

# Folsom City Council Staff Report

|                        |   |
|------------------------|---|
| <b>MEETING DATE:</b>   | 11/14/2023  |
| <b>AGENDA SECTION:</b> | Old Business  |
| <b>SUBJECT:</b>        | Landmark Tree Designation – Urban Forester Recommendations to Establish Two New Landmark Tree Designations<br><br>i. Resolution No. 11130 – A Resolution Establishing Landmark Tree Designations for the Native Woodlands on the Folsom State Prison Property at 300 Prison Road<br><br>ii. Resolution No. 11131 – A Resolution Establishing Landmark Tree Designations for Native Oaks within the City Owned Segment of the Oak Parkway Trail Corridor |
| <b>FROM:</b>           | Community Development Department  |

## **RECOMMENDATION / CITY COUNCIL ACTION**

Adopt Resolution No. 11130 – A Resolution Establishing Landmark Tree Designations for the Native Woodlands on the Folsom State Prison property at 300 Prison Road; and

Adopt Resolution No. 11131 – A Resolution Establishing Landmark Tree Designations for Native Oaks within the City Owned Segment of the Oak Parkway Trail Corridor.

## **BACKGROUND / ISSUE**

Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. Longstanding trees contribute to the City of Folsom’s character and “Distinctive by Nature” adage. One of the ways in which the City of Folsom shows recognition for particularly noteworthy specimens is through a landmark tree registry. Landmark trees are trees that have been designated by the City Council as exceptional due to outstanding characteristics, special ecological contributions, or historical importance.

In 2022, the City’s landmark tree program was resurrected when an interior live oak on the Cal ISO property became the first tree to be designated a landmark tree in over two decades. Since then, two more resolutions for landmark trees have been adopted by the City Council, which has continued to support the ongoing effort to revitalize the landmark tree program.

Recently, interest has piqued for the potential inclusion of groves into the landmark tree registry, specifically those located along the Oak Parkway Trail Corridor (OPTC) as well as on Folsom State Prison property.



*Aerial image of the Folsom State Prison property. The oak woodlands are concentrated into a western grove (218 canopy acres) and eastern grove (94 canopy acres).*



*Aerial image of the Oak Parkway Trail Corridor. Oak canopy is sporadic along the trail.*

At the September 12<sup>th</sup>, 2023 City Council meeting, the Urban Forester recommended that the Council initiate the 30 day noticing period to commence the process of designating the native oak woodlands located on the Folsom State Prison property as Landmark Trees, but to allow staff additional time to further assess the complex obstacles at play within the OPTC and return at a future date with a recommendation. The City Council discussed the Landmark Tree designations and asked staff to bring back an item for Council approval of a resolution establishing Landmark Trees at both the Folsom Prison property and along the City owned portion of the OPTC.

Sacramento Municipal Utility District (SMUD) and Pacific Gas and Electric Company (PG&E) possess utility easements and high voltage transmission infrastructure within the OPTC. SMUD's and PG&E's respective electric transmission vegetation maintenance programs (ETVM) involve ongoing inspections of the corridor to identify potential conflicts between trees and utility lines with annual work prescriptions entailing the pruning and removal of trees to comply with state and federal laws.

### **POLICY / RULE**

Section 12.16.170 of the Folsom Municipal Code gives a private property owner or interested party the right to submit an application to the Community Development Department, requesting that the City Council establish by resolution a tree or group of trees as a landmark tree(s). In order to designate a tree as a landmark tree, the City Council must find that the tree is a significant community benefit because it possesses one or more of the following attributes:

- 1) historical value,
- 2) outstanding habitat value,
- 3) unusual species, or
- 4) superior beauty.

The City Council, on its own motion and without the payment of the application fee, may also commence the process of designating a landmark tree. If the owner of the proposed landmark tree is not the applicant, the Community Development Department shall notify, by first-class mail, the owner of the proposed landmark tree 30 days before the hearing of the application. The owner must provide written confirmation to the City that they support the application.

Section 12.16.170 of the Folsom Municipal Code (FMC) further specifies that, upon the request of a property owner, the city arborist may arrange for a landmark tree to be inspected and a report prepared which assesses the tree's health and provides recommendations for maintenance. Section 12.16.160 grants utilization of the Tree Planting and Replacement Fund for maintenance of landmark trees at the recommendation of the Urban Forester.

Section 12.16.050(C)(11) of the FMC exempts public and private utilities performing tree pruning or removal activities to maintain safe operation of their facilities from the requirement

to obtain a tree work permit or a tree removal permit. The utilities must notify the Community Development Department at least seven business days before taking any action.

## **ANALYSIS**

Under Section 12.16.170(A)(2) of the FMC, in order to designate a tree as a Landmark Tree, the City Council shall find that the tree is in good health and is a significant community benefit because it possesses one or more specific attributes. Staff's current assessment of the applicability for each of the four findings in Section 12.16.170(A)(2) to both the Folsom Prison Grove and the OPTC is summarized below:

### *Historical Value*

'Historical value' is a clear factor to consider for the oak woodlands that surround the Folsom Prison, which began construction in 1878 and received its first inmates in 1880. Intermingled within the cumulative 250 acres of the woodland are several specimens older than the prison itself with trunk diameters well beyond the qualifying measurement required to achieve Heritage Tree status. The Warden agrees that the groves on the Folsom Prison property are an historical monument worthy of celebration.

The OPTC is a two-mile-long stretch of low-lying grassland with interspersed stands of native oak trees through which a bicycle and pedestrian pathway meanders. The trail itself is only a few decades old. However, several trees along the corridor are significant in both size and age, a few of which are likely in excess of 150 years old.

### *Outstanding Habitat Value*

On July 11, 2023, the Urban Forester was granted a site tour of the Folsom Prison property to see the groves up close and ascertain their candidacy for landmark status. During the tour, several deer and raptors were encountered. Correctional Lieutenant Chad Deal also shared that an ongoing study by the University of California is underway to track the movements of a bobcat that makes its home within the grove.

The species distribution of the Folsom Prison groves is primarily blue oak (*Quercus douglasii*) with interior live oak (*Quercus wislizeni*) interspersed throughout. Other tree species noted during the site visit included natives such as California buckeye (*Aesculus californica*), elderberry (*Sambucus spp.*), and several species of willow (*Salix spp.*). These species are great food sources, nesting sites, and shelter for avifauna and small native mammals. Additionally, the trees within the groves are host species to several beneficial butterfly species such as California Sister (*Adelpha bredowii californica*), Dusky-Wing species (*Erynnis*), and Gold-Hunter's Hairstreak (*Satyrium auretorum*), which play key roles as pollinators in the greater Sacramento region.

