees are most likely owned by ContraSan. I contacted CentralSan weeks ago and as of last Friday, they had not been approached by PG&E nor do they have any agreement in place relative to CPSI, yet both PG&E and CentralSan have acknowledged that CentralSan may own trees on the removal list. Furthermore, some trees with unidentified ownership could possibly be owned by residents, since these trees are literally alongside fences, possibly on resident owned easement areas. Also of note is that the tree appraised by Michael Baefsky with the highest value is one of undetermined ownership. This tree is of particular community concern in terms of size, age, creekside locale, and iconic value to the trail neighborhood residents.

## 3 - Lack of proper tree identification

PG&E has provided the city with a spreadsheet only recently, per our request, that may help verify the trees that are incorrectly identified on the arborist's tree appraisal report. It should be the onus of PG&E to cross reference their list with the arborist report and compile that information into one, corrected and complete working document for the city. If trees are not correctly identified, the concern is the wrong trees could be removed and more trees than authorized could be removed. I understand PG&E may subcontract the tree removal operations to a third party, which could further complicate the correct identification of trees to be removed if they are not accurately identified and marked for removal.

**It is also our opinion that the city could aptly require PG&E to provide 3rd party or peer reviewed research and regulatory validation of PG&E's claims and in lieu of that validation, only accept the implementation of proven and effective safety precautions that do not include tree removal i.e. complete and historical records for pipeline testing and integrity maintenance; planning for and implementation of pipeline infrastructure improvements where most effective and modern testing is not possible; installation of automatic shut off valves in our city, etc. as mandated or otherwise recommended by federal agencies and the CPUC since the tragedy in San Bruno and subsequent federal criminal court findings against PG&E.** We do not believe that asking for this documentation challenges the agreement to the extent that PG&E would seek legal retribution. If anything, it seems that provision of documentation would support the premise that presumably underlies the agreement, which is

PG&E ensuring the safety of Lafayette residents while effectively maintaining pipeline integrity. And if PG&E's failure to provide that documentation supporting their claims of trees impeding public safety invalidates the agreement, so be it. We would hope the city still holds PG&E accountable for public safety and pipeline integrity concerns in our community.

We respectfully request confirmation of receipt and response to this correspondence as to whether or not the city will pursue this request of PG&E to provide validation and documentation for the agreement as suggested above. Thank you all for your consideration.

Sincere Regards,

Gina and Michael Dawson