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Zoning in on Tree Protection

By Cathy Tyson



Photo C. Tyson

There's a rule change in the works that would strengthen the protection of local trees from major tree removal projects and increase the penalty when more than 25 trees are removed. Once Ordinance 633 is adopted, which is slated for the Oct. 14 Lafayette City Council meeting, a permit will be required if an entity, individual, or utility company wants to cut down a substantial amount of trees on public or private property.

There are existing tree protection regulations on the books, which were last updated in 2009, but city leaders wanted to make clear in light of recent proposals that the city feels compelled to ensure protection against these large scale projects in the future, explains the staff report for the Sept. 22 council meeting.

While a jurisdiction can update rules about a variety of topics from chicken ownership to parking, the new tree protection rules seem directed at mitigating potentially aggressive tree removal in connection with PG&E's controversial Pipeline Pathways program that seeks the removal of trees and overhead structures near gas transmission lines.

In light of the devastation from the San Bruno explosion, PG&E proposed Pipeline Pathways: \$500 million dollars paid by shareholders to be spent over five years that would enhance the safety of

6,750 miles of underground gas lines statewide. The plan went over like a lead balloon when it was announced earlier this year. Transmission lines run right through the center of Lafayette, directly adjacent to and sometimes under lush greenery. The initial PG&E plan called for cutting down these trees, so that the utility could have better access to pipelines for inspection and maintenance, and to ensure tree roots weren't causing corrosion.

PG&E has hit the pause button for the project, and is now working with cities in Contra Costa County. "PG&E has openly recognized that it made a big mistake when it failed to consult East Bay cities regarding its pipeline protection plan," explained City Manager Steven Falk. "To correct that mistake, the utility directed one of its top officials, Jose Soto, senior vice president for engineering, construction, and operations, to work cooperatively with cities to develop a program that works for all parties. To this end, Mr. Soto wrote the cities a letter which stated that '... PG&E reiterates our commitment to work collaboratively with each of you; we will not move forward with any (Pipeline Protection project) work in your communities until we reach an agreement on how to proceed.'"

A group of city managers from jurisdictions within Contra Coast County came together to work with PG&E on this agreement framework that spells out the utility's commitment going forward. The agreement hasn't been presented to Lafayette yet, but Falk is confident that PG&E intends to comply with the agreement - the framework, which includes each city's encroachment permit procedures and requirements, identification of trees protected by the local tree protection ordinances, and mitigation measures for the removal of protected trees.

PG&E spokesperson Shaun Maccoun explained their first concern is public safety and that the

utility is "re-evaluating" and working with cities within Contra Costa County on a one on one basis. Currently they are in talks with Pittsburg, and likely won't get to Lafayette until 2015.

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