Similar to the Folsom Prison groves, the species distribution of trees along the OPTC is primarily blue oak and interior live oak, as well as native willows and cottonwoods. Of note within the OPTC, however, are also some intermingled valley oaks (including

a noteworthy ~48” specimen on the east half of the trail) as well as a very small handful of young oracle oaks (*Quercus x morehus*), which sport a similar host of beneficial pollinating insects and also serve as a potential stopover foraging habitat to neotropical migrant bird species like the black-throated gray warbler (*Setophaga nigrescens*) and the yellow warbler (*Setophaga petechia*).

#### *Unusual Species*

The species observed on the Folsom Prison property during the July 11<sup>th</sup> tour are common species in Folsom.

Oracle oak (*Quercus x morehus*), the presence of which has been documented along the OPTC, is a rare naturally occurring hybrid between the interior live oak and the California black oak (*Quercus kelloggii*), which is generally found in the California foothills and northern coastal ranges.

#### *Superior Beauty*

Regardless of any formal designation on a registry, the prison’s 250 acres of oak woodland that blanket the ridge along E Natoma Street embody Folsom’s ‘Distinctive by Nature’ adage and stand as an unofficial natural landmark of the city.

The OPTC is difficult to assess as it is not a singular grove, but rather a two-mile stretch of low-lying vegetation with intermittent stands of brush and trees. A few of these stands contain very handsome native oak specimens which, when considered apart from the corridor as a whole, are quite lovely and potentially meet the finding for *Superior Beauty* under Section 12.16.170(A)(2).

At the request of City Council, staff have engaged with representatives of the Folsom State Prison in recent months to bring attention to the remarkable canopy of oak woodlands on their property and to inform them of the city’s Landmark Tree registry, the benefits of owning a Landmark Tree, and the process for garnering a formal approval for the Landmark Tree designation. Warden Tracy Johnson and Correctional Lieutenant Chad Deal have both expressed enthusiasm for the Landmark Tree program and were receptive to the idea of including the oak groves on the Folsom Prison property onto the Landmark Tree registry. Following Council’s direction on September 12<sup>th</sup> to proceed with the process of establishing Landmark Trees at the Folsom State Prison, representatives from the California Department of Corrections and Rehabilitation (CDCR) submitted to the Urban Forester a signed letter of support for the inclusion of their native woodlands onto the City’s Landmark Tree registry as required under Section 12.16.170 of the FMC. A letter of support for the establishment of the woodlands as Landmark Trees from CDCR has been included as an attachment to this report.

Prior to the City Council’s direction at the September 12<sup>th</sup> meeting, staff had been examining the OPTC for potential candidates to incorporate into the Landmark Tree registry at the request of local residents and City Council. As part of this evaluation, staff endeavored to exercise prudence based on the presence in the OPTC of stakeholders with potentially competing interests, such as SMUD and PG&E, who possess utility easements and high voltage

transmission infrastructure within the corridor. As part of SMUD’s and PG&E’s ETVM processes, city staff are notified of the annual work scope and provided an opportunity to review and express any concerns. If staff disagree with the proposed work, a site meeting is arranged between both parties to discuss potential modifications and/or compromises to the work prescription. Each year, the final work scope includes the removal and pruning of several oak trees located under the utility lines that have grown tall enough to trigger a conflict. These utility easements, maintenance rights issues, and federal regulations for vegetation management create complicating factors in the context of a Landmark Tree designation.

During the September meeting, the City Council expressed strong desires to establish a Landmark Tree designation over the entirety of the City owned portion of the OPTC. In the weeks following, staff have reached out to both SMUD and PG&E to allow them the opportunity to participate in the creation of a mutually beneficial policy. SMUD was eager to engage in the discussion and work collaboratively with the City to balance their obligations with the community’s desire for tree preservation. PG&E was unreceptive to any engagement on the issue. In phone conversations with city staff on Thursday, October 26, 2023, PG&E representatives stated that although they would continue to collaborate with the Urban Forester on annual tree work prescriptions as they have done in the recent past, their obligations to conduct tree work supersede any and all municipal policies and any resolution interfering with their easement rights would not be acknowledged. Information from PG&E and SMUD supporting their respective positions is included as separate attachments to this report.

PG&E currently has a tree work proposal in with the Community Development Department for pruning and removal of several trees within the OPTC. After review and comment from the Urban Forester, PG&E has made some modifications to the original scope and both parties have come to an agreement on the planned work. The pruning and removal activities are planned to commence following the November 14<sup>th</sup>, 2023 City Council meeting and the details of the final work scope are included as an attachment to this report.

Included below are photos of some of the groups of trees proposed for Landmark status.



*Some handsome blue oaks within the West Grove along Prison Road at Folsom State Prison*



*A view of the prison's east grove from Folsom Lake Crossing on an overcast day.*



*An example of one of the more significant oak trees within the OPTC and the challenges with overhead utility lines.*



*A view of one of the more significant oak stands along the OPTC near the Hancock Dr entry.*

Native oaks over six inches in diameter at standard height (54” above grade) are protected under Chapter 12.16 but are not required to receive regular inspections or care in Folsom. However, Section 12.16.170(B) of the FMC allows for landmark trees to receive annual evaluations by the Urban Forester upon the request of the property owner as well as maintenance services if the Urban Forester deems such actions appropriate. In the case of groves, maintenance and monitoring by the Urban Forester under the landmark tree program is administered through a holistic approach, with a focus on habitat and historical conservation. The same approach is anticipated for the groves that are the subject of this report.

## **CONCLUSION**

Given the attributes summarized herein of the approximate 250 acres of oak woodland on the Folsom State Prison property, the Urban Forester has determined that the findings for Landmark Tree designations have been met. As such, staff recommends that the City Council adopt Resolution No. 11130 – A Resolution Establishing Landmark Tree Designations for the Native Woodlands on the Folsom State Prison Property at 300 Prison Road.

With consideration given to both the City Council’s direction as well as comments provided by stakeholders and growing community advocacy for enhanced preservation of native oak trees along the OPTC, staff forwards for City Council consideration Resolution No. 11131 –



A Resolution Establishing Landmark Tree Designations for Native Oak Trees within the City Owned Segment of the Oak Parkway Trail Corridor.

**FINANCIAL IMPACT**

The current application fee for establishing a landmark tree designation is \$280.00. By initiating the process for establishing landmark tree designations on behalf of the property owners, the city would waive this application fee.

Upon the request of the property owner, the Urban Forester may inspect a landmark tree and prepare a report on the health and recommendations for necessary maintenance. Maintenance activities for landmark trees are funded by the City’s Tree Planting and Replacement fund in accordance with FMC 12.16.160.

**ENVIRONMENTAL REVIEW**

Landmark tree Classification is an administrative action and not considered a project under the California Environment Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3). As a result, the action is exempt from environmental review.

