

# Utility Arborist Newsline

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## Finding Common Ground

*How utilities can develop an effective and cooperative working relationship with resource agencies*

*By Bob Brenton, Contractor in Folsom, California*

Utility interaction with resource agencies is both common and necessary across all lines of business. Resource protection can be required at the local, regional, state, or federal level—or any possible combination, depending on the location, land type, and nature of the resource to be protected. The level or nature of compliance and protection measures will vary with agencies as well as those resources to be protected. Examples include threatened and endangered species, special status plants, and protected animals. These are usually regulated at the state or federal level. However, many tree protection measures, including heritage trees, are often regulated at the county or regional level. Other agency/regulatory interaction can include natural economic resource management, such as timber or open space, protection of aquatic and/or riparian resources, and with regulatory agencies that oversee facility license, regulatory requirements, and/or compliance.

### Welcome These Opportunities

Often, agency interaction in a project is approached with concern or trepidation.

## FOCUS ON DEVELOPING RELATIONSHIPS WITH AGENCIES

A resource agency may be viewed as antagonistic or in opposition to vegetation management (VM) necessary to maintain utility infrastructure. For this reason, be conscientious in creating a positive work relationship with them. Utilities have a job to do, as do agencies. These agencies have been commissioned to protect valuable natural resources. This is a great opportunity to educate each other about the needs and responsibilities that each party prioritizes. Use this as a learning tool to aid cooperative teamwork. A successful program with agency support can lead to helpful endorsements to a utility VM program.

### Educating the Agencies on Why Work is Necessary

Most agencies have a basic understanding of the need for utility vegetation management (UVM). However, individuals with an agency may be new, unfamiliar, or have a preconceived notion. Meet them wherever they are and respectfully explain how the utility supports the community. Help them understand what the motivations are for VM. These can include, but are not limited to the following:

- Regulations and compliance
- Safe and reliable transmission and distribution of energy
- Best management practices for ►



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## Finding Common Ground

(Continued)

economic and environmental reasons

- Access for inspection and maintenance
- Integrated vegetation management (IVM)
- Highlighted diverse and environmentally compatible toolbox
- Stewardship
- Fuel reduction
- Desirable species habitat
- Invasive and noxious weed control

Emphasize that a well-maintained utility right-of-way (ROW) can be a valuable resource for several species and habitats, as well as an economic resource for the utility company. The more communication between the utility and the agency, the more mutual benefits can be recognized. Well-acquainted utilities and agencies can offer better services for the community and for their respective parties. can offer better services for the community and for their respective parties. Communicate the message that effective IVM has a net positive impact on the environment and the resources for which that ROW is contained.

### Making It Easy for Agencies to Approve and Support Your Work

For agencies to feel comfortable or approve work, resource specialists need to feel confident that any VM activities will not jeopardize their management objectives or call into question their ability to manage and protect resources. The first step is to discuss and understand their goals and objectives and what they are required to do by law or charter. Just as utility workers may want the agency to recognize the importance of their tasks, agencies want to be understood and recognized.

State agencies may be responsible for monitoring or implementing federal regulation. One example is the endangered species in California. If a proposed VM plan does not take into consideration species protection or



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appropriate resource protection as mandated by a federal agency, that agency may call into question the ability of the state agency to do its job. When proposing a project, make sure to support these agencies and their counterparts. Provide sound data and reliable information and make sure the project design features are adequate to protect a resource.

The key to a positive cooperation is finding and recognizing common ground and mutually beneficial work as part of the project.

Make site-specific prescriptions adaptive and consistent with resource agency goals and objectives. Stewardship activities as listed above are a great way to find common ground. Assisting agencies with the control of invasive or noxious weeds or reducing fuel loads on agency land is an excellent way to build a positive cooperative relationship with any agency.

