

[REDACTED]

From: mallinger <[REDACTED]>
Sent: Wednesday, March 24, 2021 10:15 AM
To: Comments
Cc: [REDACTED]
Subject: RE: PLEASE REPLY RE: PUBLIC COMMENTS - RE: Tree trimming by Edison
Attachments: 20210324_094932.jpg; 20210318_095100.jpg; 86800.jpeg

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This is an additional commitment for tonight's SCE tree trimming presentation.

I am horrified by the the lack of integrity of SCE and their lack of insight to the fact they lie to you the city of Agoura Hills and to the public their customers. Over a week ago we were told no tree trimming would take place because of nesting season. Now on multiple occasions I personally have witnessed crews in old Agoura including today on Fairview a crew trimming. Phots attached. This is absolutely beyond ridiculous and SCE and the subcontractors have to be held accountable now.

Sent from my Verizon, Samsung Galaxy smartphone



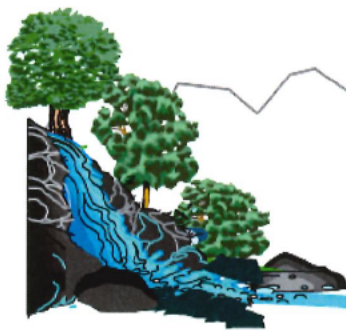




From: Kim Lamorie <[REDACTED]>
Sent: Wednesday, March 24, 2021 11:57 AM
To: Comments
Subject: LVHF - Council Meeting Tonight March 24 - Comments for matters not on the agenda - SCE presentation
Attachments: Information_Handout.pdf

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Las Virgenes Homeowners Federation

Post Office Box 353, Agoura Hills, California 91301

*The **voice** and conscience of the Santa Monica Mountains since 1971*

Honorable Mayor and Councilmembers:

Re: SCE Tree Cutting/Trimming

For more than two years, the Las Virgenes Homeowners Federation and the Los Angeles County Third District Deputies tried in vain to work cooperatively with SCE in relation to their vegetation management policies (tree cutting) here in the Santa Monica Mountains.

Here are the facts associated with that effort:

- SCE contractors indiscriminately cut and maimed trees -- and -- without required arborists in certain cases and also without having the necessary permits for protected trees
- SCE made promises and commitments and did not deliver or follow through on them
- SCE contractors intimidated and harassed homeowners and frequently had different directives in relation to what tree work needed to be done on properties and along streets
- SCE and their contractors illegally trespassed onto private property to cut trees without permission from homeowners citing regulations that do not exist nor allow them to do so without initiating a set of noticing/hearing requirements first

Because of this ongoing problem, we engaged the CPUC to help bring SCE's irresponsible tree cutting actions and lack of respect for tree resources and residents into compliance. Thus, the CPUC, the Federation, the Third District, and the Department of Regional Planning held several virtual meetings in hopes of resolving these issues. When this effort failed, the Board of Supervisors took action and here is the motion from the Board:

MOTION BY SUPERVISORS SHEILA KUEHL
AND KATHRYN BARGER

January 26, 2021

Improving Southern California Edison's Vegetation Management Program in Los Angeles County

Los Angeles County is home to valuable Mediterranean, coastal and mountainous ecosystems, including those found in the Santa Monica Mountains. In addition, the foothill communities of the San Gabriel Valley, nestled below the San Gabriel Mountains, are home to a variety of ecosystems that stretch across Los Angeles and San Bernardino Counties. These fragile ecosystems provide valuable habitat to hundreds of different plant and animal species, many of which are considered species of concern or endangered. Through various partnerships and collaborations with state, federal and local partners, the delicate ecological balance has been able to be protected to a large extent.

Los Angeles County's Department of Regional Planning, the 3rd Supervisorial District, 5th Supervisorial District, Department of Public Works, area residents, and staff from the California Public Utility Commission (CPUC) have been in ongoing discussions with Southern California Edison (SCE) to improve SCE's vegetation management and tree trimming practices and protocols. A particular focus of these discussions has been on improving community outreach and notification, strengthening SCE's knowledge of and compliance with local permitting requirements, and improved compliance and customer service by SCE's crews and subcontracted companies doing vegetation work on behalf of SCE.

It is understood and imperative that this utility infrastructure be maintained in a safe manner, and that fire risk associated with this utility infrastructure be reduced to the extent possible. However, this mitigation strategy must be executed in such a way

as to protect the valuable natural resources of the Santa Monica and San Gabriel Mountains.