**ATTACHMENTS**

1. Resolution No. 11130 – A Resolution Establishing Landmark Tree Designations for the Native Woodlands on the Folsom State Prison Property at 300 Prison Road
2. Resolution No. 11131 – A Resolution Establishing Landmark Tree Designations for Native Oak Trees within the City Owned Segment of the Oak Parkway Trail Corridor
3. Letter of Support of Resolution No. 11130 From California Department of Corrections and Rehabilitation
4. Planned 2023 Tree Work Prescription for the Oak Parkway Trail Corridor Submitted by PG&E
5. Written Correspondence from PG&E Regarding Resolution No. 11131
6. Written Correspondence from SMUD Regarding Resolution No. 11131
7. Current Landmark Tree Map

Submitted,



---

PAM JOHNS  
Community Development Director

## Attachment 1

**RESOLUTION NO. 11130**

**A RESOLUTION ESTABLISHING A LANDMARK TREE DESIGNATIONS FOR THE  
NATIVE WOODLANDS ON THE FOLSOM STATE PRISON PROPERTY AT 300  
PRISON ROAD**

**WHEREAS**, Section 12.16.020 of the Folsom Municipal Code defines Landmark Trees as a tree or group of trees determined by the City Council to confer a significant community benefit to the general public due to the size, age, location, historic association or ecological value; and

**WHEREAS**, Section 12.16.170 of the Folsom Municipal Code provides a means to designate a tree or group of trees as Landmark Trees by Resolution of the City Council based upon findings that the tree is in good health and is a significant community benefit because it possesses one or more of the following attributes: 1) historical value; 2) outstanding habitat value; 3) unusual species; or 4) superior beauty; and

**WHEREAS**, the City of Folsom Urban Forester has conducted a site visit of the Folsom State Prison and found the approximate 250 acres of native woodlands therein (as represented in Exhibit A), containing species primarily within the genus *Quercus*, but also *Aesculus*, *Cercis*, *Populus*, *Salix*, and *Sambucus*, hereinafter referred to as Native Trees, to be of general good health and structure; and

**WHEREAS**, the Community Development Department has recommended that the Native Trees located at 300 Prison Road, as shown in Exhibit A, qualify for Landmark Tree status based on historical value, outstanding habitat, and superior beauty; and

**WHEREAS**, notice has been given in the manner required by City Code; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom hereby finds the Native Trees located at 300 Prison Road, as shown on Exhibit A, to be in good health and constitute a significant community benefit because they possess the attributes of historical value, outstanding habitat value, and superior beauty.

**BE IT FURTHER RESOLVED** that the Native Trees located at 300 Prison Road, as shown on Exhibit A, are hereby designated as Landmark Trees under Chapter 12.16 of the Folsom Municipal Code.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of November, 2023, by the following roll-call vote:

**AYES:** Councilmember(s):  
**NOES:** Councilmember(s):  
**ABSENT:** Councilmember(s):

**ABSTAIN:** Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

**Exhibit A**  
**Site Map**



**Folsom State Prison**



*Site map illustrating the Landmark Tree areas, comprised of the West Grove and the East Grove.*

## Attachment 2

**RESOLUTION NO. 11131**

**A RESOLUTION ESTABLISHING LANDMARK TREE DESIGNATIONS FOR  
NATIVE OAKS WITHIN THE CITY OWNED SEGMENT OF THE OAK PARKWAY  
TRAIL CORRIDOR**

**WHEREAS**, Section 12.16.020 of the Folsom Municipal Code defines Landmark Trees as a tree or group of trees determined by the City Council to confer a significant community benefit to the general public due to the size, age, location, historic association or ecological value; and

**WHEREAS**, Section 12.16.170 of the Folsom Municipal Code provides a means to designate a tree or group of trees as Landmark Trees by Resolution of the City Council based upon findings that the tree is in good health and is a significant community benefit because it possesses one or more of the following attributes: 1) historical value; 2) outstanding habitat value; 3) unusual species; or 4) superior beauty; and

**WHEREAS**, the City of Folsom Urban Forester has conducted a site visit of the approximate 49-acre segment of the Oak Parkway Trail which spans the 1.4 miles between the westernmost intersection of Willow Creek Drive and Blue Ravine Road (as represented in Exhibit A), herein referred to as the Oak Parkway Trail Corridor, and found the plant material therein of the genus *Quercus*, exclusive of non-native species, hereinafter referred to as Native Oak Trees, to be of general good health and structure.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom hereby finds the Native Oak Trees located on City-owned property in the Oak Parkway Trail Corridor, as shown on Exhibit A, to be in good health and constitute a significant community benefit because they possess the attributes of outstanding habitat value, rare species, and superior beauty.

**BE IT FURTHER RESOLVED** that the Native Oak Trees located on City-owned property in the Oak Parkway Trail Corridor, as shown on Exhibit A, are hereby designated as Landmark Trees under Chapter 12.16 of the Folsom Municipal Code.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of November, 2023, by the following roll-call vote:

**AYES:** Councilmember(s):  
**NOES:** Councilmember(s):  
**ABSENT:** Councilmember(s):  
**ABSTAIN:** Councilmember(s):

---

Rosario Rodriguez, MAYOR

ATTEST:

---

Christa Freemantle, CITY CLERK

**Exhibit A**  
Oak Parkway Trail Site Map

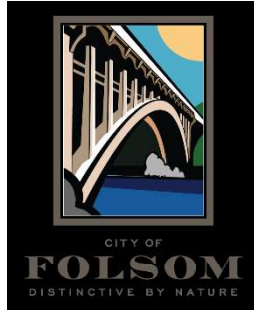


*Area map illustrating the Landmark Tree area spanning between the water treatment plant near Willow Creek Drive and Blue Ravine Road.*

# ATTACHMENT 3

LETTER OF SUPPORT OF RESOLUTION NO. 11130 FROM  
CALIFORNIA DEPARTMENT OF CORRECTIONS AND  
REHABILITATION





Dear Warden Johnson,

Trees are community assets, unique in their ability to provide a multitude of benefits that appreciate over time. Longstanding trees contribute to the City of Folsom's character and "Distinctive by Nature" adage. One of the ways in which the City of Folsom shows recognition for particularly noteworthy specimens is through a registry of "Landmark Trees", which are trees designated by City Council as exceptional due to significant community benefit.

Recently, the City's Urban Forester has taken notice of the remarkable native woodlands located on your property at 300 Prison Rd, Represa, CA 95671. Given the historical significance, outstanding habitat value, and superior beauty of the native trees surrounding the Folsom State Prison, the Urban Forester has determined that they are appropriate candidates for Landmark Tree Status.