### Going The Extra Mile

Do not hesitate to offer more than is required if it supports the work now and in the future. This should be

reasonable, appropriate, and constructive. This can be done with natural materials, gates, or imported rock. Often, a reclaimed ROW provides easy access to agency lands that were previously impossible. Where possible, offer to repurpose materials that have been removed in clearing. Examples would be larger logs that may be billed or fashioned into benches, or interpretive signs for agency activity. Another example might be the use of tops and larger vegetation in salmon or other riparian restoration and habitat creation projects.

Offer to help agencies develop and implement an IVM program that considers their goals and objectives. Reflecting enthusiasm for their contributions will encourage them to take the time to learn more about the utilities' contributions. Work to combine their efforts with your maintenance and operation requirements. Finally, develop communication strategies with input from resource agencies that promote cooperative efforts that benefit and protect the environment with the economic effect of providing safe, reliable transmission and distribution of energy.



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## President's Message

By Bob Richens

What a fantastic year the UAA has had and what an exciting year we have in store! Our task forces, management team, and committees served you—our members—with driven focus on our mission, vision, and strategies. We reached all of our goals and exceeded expectations! I want to thank everyone that made 2018 a great year. We are a volunteer organization and our successes are due in large part to the members willing to invest their time into our integrated vegetation management (IVM) professional organization.

We interact with many stakeholders in what we do, which is why this issue on agency management is long overdue. It is important to cultivate these relationships proactively. In my first utility management position with Santee Cooper, I encountered some resistance converting to directional pruning from topping and lopping practices. I found myself in front of the city council of Conway, South Carolina defending the new standard for proper utility pruning. We were able to educate the city council and resume pruning with the assistance of Clemson University Professor Don Ham, a local urban forester for the South Carolina Forestry Commission. This could not have been accomplished without the engagement of the State Forestry Commission and Clemson University. If investing in your agency relationships is not part of your 2019 goals list, I would encourage you to write it down and make it a priority.

In this issue, you will be introduced to a new section of the UAA *Newslines*, namely "Spotlight on the Environment," which will be a recurring section addressing relevant environmental issues. It is coordinated by our task force, Managing for Thriving Ecosystems. Our first spotlight describes a unique collaboration between the U.S. Fish and Wildlife Service (FWS) and more than 30 industry organizations to create a voluntary conservation agreement for the monarch butterfly. Now more than ever, it is important to continue building relationships with federal agencies. The FWS will make a listing determination on the monarch butterfly in June of this year, which could directly impact VM on rights-of-way (ROWs).

Future spotlights will feature how the U.S. Department of Agriculture (USDA) is responding to worldwide insect declines. The USDA is working closely with organizations like the Pollinator Partnership and Xerces Society to find practical solutions to provide quality habitat. Working closely with agencies like the USDA and the FWS allows our industry to be better prepared for environmental challenges and opportunities ahead of us.

Would you consider writing an article for the upcoming issues of the *Newslines*? Contributions from you make this an informative and relevant publication of the UAA. Here are the themes for the next three issues:

- March/April: Technology
- May/June: Safety
- July/August: Fundamentals of Program Management

Contact our operations manager, Diona Neeser, if one of these subjects interests you ([dneeser@gotouaa.org](mailto:dneeser@gotouaa.org)). I hope to see you at the next UAA International Society of Arboriculture (ISA) Southern Chapter conference, "Connecting Research and Practice," on April 6-9, 2019 in Mobile, Alabama.

