

Oral Argument on Docket 12-01-10 – Investigation on Tree Trimming Practices by Utilities

Good afternoon, Commissioners. My name is Eric Hammerling. I am here today as the Chair of the State Vegetation Management Task Force. I am also the Executive Director of the Connecticut Forest & Park Association, the first nonprofit conservation organization established in Connecticut, in 1895. As you know, the Task Force was established by the Commissioner of the Department of Energy & Environmental Protection, as recommended by Governor Malloy's Two Storm Panel Report.

The State Vegetation Management Task Force was comprised of 20 individuals representing electric and telecommunications utilities, arborists, tree wardens, forestry researchers, state and federal regulatory agencies, municipal public works managers, and conservation organizations. The Task Force published its Final Report last year on August 28th, the one year anniversary of Tropical Storm Irene.

Since then, the Task Force members have continued to meet periodically, joined by additional experts, to move forward our shared goals of better managing our roadside forest in order to improve the health of this forest, enhance the safety of public roads, and maintain a more reliable power supply.

As you know, several members of the Task Force worked together at the urging of the General Assembly's Energy & Technology Committee to help craft Section 60 of Public Act 13-298.

Section 60 defined a "Utility Protection Zone" and clarified the processes within this zone such as notification to abutting property owners, objections and appeals, vegetation management using professional pruning standards, and hazardous tree removal. Section 60 streamlined the process for utility removal of hazardous trees, while ensuring that tree wardens and abutting

property owners would have a meaningful opportunity to object to proposed pruning and removal of non-hazardous, healthy trees.

The Task Force met last week to discuss the Draft Decision in this docket. The Exceptions filed on behalf of the Task Force in this docket are based on those discussions, which confirmed support for the recommendations in the Task Force Report. These recommendations regarding utility tree pruning and removal can be summarized in three brief principles: (1) One size does not fit all; (2) Size matters; and (3) Reduce risks but retain benefits.

Principle #1: One Size does not fit all. The Draft Decision adopts Utility Line Clearance Standards based upon the rigid standards proposed by CL&P and UI, which were included, but not recommended, in the Task Force Report. As I said in earlier testimony in this docket and I re-emphasize now, the inclusion of these proposed standards by the electric utilities in the Report was not an endorsement by the Task Force. In fact, the Draft Decision Utility Line Clearance Standards are inconsistent with the recommendations in the Task Force Report, and also inconsistent with Section 60 of Public Act 13-298, which was enacted after publication of the Report.

To comply with the Task Force recommendations, utility tree pruning and removal should vary based not only on the species, condition and growth rate of trees, but also on the location of the trees – in a rural, suburban or urban municipality, in a neighborhood with few street trees or in a neighborhood with a dense roadside forest. Rigid line clearance standards undermine the intent of Section 60 to permit tree wardens and abutting property owners to work with the utilities to ensure that utility tree pruning or removal is appropriate and necessary. Rigid line standards do not allow the electric utilities the flexibility they need to accommodate a reasonable objection to proposed pruning or removal.

Principle #2: Size Matters. In the early days of our Task Force and during the public hearings we held last year, several concerns were expressed by those who do tree work in our urban areas, particularly in Hartford and New Haven. Generally speaking, these urban areas have a large percentage of mature trees of various species located within the area now defined as the Utility Protection Zone. Healthy, mature trees are often central to community character and provide many economic, environmental and societal benefits, as articulated in the Task Force report (for reference, see the sections of the Report entitled “The Benefits of Trees” and “The Importance of Large Trees” on pages 13-18). Some of the Enhanced Tree Trimming or Enhanced Tree Removal proposals by the utilities that might make sense on a relatively unmanaged roadside forest in a rural area would lead to devastating and dramatic losses of healthy trees if applied without balance or flexibility in densely settled urban, or some suburban, neighborhoods where the only trees may be street trees.

Principle #3: Reduce Risks but Maintain Benefits. The Task Force supports the removal of hazardous trees (defined in Public Act 13-298 as dead, extensively decayed or structurally weak trees or tree parts that would damage utility infrastructure if they fell), but the Task Force also supports the retention and better management of healthy trees and replanting with “Right Tree/Right Place” trees and shrubs that are more compatible with traditional poles and wires. Of utmost concern is the proposed clearance standard that, if applied rigidly, would lead to the premature loss of many healthy trees that are providing and will continue to provide numerous community benefits that are measurable in dollars as well as in social cohesion, sense of place, reduced air pollution, and in improved public health. Ironically, the removal of healthy trees in the name of keeping the lights on could actually increase utility bills by increasing the need for heating or cooling in homes and businesses that were receiving shade or wind breaks from those beneficial trees.

To reduce risks while maintaining maximum benefits from trees, we recommend that tree pruning and removals be implemented over a time horizon that permits retention of healthy trees, deferring their removal until such time as they decline and are likely to become hazardous before the next pruning cycle. To use a military analogy, rather than employing a pre-emptive strike to take out all tall trees, or all non-Right Tree/Right Place trees within the Utility Protection Zone, the Task Force recommends a more phased-in, incremental approach whereby roadside forests are managed to become more storm resistant over time through a combination of tree pruning, removal of hazardous trees, retention of healthy trees, and Right Tree/Right Place planting.

In keeping with these principles, the Task Force urges that the revision to the line clearance standards requested in the Task Force Exceptions be adopted in your Final Decision. The revised line clearance standards incorporate the recommendations of the Task Force and comply with Section 60 of Public Act 13-298, by permitting electric utilities the flexibility they need to accommodate the diversity of the roadside forest, both protecting the utility infrastructure and preserving the benefits of healthy trees in Connecticut's variety of communities.

Thank you for your important efforts on this docket, and I'd be glad to respond to any questions you may have.