Trees (and groves) designated as Landmark Trees within the City of Folsom are added onto a special registry, receiving special protections and are also eligible to receive assisted monitoring by the City. Generally, in order to initiate the process for establishing a Landmark Tree, the tree owner must submit to the city a \$280.00 application fee and independent arborist report demonstrating that the subject tree or grove is a significant community benefit. Following staff review and approval, the application is presented to City Council for final approval for Landmark Tree status.

However, section 12.16.170(A)(1) of the Folsom Municipal Code allows the City Council, on its own motion and *without* the payment of the application fee, to commence the process of designating a landmark tree. If the owner of the proposed landmark tree is not the applicant, the Community Development Department shall notify, by first-class mail, the owner of the proposed landmark tree thirty (30) days before the hearing of the application. The owner **must** provide written confirmation to the city that they support the application.

This letter is to inform you that the City Council is interested in initiating the process of designating the native woodlands at 300 Prison Rd, Represa, CA 95671 as Landmark Trees per recommendation by the Urban Forester. **If you are supportive of allowing the City Council to establish your trees as Landmark Trees, you must respond back in writing.**

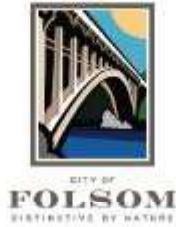
For your convenience, an approval form and return envelope have been included with this letter. Your prompt reply is greatly appreciated. If you have any questions or concerns, you may contact the Urban Forester directly at (916) 461-6213.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aimee Nunez', written in a cursive style.

Aimee Nunez,  
Urban Forester

September 18, 2023



Dear City of Folsom Urban Forester,

Pursuant to your recommendation, I support City Council moving forward (without payment of the \$280.00 application fee) with establishing the native woodlands on my property at 300 Prison Road, Represa, CA 95671 as Landmark Trees.

Sincerely,

DocuSigned by:  
**Tracy Johnson**

(signature)

Tracy Johnson

(print name)

9/19/2023

(date)



Site map exhibit of the subject native woodland areas (Western Grove and Eastern Grove).

If you wish to move forward with designating your tree as a Landmark Tree, please return this signed letter to the Urban Forester either by email to [anunez@folsom.ca.us](mailto:anunez@folsom.ca.us) or via first-class mail to:

ATTN: Urban Forester  
City of Folsom, Community Development  
50 Natoma St  
Folsom, CA 95630

September 18, 2023

# ATTACHMENT 4

PLANNED 2023 TREE WORK PRESCRIPTION FOR THE OAK  
PARKWAY TRAIL CORRIDOR SUBMITTED BY PG&E

Originally Submitted: 7/7/2023

Revised/Approved: 9/21/2023

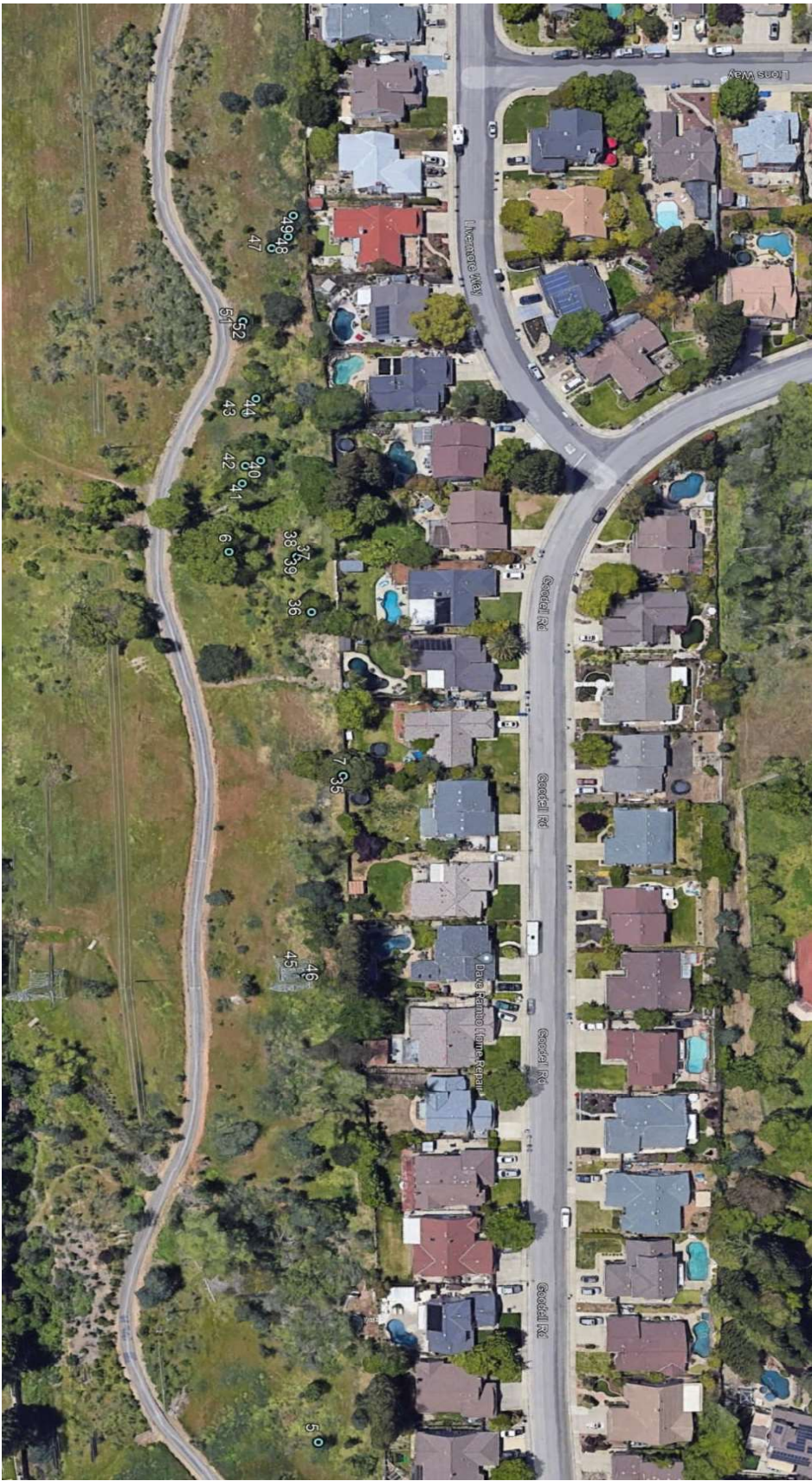
| NON-OAK REMOVAL |         |               |            |                   |              |          |                  |
|-----------------|---------|---------------|------------|-------------------|--------------|----------|------------------|
| Tree #          | Address | Street Name   | Species    | Qty               | Prescription | Diameter | Notes            |
| 37              | 0       | LIVERMORE WAY | Willow     | 1                 | remove       | 11       |                  |
| 38              | 0       | LIVERMORE WAY | Willow     | 1                 | remove       | 9        |                  |
| 39              | 0       | LIVERMORE WAY | Willow     | 1                 | remove       | 7        |                  |
| 42              | 0       | LIVERMORE WAY | Willow     | 3                 | remove       | 6        |                  |
| 7               | 0       | LIVERMORE WAY | Cottonwood | 1                 | remove       | 11       |                  |
| 35              | 0       | LIVERMORE WAY | Cottonwood | 1                 | remove       | 12       |                  |
| 36              | 0       | LIVERMORE WAY | Tallow     | 1                 | remove       | 14       |                  |
| 50              | 0       | LIVERMORE WAY | Tallow     | 1                 | remove       | 12       |                  |
| 57              | 2485    | E BIDWELL ST  | Juniper    | 4                 | remove       | 3        | changed to prune |
|                 |         |               |            | <b>TOTAL:</b>     | <b>14</b>    |          |                  |
|                 |         |               |            | <b>NEW TOTAL:</b> | <b>10</b>    |          |                  |