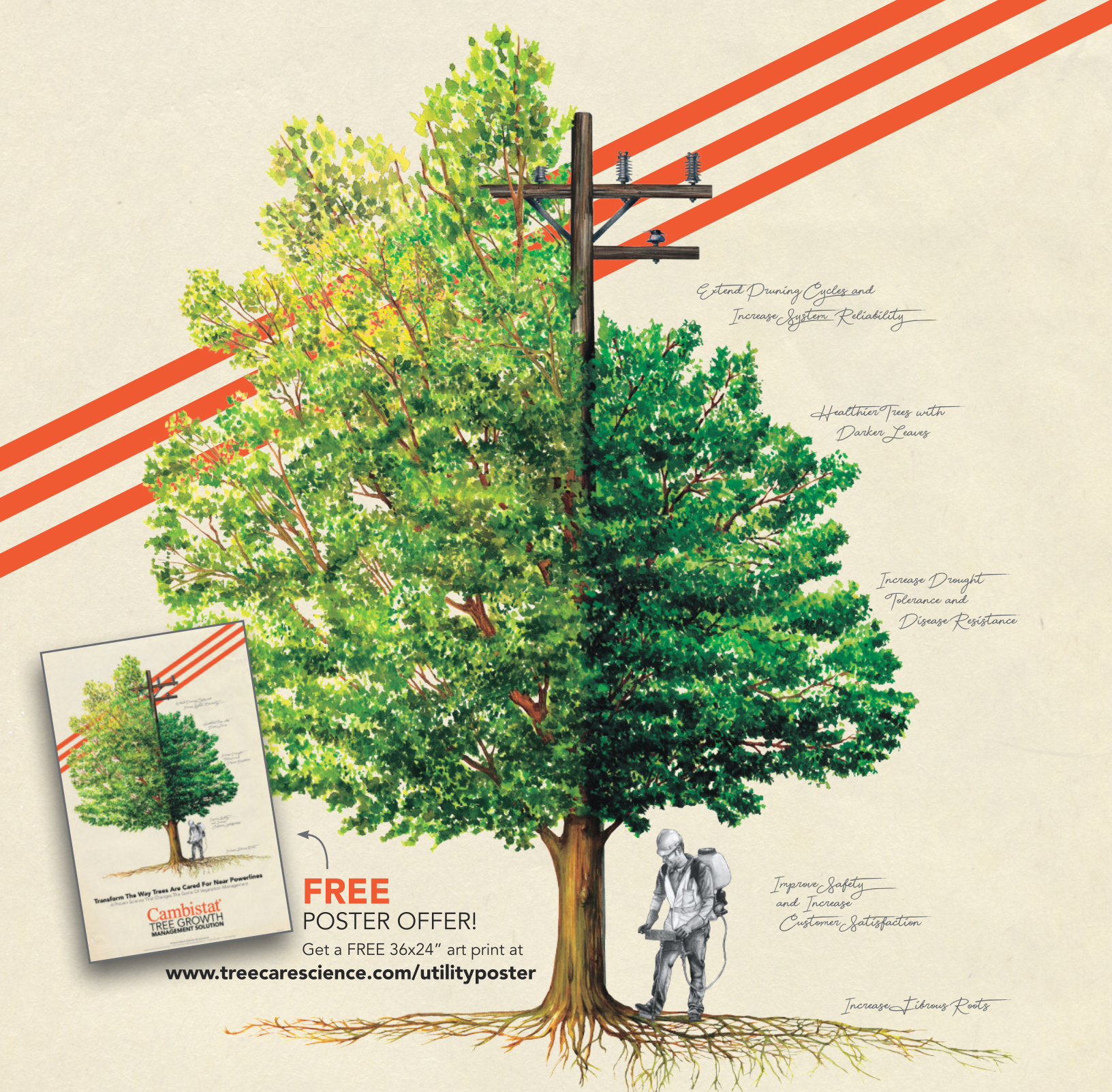
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## Executive Director Comments *By Phil Charlton*



The UAA worked with the Edison Electric Institute (EEI) to develop a memorandum of understanding (MOU) with the National Park Service (NPS), U.S. Fish & Wildlife Service (FWS), Forest Service (FS), Bureau of Land Management (BLM), and the Environmental Protection Agency (EPA). It was signed in 2016 and is available on the UAA website. This process was an enlightening one for me.

