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Council agrees to fund joint tree assessment process between PG&E and city

By Lou Fancher

Seeking to resolve lingering litigation issues between the city of Lafayette and Pacific Gas & Electric Co. over the removal of over 200 trees - and involving a separate, 2017 lawsuit brought against the city by Save Lafayette Trees - the city council on Sept. 27 approved the expenditure of \$50,000 to fund a tree assessment process. The process will have the city and PG&E each bringing one gas pipeline safety expert and one tree expert/arborist together to form a four-member panel whose purpose will be to develop plans and criteria for the removal or preservation of the approximately 200 trees.

The group of experts, designated the "Tree Advisory Team," will conduct a joint risk assessment, develop findings, submit recommendations to Lafayette and PG&E, bring those recommendations to city council and make the information available to the public. If at the conclusion of the study the city and PG&E resolve the matter, a new agreement will be made and litigation between the two parties will be dropped.

City Manager Niroop Srivatsa in presenting a staff report at the meeting said, "I want to stress that our intent is to minimize the number of trees, if any, to be removed. This process allows us to have a say in the criteria as well as in the tree assessment, something we have not had before." If either party disagrees with conclusions of the advisory team, Srivatsa said that either party can "walk away" and neither the city nor PG&E are obligated to form an agreement.

PG&E in the years-long dispute that began in 2014 with a region-wide program titled the "Pipeline Pathways" project claims the trees prevent first responders and crews from having immediate access to gas pipelines for inspections, routine maintenance, and shutoffs or repairs necessary during emergencies. Residents and supporters of Save Lafayette Trees along with Lafayette Homeowners Council, Sierra Club, the Pipeline Safety Trust, Audubon Society, the Lindsay Wildlife Experience and over 2,900 individuals in 2018 who signed a petition to prevent the tree cutting are adamantly opposed to the tree removals. PG&E has additionally asserted that tree roots pose a potential risk to pipeline safety. The company's original proposal had 1,200 trees being removed within city limits. In 2015, an updated list of trees was reduced to 272 trees on private and public property and the project was renamed as the Community Pipeline Safety Initiative (CPSI). The number of trees deemed "unacceptable risk" was further reduced to 207 in 2018.

The staff report included information related to the Lafayette Municipal Code: "The removal of more than 25 protected trees constitutes a Major Tree Removal Project per the Lafayette Municipal Code, requiring as mitigation, payment or planting, or combination thereof, equal to the full appraised value of the trees to be removed. The City's Consulting Landscape Architect, Michael Baefsky, independently evaluated each tree proposed for removal by PG&E in 2016, provided a tree appraisal for each protected tree per the City's regulations and calculated the mitigation fees for removing those trees. In March 2017, the City Council authorized the City Manager to execute the Letter Agreement for Tree Removal with PG&E requiring PG&E to submit the information in compliance with the City's Tree Protection Ordinance and receive approval from the City before moving forward with the proposed tree removal or planting of mitigation trees, and to place the mitigation payments collected in a new restricted reserve fund."

Following the lawsuit by Save Lafayette Trees brought in response to the 2017 Letter Agreement between the city of Lafayette and PG&E, the gas and utility company in 2019 filed for bankruptcy. In 2020, PG&E sued the city in bankruptcy court over the 2017 Letter Agreement for Tree Removal. Srivatsa said PG&E still proposes to remove more than 200 trees, but to date has not submitted all the information necessary to process a tree removal permit. In an effort to stave off litigation and come to a new agreement to resolve the issues, Mayor Susan Candell with Srivatsa have met since early 2021 with PG&E representatives.

The staff report includes criteria for the selection of gas pipeline safety experts and for the arborists on the advisory team. Also included is detailed information about items included in the pipeline safety assessment such as the depth, diameter, pressure, age, coating, soil stability and corrosion parameters of the pipelines, among others. The arborists will assess if a tree poses an actual safety concern according to evaluation criteria including the species of the tree and its health and proximity to the pipeline.

In public comments during the meeting, Michael Dawson, co-founder of Save Lafayette Trees said he has walked the five pipelines and inspected every tree in question. Dawson said, "I am convinced there are no trees in Lafayette that pose a safety hazard." He added that he is optimistic PG&E will come to the same conclusion and while noting that pipeline integrity is paramount and of increasing importance, tree removal is not necessary to ensure gas pipeline safety for the community.

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[back](#)

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