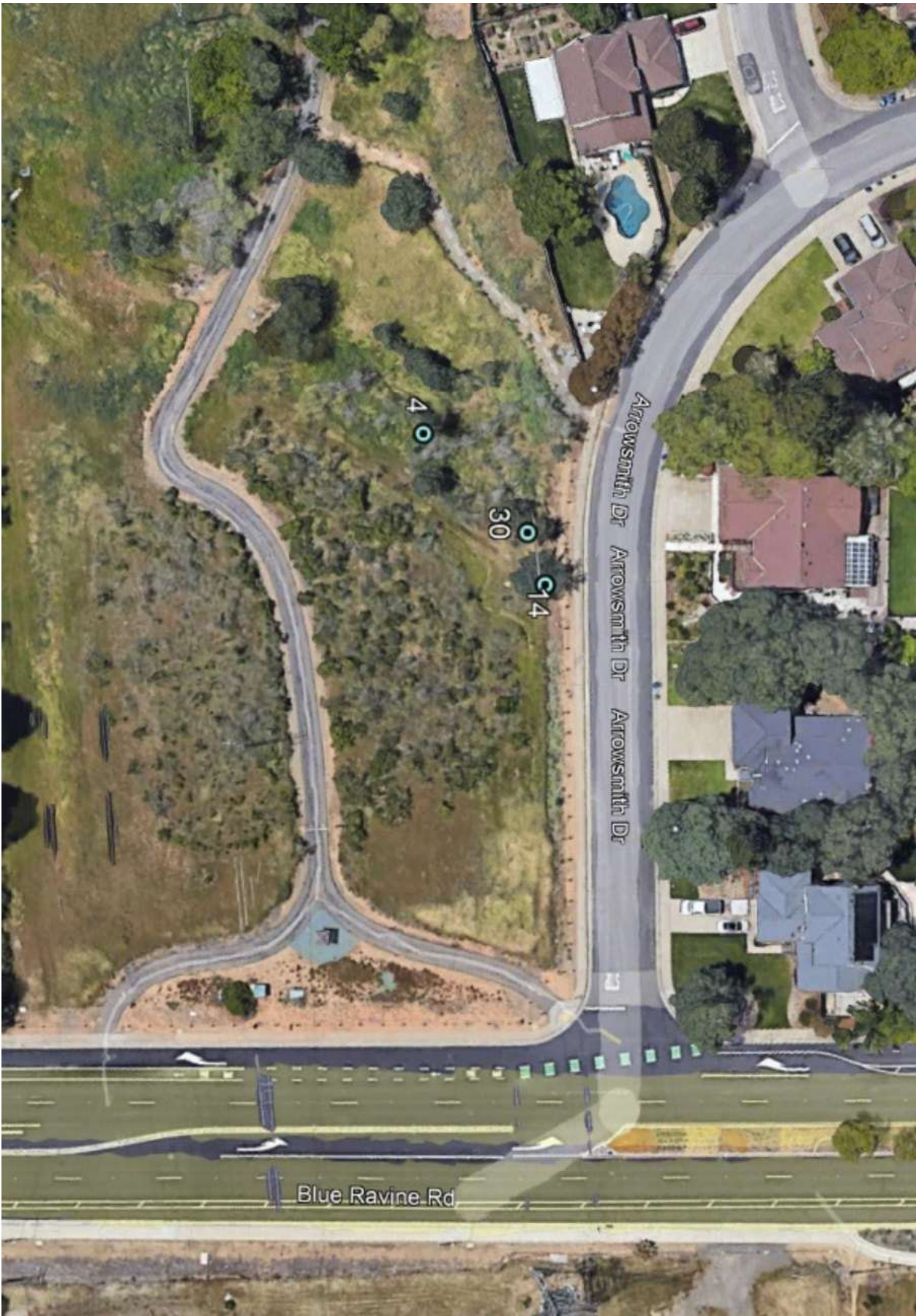
| OAK REMOVAL |         |                   |              |                   |              |          |                  |
|-------------|---------|-------------------|--------------|-------------------|--------------|----------|------------------|
| Tree #      | Address | Street Name       | Species      | Qty               | Prescription | Diameter | Notes            |
| 1           | 0       | Willow Creek Dr 0 | Oak (valley) | <del>4</del>      | remove       | 14       | changed to prune |
| 5           | 0       | LIVERMORE WAY     | Oak (valley) | 1                 | remove       | 10       |                  |
| 8           | 0       | LIVERMORE WAY     | Oak (blue)   | 1                 | remove       | 12       |                  |
| 40          | 0       | LIVERMORE WAY     | Oak (live)   | 1                 | remove       | 4        |                  |
| 41          | 0       | LIVERMORE WAY     | Oak (valley) | 1                 | remove       | 6        |                  |
| 43          | 0       | LIVERMORE WAY     | Oak (valley) | <del>2</del>      | remove       | 21       | changed to prune |
| 44          | 0       | LIVERMORE WAY     | Oak (valley) | <del>3</del>      | remove       | 3        | changed to prune |
| 47          | 0       | LIVERMORE WAY     | Oak (blue)   | 2                 | remove       | 9        |                  |
| 48          | 0       | LIVERMORE WAY     | Oak (blue)   | 1                 | remove       | 11       |                  |
| 49          | 0       | LIVERMORE WAY     | Oak (blue)   | 1                 | remove       | 7        |                  |
| 51          | 0       | LIVERMORE WAY     | Oak (live)   | <del>4</del>      | remove       | 10       | changed to prune |
| 52          | 0       | LIVERMORE WAY     | Oak (live)   | <del>2</del>      | remove       | 6        | changed to prune |
|             |         |                   |              | <b>TOTAL:</b>     | <b>17</b>    |          |                  |
|             |         |                   |              | <b>NEW TOTAL:</b> | <b>8</b>     |          |                  |