When the UAA first began working with these groups to draft the MOU to facilitate cooperation between the industry and the agencies, our representatives drafted the perfect document. Well—it *would* have been perfect if the agencies shared our mission. Evidently, none of their mission statements have anything to do with safe and reliable delivery of energy. They have different values. It is not surprising that they see utility lines from a completely different perspective than we do.

Progress in getting these governmental groups to fully appreciate the needs of the utilities is likely to continue at a painfully slow pace. If progress is made, it is most likely to arise out of our common interests rather than our differences, and there is a lot we have in common. For example, the missions of each of the land agencies focus on results for both current and future generations. Their missions refer to fuel reduction, wildlife habitat, invasive species, and pollinators. The EPA “supports...IVM as a means of reducing pesticide risk, protecting endangered species, and promoting pollinator protection along electric utility transmission and distribution ROW corridors.”

Do these priorities sound familiar? Most utilities have adopted sustainability as a core value. Utility

vegetation managers should recognize their programs as part of this commitment and all should be committed to science-based, sustainable practices. The new A300 Part Seven standard for IVM is a great step forward—one that even the EPA should appreciate. The standard now more closely aligns with the Right-of-Way (ROW) Stewardship Council’s standards of excellence in IVM, which emphasizes sustainable practices. The UAA now has a team working to revise the International Society of Arboriculture (ISA) best management practices (BMP) to support the standard. The bar has been raised for the industry and I hope each utility is working toward excellence on their system, even if it is one step at a time.

Much of what the industry is doing is what the agencies say they desire. We should certainly keep working to encourage change on the ends of our partnered agencies. The UAA will continue its efforts, working through MOUs, support of legislation, education, and so forth. Even so, most interactions between the agencies and utilities will revolve around the differences in what each wants or needs. Do not let it stop there! Utilities that are doing it right—ensuring safe and reliable delivery of energy using science-based, sustainable practices—have a great story to tell about the work that these other groups value: wildlife habitat, aesthetics, pollinators, reduced risks, clean water, and more.

As we think about how to relate with these governmental organizations, perhaps the place to start is with an internal review. Are we doing it right? Have we adopted proper pruning strategies? Have we educated and engaged stakeholders? Are we using Closed Chain of Custody (CCC) in our use of herbicide? Are we documenting the wildlife habitat we’ve preserved, the pollinators that have been encouraged, and the endangered species protected? Let’s be sure we do, in fact, have a great story to tell, and then let’s make sure we tell that story at every opportunity.

January–February 2019



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## Industry News

### Bayer's Vision for Safe and Sustainable Agriculture

*By Jesus Madrazo, Head of Agricultural Affairs & Sustainability Crop Science, Division of Bayer*

Notes on the background of this article: Bayer customers in vegetation management (VM) have been asking for a response from Bayer regarding the usage of glyphosate, which is a broad-spectrum, non-selective systemic herbicide used on perennial plants including grasses, sedges, broad-leaved weeds, and woody plants. Although the U.S. Environmental Protection Agency (EPA) concluded in a decades-long assessment that glyphosate is not likely to be carcinogenic to humans, there has been an increasing amount of concerns that this is a cancer-causing chemical. The first federal court case out of more than 620 pending cases to go to jury will take place in February 2019 with U.S. District Judge Vince Chaabria in San Francisco and California resident Edwin Hardeman.

*The following is an open letter from Jesus Madrazo, Head of Agricultural Affairs and Sustainability, Crop Science Division of Bayer:*

There has never been a more important time for innovation in agriculture. Our world faces enormous challenges, from a changing climate, to limited natural resources, to a growing population.

For more than 150 years, Bayer has been dedicated to creating products that help people in a changing world. Our focus has been on new treatments for diseases, helping people get well (and stay well), and providing farmers with breakthrough innovations to help nourish our growing world and preserve natural resources. We call it: Science for a Better Life.