However, despite our efforts to effectuate an enlightened outlook in the importance of these natural resources, SCE continues to execute its vegetation management and tree trimming programs in a heavy-handed, haphazard, uncoordinated and inconsistent fashion. SCE's continued disregard and lack of respect for area residents, the County's urban forest, and natural resources can no longer be tolerated. It is imperative that SCE identify and implement proactive strategies to institute proper notification and customer service to affected communities as it relates to planned and emergency vegetation management and tree trimming activities. Further, strengthened compliance with local and state programs is required to maintain safe utility infrastructure while protecting critical natural resources.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Director of the Department of Regional Planning to:

1. Analyze and formally provide comment, on behalf of the County of Los Angeles, to Southern California Edison's (SCE) impending 2021 Wildfire Mitigation Plan report to the California Public Utility Commission (CPUC), specifically noting any deficiencies in compliance with local requirements or lack of appropriate protection of natural resources, and making suggestions for improvements to community engagement and outreach; and
2. Continue to engage with SCE and CPUC to monitor compliance with approved vegetation management activities, especially as it relates to notification, community outreach, and local permitting requirements, and report back to the Board of Supervisors within one year on qualitative and quantitative improvements made by SCE on their customer engagement. Further, the Department of Regional Planning should include qualitative data, including number of permits, number of trees covered by the permits, geographic areas where permits were granted under specific SCE programs, and the like.

WE FURTHER MOVE that the Director of the Department of Public Works and the Los Angeles County Fire Department to coordinate with the Department of Regional Planning on their own tree and vegetation management procedures to ensure consistent

application of notification, community outreach and local permitting requirements, and to report back in six months on additional enhancements to existing programs to meet these expectations.

The fact that SCE is engaging in significant tree cutting work as evidenced in Old Agoura and Liberty Canyon this week in the "nesting season" is a definite cause for concern.

The question to be asked is, why now? SCE employs varied contractors to do the work. They had every opportunity to do this tree cutting work in Agoura Hills prior to nesting season. Further, and as a direct result of this apparent disregard, the onus therefore is now on "not finding nests" in trees -- because there is no incentive for contractors who are paid to cut the trees, to delay.

SCE is well aware of both state and federal laws that protect native and migratory birds and their nests and the timing. Tree trimming contractors are required to not disturb trees that have nesting birds.

The City could consider imposing conditions that would help mitigate SCE tree actions from this point on. Here are several considerations:

- Only allow emergency tree work to be done - SCE would need to substantiate this to staff prior
- Only allow the most minimal amount of trimming to be done (not the significant topping off of trees they are doing or the removal of huge limbs of trees). SCE contractors typically overcut or remove as much as possible so they don't have to return quickly. Because it is nesting season that should immediately be modified. Less cutting = less chance of removing undetected nests and less damage to the tree. Many trees in the North Area have died as a result of over-cutting
- SCE would provide nest studies done by an expert and submit them to the city for verification and approval from city staff before engaging in any tree trimming actions
- Monitoring by city staff of all contractor tree trimming activities.

As we all know, there is no guarantee that there will not be nests destroyed by any tree trimming in nesting season despite pre-trimming studies. And, as the attached city of Pasadena's *Audubon Society Pre-tree Trimming Bird Nest Search Fact Sheet* denotes, there are five stages of actual nesting protections. This is a very valuable resource that SCE should be referencing when making nesting determinations.

As a condition of approval before getting permits to trim protected trees in the nesting season in the County's LCP, the Department of Regional Planning already requires SCE to provide a nesting study and prohibits the cutting of that tree if there is a nest present. And, the Department of Public Works to the best of their ability has all of their public right of way trimming completed prior to the beginning of the nesting season.

Unfortunately, the bottom line is SCE even professing best intentions and given the benefit of the doubt does not have a good track record of following through with the commitments they make.

Stakeholders have been trying to impress upon SCE the value these trees hold to our communities and the defining presence they make on our streets and in our cities. We are all focused on fire safety without question, but SCE has used fearmongering as a weapon to stretch and abuse actual necessity.

Tree work by SCE especially in nesting season demands oversight, monitoring, and conditioning.

Thank you for this opportunity to comment.

Sincerely,
Kim Lamorie
President
LVHF



*Save California's Mountain Lions
Support Endangered Species Status!*

Pre-tree Trimming Bird Nest Search Information

Pasadena Audubon Society

Nesting birds are an important part of Pasadena's biodiversity. There are more than 35 native species that nest in Pasadena amongst urban trees, parks, and buildings. These species and their nests are protected by federal and state laws. Tree trimming contractors are required to not disturb trees that have nesting birds. The Pasadena Audubon Society is voluntarily assisting the City of Pasadena to protect nesting birds and ensure compliance with the law by informing the public of the protections, and how to prevent nest failures.

NATIVE BIRDS ARE PROTECTED BY FEDERAL AND STATE LAWS

THE MIGRATORY BIRD TREATY ACT OF 1918 is the federal law that protects migratory birds, their parts, and nests from harassment, harm, killing, and other violence. The law applies to all native birds of the United States of America and also to birds that migrate between the US and other countries. The migratory bird treaty act is enforced by the United States Fish and Wildlife Service.

§ 3503-3513 OF THE CALIFORNIA FISH AND GAME CODE are the state laws that protect birds, their parts, and nests. These laws prohibit the destruction of birds and their nests and reaffirms the Migratory Bird Treaty Act for the State of California. The California Department of Fish and Wildlife protects native birds.