| PRUNING |         |                   |              |                   |              |          |                    |
|---------|---------|-------------------|--------------|-------------------|--------------|----------|--------------------|
| Tree #  | Address | Street Name       | Species      | Qty               | Prescription | Diameter | Notes              |
| 1       | 0       | Willow Creek Dr 0 | Oak (valley) | 1                 | remove       | 14       | saved from removal |
| 6       | 0       | LIVERMORE WAY     | Oak (valley) | 1                 | prune        | 48       |                    |
| 43      | 0       | LIVERMORE WAY     | Oak (valley) | 2                 | remove       | 21       | saved from removal |
| 44      | 0       | LIVERMORE WAY     | Oak (valley) | 3                 | remove       | 3        | saved from removal |
| 51      | 0       | LIVERMORE WAY     | Oak (live)   | 1                 | remove       | 10       | saved from removal |
| 52      | 0       | LIVERMORE WAY     | Oak (live)   | 2                 | remove       | 6        | saved from removal |
| 57      | 2485    | E BIDWELL ST      | Juniper      | 4                 | remove       | 3        | saved from removal |
|         |         |                   |              | <b>TOTAL:</b>     | <b>4</b>     |          |                    |
|         |         |                   |              | <b>NEW TOTAL:</b> | <b>14</b>    |          |                    |











# ATTACHMENT 5

WRITTEN CORRESPONDENCE FROM PG&E REGARDING  
RESOLUTION NO. 11131

**From:** Basilio, Jessica (Law) <[J33Z@pge.com](mailto:J33Z@pge.com)>  
**Sent:** Monday, November 6, 2023 6:15 AM  
**To:** Sari Dierking <[sdierking@folsom.ca.us](mailto:sdierking@folsom.ca.us)>  
**Cc:** Ruby, Lauren (Law) <[PLR9@pge.com](mailto:PLR9@pge.com)>  
**Subject:** RE: Folsom City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Sari.

Thank you for the information on the upcoming Folsom City Council meeting. As I promised on our call, I am providing below the legal authority regarding Folsom City being preempted from enforcing against PG&E a Tree Ordinance that gives the City discretion on tree cutting around PG&E facilities. Hopefully, the following information will prove beneficial to Folsom City in understanding why the Tree Ordinance, if passed, would not apply to PG&E's vegetation management work.

Local jurisdictions lack the authority to require PG&E to obtain or comply with discretionary local permits (whether pertaining to siting, design, construction, operation, or maintenance of utility facilities – including tree removal/pruning permits) because the operation and maintenance of utility facilities falls within the exclusive jurisdiction of the California Public Utilities Commission (CPUC) as well as the federal government – and is therefore preempted.

The California Constitution vests in the CPUC exclusive power and authority with respect to “all matters cognate and germane to the regulation of public utilities.” (Cal. Const., art. XIII, §5; *Pacific Tel. & Tel. v. Eshleman* (1913) 166 Cal. 640, 652-660.) The Constitution, moreover, explicitly prohibits cities, counties, or other public bodies from regulating “matters over which the Legislature grants regulating power to the commission.” (Cal. Const., art. XII, §8.) In addition, the CPUC is authorized by statute to “do all things which are necessary and convenient in the exercise” of its power. (Pub. Util. Code §701.)

This power and authority apply particularly to the regulation of electric and gas utility companies, as the CPUC has significantly and fully occupied that area as a matter of statewide concern. (*San Diego Gas v. City of Carlsbad* (1998) 64 Cal. App. 4th 785, 796, 801-802; D.94-06-014, 55 Cal.P.U.C.2d 87 at 10-12.) The CPUC's General Order 95 Rule 35 regulates the trimming and cutting down of trees around PG&E's electric lines. Finally, the courts have specifically confirmed that utility vegetation management programs fall within the exclusive jurisdiction of the CPUC. (*Sarale v. Pacific Gas & Electric Co.*, (2010) 189 Cal. App. 4th 22d, 232 (Cal. App. 3d Dist.) (the law “safeguards the commission's ability to implement statewide safety protocols from being undermined by an unworkable patchwork of conflicting determinations regarding what constitutes necessary or proper management of power lines.”).)

In addition, utility vegetation management for overhead electric transmission lines, like the subject transmission lines in Folsom City, receives additional oversight from the California Independent System Operator (Publ. Util. Code §§ 345 and 348) and the U.S. Federal Energy Regulatory Commission (NERC Reliability Standard FAC-003-4, adopted by FERC in 2007). Thus, applicable state and federal rules and regulations also pre-empt any municipal or local county ordinances that allow discretion on the part of the municipality as to whether a utility may cut/trim a tree.

On the other hand, a local jurisdiction does have the authority to regulate the time, place, and manner of PG&E's work within a public right of way and may require a ministerial encroachment permit. For these reasons, PG&E will continue to submit any applicable ministerial permit to the city as we plan for tree work in the future. But such permit cannot be tied to or conditioned on PG&E's compliance with a local tree ordinance. From PG&E's perspective, because the proposed Tree Ordinance would not apply to PG&E's tree work, we expect the interactions between PG&E's vegetation management members and Folsom City's arborist to continue in the manner it has been in the last couple of years, with open communication and information sharing about the work PG&E's intends to perform.

Finally, because the proposed Tree Ordinance would not affect PG&E's future vegetation management around our electric facilities in Folsom City, we respectfully decline the invitation to be present at the City Council meeting on November 14<sup>th</sup>.

Respectfully,

Jessica Basilio

**Jessica Basilio**

Registered In-House Counsel

Senior Counsel

Pacific Gas and Electric Company

(628) 264-8108



5555 Florin Perkins Road  
Sacramento, CA 95826  
Johnlise.Foster-Downs@pge.com

7 November 2023

VIA EMAIL TO: [City Manager Elaine Andersen  
eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)

Folsom City Hall  
Mayor and City Council  
50 Natoma Street  
Folsom, CA 95630

Dear Mayor, City Council, and City Manager:

Pacific Gas and Electric Company (PG&E) proudly provides natural gas service to the City of Folsom; we also maintain electric transmission lines through the City of Folsom. And we are committed to working directly with communities like the City of Folsom as we provide safe, reliable, and affordable service to our hometowns. As part of this commitment, two years ago, the PG&E Leadership team met with the community and appeared before the City Council in an effort to create a clean slate and build a foundation of communication and cooperative action. Since then, we've established a consistent dialogue with the City Manager, City Arborist, and staff and have worked collaboratively to maintain the vegetation under PG&E's facilities along the Oak Parkway Trail Corridor (OPTC).