This passion is deeply personal to me. Visiting my grandfather's farm in Mexico at a young age, I learned the value farmers place on protecting their precious resources to continue to produce bountiful crops each year. These early lessons shaped how I view agriculture. They are the same

values that inform Bayer's commitment to delivering better solutions for farmers and more choices for consumers to help them and our planet thrive. As part of our portfolio, glyphosate-based herbicides will continue to play a key role in helping agriculture meet pressing environmental and food security challenges as the global population grows by two billion people through 2050.

For example, the combination of glyphosate with glyphosate-tolerant crops promotes environmentally friendly practices, such as the reduction of fuel use on sprayer passes over the field and the adoption of conservation tillage methods, which reduce the need for plowing the soil. By adopting conservation tillage, farmers can leave their soil intact while the previous year's crop residue or organic matter acts like mulch on top of the soil, keeping healthy microbes intact and supporting soil health, while preventing runoff into nearby rivers and streams. The combination of glyphosate-tolerant crops with glyphosate-based herbicides results in a substantial reduction in greenhouse gas emissions, a



reduction equivalent to taking 11.8 million cars off the road in 2015 alone—or more than five times the number of cars registered in New York City.

Recently, there has been increased media attention on the safety of glyphosate-based products. As a science and innovation company, we feel a deep responsibility—to society and our planet—and want to reiterate our commitment to sound science and the safe use of our products.

Glyphosate-based herbicides are among the most rigorously studied products of their kind. Hundreds of government-required studies, peer-reviewed publications, and ongoing reviews by regulatory and scientific bodies for more than 40 years confirm that glyphosate-based products are safe for use as labeled. The largest epidemiology study on real world pesticide use, which was released in 2018 through the support of the independent National Cancer Institute, followed more than 50,000 pesticide applicators for more than 20 years and found no association between glyphosate-based herbicides and cancer.

When it comes to the safety of herbicides, manufacturers like Bayer are subject to strict regulatory requirements and must submit their products for periodic review by oversight authorities around the world. The following independent regulatory agencies continue to find that glyphosate-based products can be used safely, and that glyphosate is not carcinogenic:

- EPA
- European Food Safety Authorities (EFSA)
- European Chemicals Agency (ECHA)
- German BfR
- Australian, Canadian, and Japanese regulatory authorities
- The Joint FAO/WHO Meeting on Pesticide Residues (JMPR)

In fact, glyphosate is currently approved for use in more than 160 countries.

We regularly hear from farmers, consumers, and environmental and scientific experts that glyphosate-based herbicides are essential for sustainable agriculture and our planet. We certainly agree.

We also understand that some people may have questions about glyphosate or other innovations farmers use in modern agriculture. As consumers, parents, and community members ourselves, we are eager to share our work and want consumers to have the information they need to feel confident about the food they put on the table. Just as my grandfather looked after his farm and its crops for future generations, when it comes to sustainability, we take a long-term view, and prioritize meeting our commitments to sustainability as rigorously as we strive to meet our financial commitments to our shareholders.

Dialogue with consumers is one of our key commitments. We invite you to visit [www.Bayer.com](http://www.Bayer.com) to learn more, and we look forward to continuing to improve lives through excellence in research and innovation.



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# 2019 TOPICS

March/April  
Focus:  
Technology

May/June  
Focus:  
Safety

July/August  
Focus:  
Fundamentals  
of Program  
Management

November/  
December  
Focus:  
Environmental  
Stewardship

September/  
October  
Focus:  
Communications

## Editorial Committee Update

The UAA's bi-monthly showpiece is *this* publication. The guidance of volunteers who strategize, coordinate, and create the articles is the reason readers like you can enjoy it. We advise on content and work diligently to attract a diverse array of authors for each issue. Submissions are reviewed, revised if necessary, and placed appropriately.