§ 3.24.110 OF THE PASADENA MUNICIPAL CODE prohibits hurting, catching, or killing birds in parks.

You can help protect birds and assist compliance with the law by seeking nests and notifying the appropriate entities and authorities

The Stages of Nesting

1. Construction. 2. Copulation, Egg Laying, and Incubation
3. Nestling Rearing 4. Fledging 5. Independence
Nests come in a variety of shapes, sizes, and materials.

Sometimes birds use nests constructed by other species and sometimes they re-use old nests from previous years of their own nests. Some species construct multiple nests but only use one in a season.

Birds and their nests are protected from stages 1-5. Once stage 5 is done, the nest is inactive/unprotected, however birds may restart nesting at stage 2 within days of the completing stage 5.

What to do if you find a nest in a plant that may be trimmed or is being trimmed

- Do not disturb the nest and don't make its location obvious to others by pointing or approaching close to the nest.
- Do not reveal the exact location of the nest to others, except fellow nest observers and wildlife law enforcement.
- Do tell tree trimmers or construction managers that it is illegal to disturb the tree and that they should STOP immediately.
- If there is a wildlife emergency call **Cal-TIP, (888) 334-2258**, to notify **CA Dept. of Fish and Wildlife** law enforcement.
- If the tree is a City Tree (not private), call the **Kenneth Graham, (626) 744-3880**, or **Michael King, (626) 744-3846**.
- Contact **CA Dept. of Fish and Wildlife office, (858) 467-4201**, if you find a "sensitive" species nest or to request nest surveys.
- If the nestlings can be saved, call **Pasadena Humane Society, (626) 792-7151**, or **Wild Wings of California, (909) 592-4900**.
- You can help science by reporting nests to **Nestwatch.org**.

How to find nests that are protected

The trick for finding nests is recognizing that:

There is no need to look for nests.

Spending time craning your neck to gander up one tree canopy at a time without any idea where a nest is will not be productive. You will see the nests as you go.

First find the birds and let them show you where their nests are. Birds do specific behaviors associated with nesting, and they will show you the general area where their nest is based on how they act and where.

Looking for nests can waste time and you may get distracted by various objects that are not protected and which can confuse you, such as old nests, clumps of leaves, etc.

Behaviors that Indicate Nesting

- Carrying twigs, pieces of hair, feathers, pieces of other nests, webs, mud, or other objects
- Carrying food a long distance and to a specific location
- Aggression, communicated by scolds, frantic calls, and/or diving flights
- Carrying fecal sacks out of a location
- Shuttling to and from a specific location repeatedly
- Attention-grabbing actions like the "broken wing display"
- Pairs of opposite sex birds flying to and from locations together, isolated from mixed flocks

Nesting Urban Birds of Pasadena

Bird Species Catalogued for Inhabitation in the Urban Environment, which May be Affected by Tree Trimming in Pasadena

Alphabetical List by Common Name

Acorn woodpecker +urban +oaks
American crow +urban, park inhabitant
American kestrel * +urban
American robin +urban park -building
Anna's hummingbird +urban +tree generalist
Band-tailed pigeon +urban, park inhabitant, street tree inhabitant +tree generalist
Barn owl * -building
Barn swallow -buildings, bridges
Bewick's wren +urban, hedgerows
Black phoebe -building
Black-chinned hummingbird +urban, BNA -edge inhabitant
Black-headed grosbeak +oaks +urban -heavy understory
Brewer's blackbird +urban +generalist -mostly ground or ledge nester
Bullock's oriole +urban
Bushtit +urban +tree generalist
California towhee +eucalyptus
Cliff swallow -building, bridges
Common nighthawk -buildings
Common raven +urban +generalist +trees -buildings, power poles, cliffs
Cooper's hawk * +eucalyptus, non-native trees +urban
Dark-eyed junco -buildings and rock cavities
Downy woodpecker +urban parks -fence posts
Great-tailed grackle +urban +palms, other urban trees
Hooded oriole +urban, when palms present
House finch +urban -buildings and other anthropogenic structures
House wren +urban -edge inhabitant
Lesser goldfinch +oak +various trees including non-natives +urban + -water proximity
Mourning dove +urban +generalist -buildings and hanging plants
Northern flicker ?possible migrant, nesting in higher elevation than Pasadena +tree cavities
Northern mockingbird +urban +trees +hedges +pavement -multi-nest builder -buildings
Nuttall's woodpecker
Pacific-slope flycatcher -edge inhabitant -buildings
Peregrine falcon * -buildings
Red-tailed hawk * +large trees +urban
Song sparrow +urban -edge -water
Turkey vulture -isolated -buildings -edge
Western kingbird +urban +park +generalist -buildings
White-throated swift -buildings and bridges

* high priority species

(-) less priority for tree trimming, due to sheltered nest location (building eaves, etc.) or other factors

+ indicators of greater likelihood of nesting in urban Pasadena (excluding Hahamonga Watershed Park and natural areas)

? Uncertain, require more data

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