As we continue working and partnering with the City, we're unclear as to the need to apply the proposed Landmark Tree Designation Resolution to PG&E's vegetation management work. This Resolution applied to PG&E's work will create a superfluous layer of administration that counters the collaborative partnership we've established.

PG&E's top priority is to provide safe, reliable service to our customers. In this charge, we are governed by the CPUC and additionally regulated by the Federal Energy Regulatory Commission (FERC) and the North American Electric Reliability Corporation (NERC) in maintaining the safety of our lines. We use best practices as guided by FERC and NERC in managing the vegetation along the OPTC while also working with the City's arborist to identify vegetation where pruning or other options may be a viable short-term solution, and immediate removal is unnecessary. While we respect the City's desire to enhance the Landmark Tree Designation, PG&E is solely responsible and accountable for maintaining the facilities in a NERC corridor such as this and must manage the vegetation and complete tree work, per NERC, FERC, and the CPUC requirements.

The City of Folsom and PG&E have created an effective partnership in maintaining the vegetation along the Folsom Oak Parkway Trail Corridor over the past two years. PG&E's Leadership and Vegetation Management team would like to continue what has become a successful practice and harmonious collaboration.

With this in mind, please do not move forward with the Landmark Tree Designation Resolution as drafted, without an exception for PG&E's important vegetation management work.

Respectfully submitted,

A handwritten signature in purple ink, appearing to read "Johnnise Foster-Downs". The signature is fluid and cursive, with a large initial "J" and "F".

Johnnise Foster-Downs  
Local Government Relations

cc: John Costa, Director, Government Relations, PG&E [JB1F@pge.com]  
Joe Wilson, Regional Vice President, PG&E [J8WE@pge.com]  
Aimee Nunez, Urban Forester, City of Folsom [ANunez@folsom.ca.us]

# ATTACHMENT 6

WRITTEN CORRESPONDENCE FROM SMUD REGARDING  
RESOLUTION NO. 11131

All:

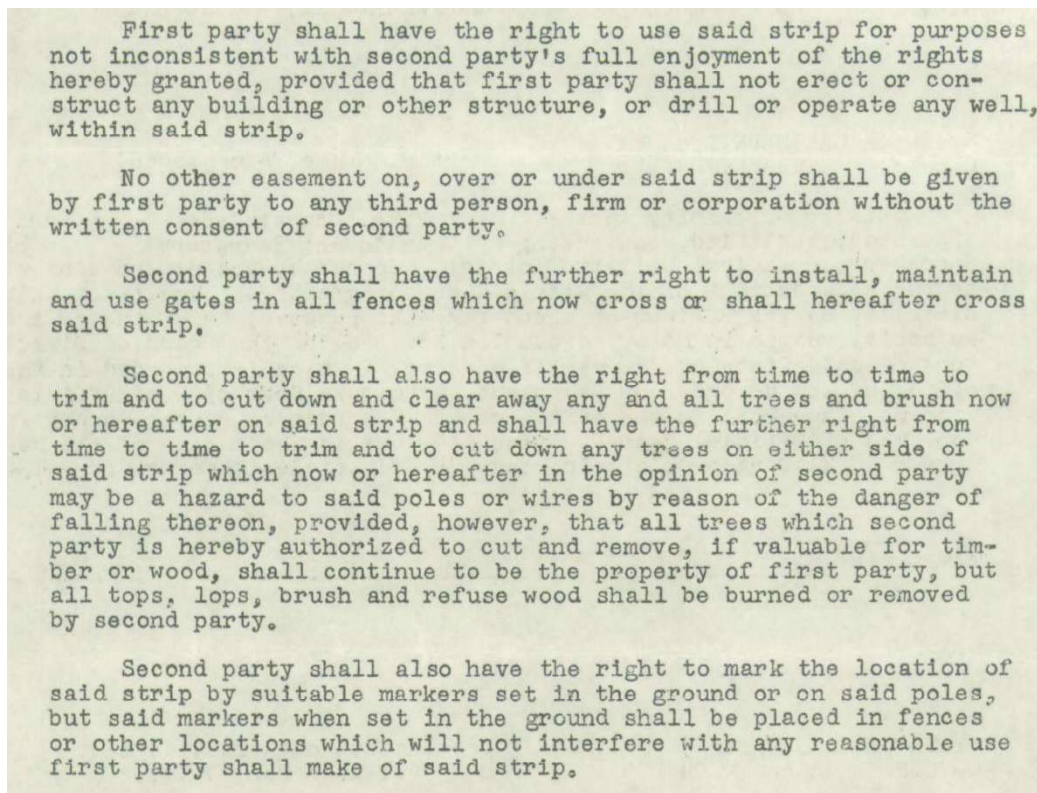
Apologies, I didn't get this out Friday, but attached is our redline document as well as the easement, aerial view, and other information requested regarding codes/regulations SMUD has to follow. Please let me know any questions you have.

Thanks!  
Leroy

General Orders and Codes:

- General Order 95 Rule 35
  - [https://ia.cpuc.ca.gov/gos/GO95/go\\_95\\_rule\\_35.html](https://ia.cpuc.ca.gov/gos/GO95/go_95_rule_35.html)
- Public Resource Code 4293
  - [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=4293](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=4293).
- Public Resource Code 4292
  - <https://codes.findlaw.com/ca/public-resources-code/prc-sect-4292/>
- FAC 003-4 Federal Energy Regulatory Commission (FERC)
  - Zero tolerance regulation related to Vegetation and Bulk Electric System (BES) safety and reliability
  - Up to \$1 Million dollar a day fine, plus mitigations
  - SMUD facility below is a 230,000kV facility and is a Bulk Electric System facility

Easement document and language, specific for Vegetation Management and SMUD maintenance of SMUD assets



First party shall have the right to use said strip for purposes not inconsistent with second party's full enjoyment of the rights hereby granted, provided that first party shall not erect or construct any building or other structure, or drill or operate any well, within said strip.

