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Edith Hannigan, Executive Officer
Board of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-2460

Dear Ms. Hannigan:

Pacific Gas and Electric Company (PG&E or the Company) appreciates the opportunity to submit these comments on the Board of Forestry's (Board's) June 27, 2024, plead to the Utility Right-of-Way Exemption Regulation. PG&E continues to believe the vast majority of its utility vegetation management (VM) activities are outside the ambit of the Forest Practice Rules under a plain reading of the statutory definitions of Timberlands, Timber Operations and Commercial Purposes. We submit these comments to ensure our perspective is included in the pre-rulemaking record, and incorporate by reference our April 25th comment letter and markup that propose changes to reduce the cost and complexity of the proposal.

The Company notes with approval the following changes in this version of the plead:

- Sets a clearer standard for removal of woody debris that "constitutes a hazardous accumulation of flammable materials with enhanced risk of increased wildfire ignition, spread rate, duration or intensity" rather than that which could be deemed a nuisance.
- Now requires a utility removing trees to skid logs to a location that allows the landowner to reasonably arrange for decking and hauling of timber, rather than requiring that logs be decked on a landing.
- Allows supplemental maps and locations of danger trees for exemption applications to be submitted every two weeks rather than monthly.

While these latest changes address a few of the issues raised by PG&E, the entirety of proposed Section 1114 substantially increases the cost and complexity of compliance. The Company's initial estimate of these costs is between \$71 million and \$372 million annually. Among the most significant cost drivers are the following:

- Between \$28 million and \$165 million for wood removal in proximity to structures¹;
- Between \$15 million and \$32 million for staffing of LTOs, RPFs, and cultural resource staff;

¹ The high end of the wood removal estimate is predicated on half of the trees cut in 2023 falling into the removal requirement. There is no precise way of determining what percentage of our work would require the filing of a UE.

- Between \$6 million and \$116 million for cultural resource surveys².
- Between \$30 million and \$57 million for water monitoring and erosion control.

Given that PG&E has been the sole utility represented at the last two of three workshops, we encourage the Board to conduct more vigorous stakeholder outreach if it decides to send the plead to the Office of Administrative Law to commence a formal rulemaking.

The Company commits to continuing its robust participation once the formal rulemaking commences and plans to provide more detailed cost estimates for the economic impact analysis required under the California Administrative Procedures Act (APA). The Company will also continue to propose regulatory changes that will help mitigate that economic impact for utility customers.

For example, CAL FIRE currently requires periodic California Historical Resources Information System (CHRIS) records searches to identify and avoid significant cultural resources per their memorandum of understanding (MOU) with the State Historic Preservation Office (SHPO). Cultural pedestrian surveys, consisting of boots-on-the-ground identification and confirmation of the presence of cultural resources essentially confirms CHRIS records search data and provides additional resource records as sites are identified. PG&E would expect the use of cultural pedestrian survey data to extend to at least 30 years, with periodic CHRIS records searches to update findings.

PG&E currently holds subscriptions with CHRIS Information Centers (updated quarterly). This enables PG&E to meet and exceed CAL FIRE's MOU stipulation for a refreshed CHRIS records search every five years. Moreover, PG&E employs a Confidential Cultural Resources Database (CCRD) that is strictly controlled so that only qualified cultural resource employees and consultants may access it. The CCRD contains CHRIS records as well as PG&E-generated records to help avoid and protect cultural resources as we execute projects. PG&E could enter into an agreement with CAL FIRE to provide their archaeologists access to a shared cultural database that would expedite records searches and streamline review timelines (as compared to the project-by-project records searches that are done presently). The CCRD is already complete and funded. PG&E currently has agreements with California State Parks, National Park Service, Bureau of Land Management and United States Forest Service to share and update cultural resource data in support of project review.

This is just one example where, working creatively and collaboratively, we could seek to reduce the cost and complexity of the proposed regulation. Thank you for the opportunity to participate in your pre-rulemaking process, and to submit these comments and cost estimates.

Sincerely,

Mark Krausse

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² This reflects one-time cost for cultural pedestrian survey. Time to complete surveys would depend on circuit priorities and actual spend may cover several years.