



Contra
Costa
County

To: Board of Supervisors
 From: Julia R. Bueren, Public Works Director/Chief Engineer
 Date: February 3, 2015
 Subject: Pacific Gas and Electric (PG&E) Pipeline Pathways Project Framework Agreement

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chair of the Board of Supervisors to execute an agreement with Pacific Gas and Electric (PG&E) to establish a framework for evaluating the removal of trees as part of PG&E's Pipeline Pathway Project.

FISCAL IMPACT:

No Fiscal Impact. Under the agreement, PG&E agrees to reimburse the County for staff costs incurred in evaluating PG&E's tree removal program.

BACKGROUND:

In January of 2014 PG&E approached the County indicating that it was pursuing its Pipeline Pathway Project throughout the East Bay. At that time, PG&E expected to begin this work in early spring of 2014. The project would involve the removal of vegetation and improvements above and adjacent to PG&E's gas transmission pipelines. We do not have the full scope from PG&E so we cannot elaborate on the number of trees. According to PG&E, the purpose of this proposed project is "to enhance safety by reducing risks to the integrity of the pipeline and improving access for PG&E to do safety work." PG&E was and still is finalizing

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/03/2015** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II

Supervisor

Mary N. Piepho, District III

Supervisor

Karen Mitchoff, District IV

Supervisor

Federal D. Glover, District V

Supervisor

Contact: Brian Balbas (925)

313-2284

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 3, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

BACKGROUND: (CONT'D)

the proposed vegetation impacts for various communities within unincorporated Contra Costa County; however, it became apparent the proposed work would impact vegetation, including many large trees, in both the public Right of Way and private property easements throughout the County.

The County, cities and the community viewed the proposed PG&E project very unfavorably. As a result a coalition of cities and the County formed to discuss the proposed project and work with PG&E to re-examine the project. Eventually the Contra Costa County Public Managers Association and administrators, and many City attorneys from various jurisdictions joined to oppose the project. These actions led to PG&E “pausing” the project and work with the coalition to determine a more workable project for all the communities in Contra Costa County.

PG&E subsequently began meeting with the Public Managers Association in an attempt to reach agreement on a framework for moving the project forward. The attached Project Framework Agreement was a result of those efforts. This agreement has been acted upon by many cities within Contra Costa County and PG&E has requested that the County also act on this as the County and PG&E continue to work on the details of any work PG&E proposes as part of the Pipeline Pathway Project. Both the County and PG&E understand the commitment to maintaining gas pipeline integrity and safety as well as the importance of trees and landscaping to our communities. Some of the other commitments in the attached agreement include:

1. Reevaluating all trees initially proposed for removal, upon request by the County, and only proposing the removal of trees for which data supports safety concerns, all with a goal towards reducing the number of trees proposed for removal. PG&E also understands that the County wants to receive all of the potential impacts for all communities in unincorporated Contra Costa County as soon as possible for review;
2. Complying with ministerial encroachment permit procedures and requirements;
3. Identifying trees protected by local tree ordinance;
4. Mitigating for protected tree removals as mutually agreed upon by the County and PG&E;
5. Paying the costs associated with the County evaluation of work, including third party arborists and other consultant and staff time as agreed by the County and PG&E;
6. Evaluating various specified mitigation measures that could potentially avoid the need for the tree removals;
7. Providing detailed data, as specified, to allow the County to evaluate and understand the project;
8. Conducting field reviews with the County.

The Framework Agreement does not resolve the dispute between the County and PG&E over whether PG&E is subject to local tree removal ordinances. Instead, the Agreement is designed to develop a framework for limiting the number of trees required for removal

and to develop information for the County to carefully consider PG&E's tree removal requests. County staff and PG&E acknowledge that there may eventually be disputes over PG&E's right to remove trees. If such a dispute arises, the County and PG&E could seek legal or regulatory remedies at that time.

At this time, staff recommends that the Board of Supervisors approve the Framework Agreement. We believe that the commitments made by PG&E in the Framework Agreement are appropriate and that PG&E will develop the appropriate level of data and information for the County to review as they pursue the Pipeline Pathway Project. Staff does not believe that entering into this Framework Agreement prevents the County from enforcing its legal rights now or in the future. Therefore staff recommendation is for the Board of Supervisors to consider this Framework Agreement and authorize the Chair to execute it.

CONSEQUENCE OF NEGATIVE ACTION:

The Framework Agreement with PG&E will not be executed.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

PG&E Agent Agreement

PPP Framework Agreement