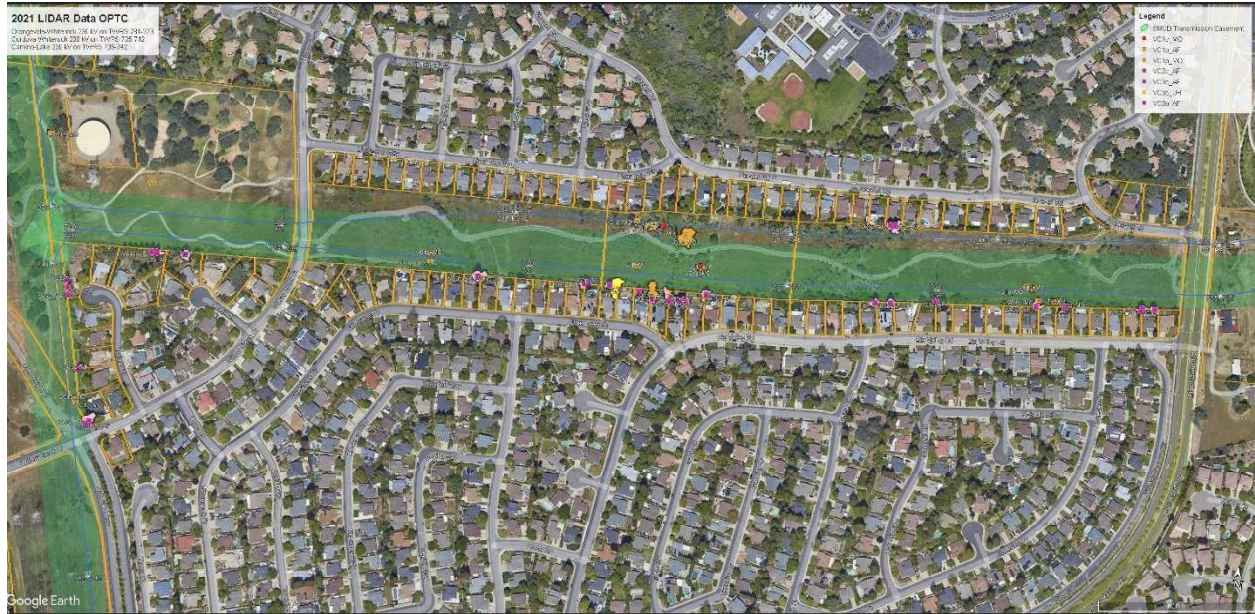
No other easement on, over or under said strip shall be given by first party to any third person, firm or corporation without the written consent of second party.

Second party shall have the further right to install, maintain and use gates in all fences which now cross or shall hereafter cross said strip.

Second party shall also have the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on said strip and shall have the further right from time to time to trim and to cut down any trees on either side of said strip which now or hereafter in the opinion of second party may be a hazard to said poles or wires by reason of the danger of falling thereon, provided, however, that all trees which second party is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of first party, but all tops, lops, brush and refuse wood shall be burned or removed by second party.

Second party shall also have the right to mark the location of said strip by suitable markers set in the ground or on said poles, but said markers when set in the ground shall be placed in fences or other locations which will not interfere with any reasonable use first party shall make of said strip.

Aerial Image- Green portion represents SMUD easement along an example area, to confirm exact easement location SMUD would confirm with SMUD Real Estate Surveyors



We're committed to 100% zero carbon by 2030 | Join the charge at [CleanPowerCity.org](https://CleanPowerCity.org)

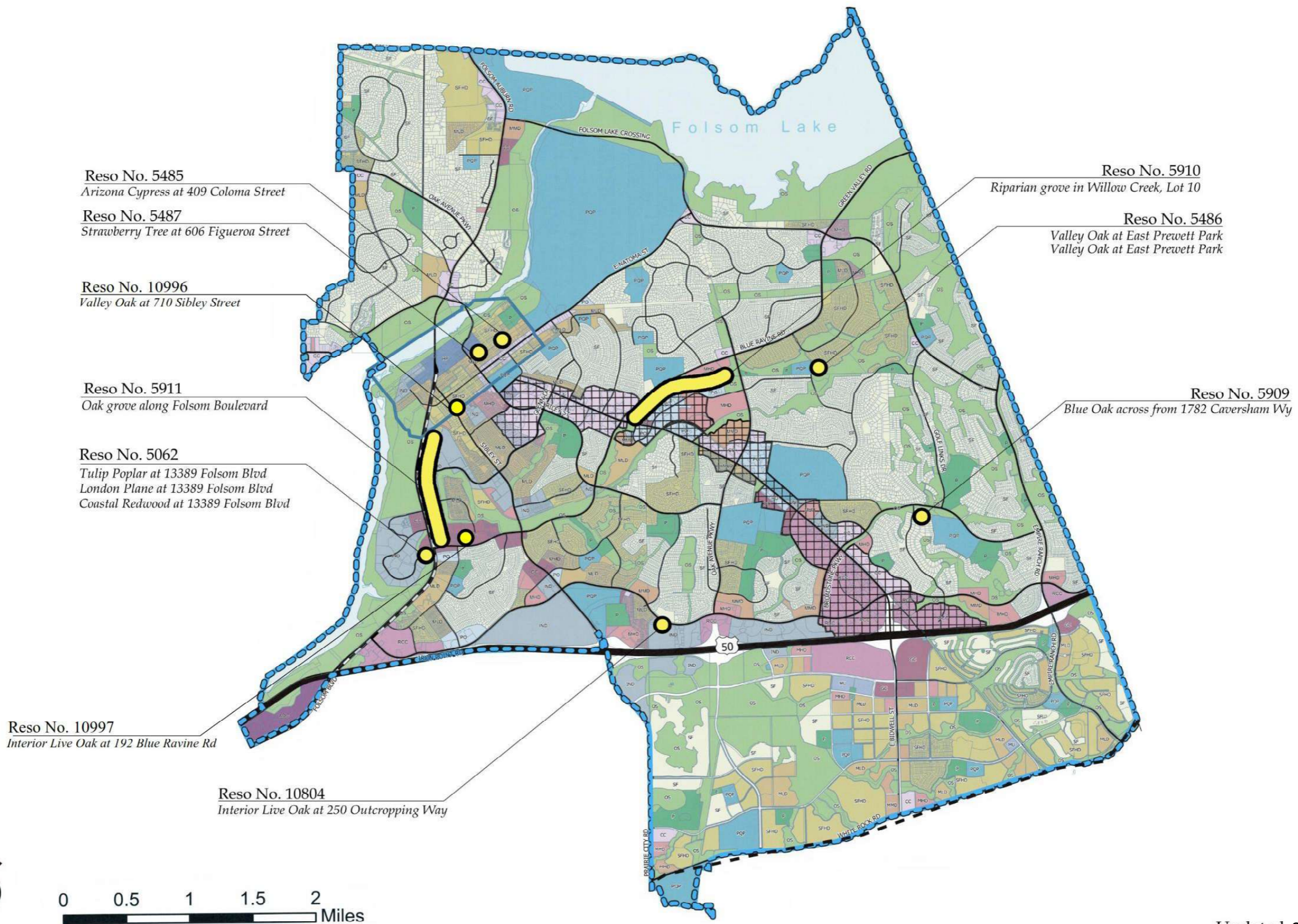
**SMUD** | Powering forward. Together.  
P.O. Box 15830, Sacramento, CA 95852-0830



# ATTACHMENT 7

## CURRENT LANDMARK TREE MAP

# Folsom Landmark Tree Map



Updated 3/1/2023