Each year, the committee comes up with trending topics to discuss throughout the year, addressing issues that affect our industry. Starting with this issue on agency management, we will follow with topics addressing technology, safety, fundamental program management, communications, and environmental stewardship. We complement each issue with columns dedicated to spotlight individuals within the industry, feature updates from regional representatives, update readers on industry news, and provide safety material.

Our mid-year issue is in partnership with *Transmission and Distribution World* (T&D World), focused on in-depth industry topics, safety, and leading trends. The Editorial Committee spends

the better part of the year putting together our issue for the *Newsline* and the supplemental material that is included with the June issue of *T&D World*. This supplemental publication has additional distribution throughout the year at industry events and is used to reach and welcome new members into the UAA.

We post many of our articles and overflow content pieces on our social media accounts. Follow us on Facebook and LinkedIn to stay connected and read additional content. Engage with us and help us pursue our mission to drive excellence, innovation, and change through professional development, outreach, research, and the promotion of best practices.

We are always looking for assistance in creating a robust and comprehensive issue. Providing ideas, tracking down authors, and sending in solid subject matter can go a long way in contributing to our high standards for each issue. Feedback is always welcome. We're happy to entertain all content submissions. Reach out to any of us with ideas or articles at any time by contacting us through our website.



# UAA

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# SPOTLIGHT on the Environment



## Monarch Butterfly Candidate Conservation Agreement with Assurances (CCAA) for Transportation and Energy Lands

By Iris Caldwell, P.E. Program Manager, Sustainable Landscapes, Energy Resources Center at The University of Illinois at Chicago, and by Dan Salas, Senior Ecologist (ESA), Cardno

Habitat loss, biodiversity collapse, and disappearing pollinators are not new headlines, sad as it may be. However, a new approach taken by industry organizations in the last year is attempting to address these concerns. A partnership between more than 30 utility companies and state departments of transportation has been working together to proactively address the conservation needs of one very special insect: the monarch butterfly.

Monarch butterfly populations have experienced drastic declines in the past 20 years. In August 2014, the

U.S. Fish & Wildlife Service (FWS) was petitioned to list the monarch butterfly as part of the Endangered Species Act. By June 2019, the FWS is expected to complete their determination as to whether to list the species for protection as part of the Endangered Species Act. If listed, required protections may present challenges and changes in how vegetation management (VM) is conducted in areas of suitable habitat across the country.

The University of Illinois Chicago's (UIC) Energy Resources Center and the Rights-of-Way (ROW) as Habitat Working Group is leading the partnership to create a voluntary conservation agreement for the monarch butterfly on energy and transportation lands. The agreement, known as a Candidate Conservation Agreement

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with Assurances (CCA), is a regulatory mechanism that encourages non-federal landowners and managers to adopt measures that create net conservation benefits to the species prior to listing. In turn, landowners and managers are provided assurances (in the form of a permit) that no additional requirements beyond the activities identified in the CCA will be mandated if the monarch butterfly is listed.

The partnership is an unprecedented effort involving close coordination among all of the parties, including the FWS. This agreement, once finalized, will be one of the largest candidate conservation agreements of its kind completed on one of the fastest timelines. Cardno, the partnership's technical consultant, has helped navigate a series of innovative technical and regulatory aspects of the agreement between the partnership and the FWS in the past year. The results of this coordination is an agreement that encourages the voluntary use of integrated vegetation management (IVM) to proactively create or sustain monarch habitat in ROWs and other associated lands. In exchange for this voluntary conservation, the FWS provides regulatory assurances that prevent any further restrictions on those partners in the event that the species is listed. In other words, partners that commit to voluntary conservation are benefited by regulatory certainty provided through this agreement.

The CCA demonstrates the significant interest and investment in habitat conservation by the transportation

and energy sectors across the U.S. In doing so, the effort builds upon several existing initiatives, including the Mid-America Monarch Conservation Strategy developed as part of the leadership of the Midwest Association of Fish and Wildlife Agencies (MAFWA). MAFWA's strategy identifies monarch habitat conservation actions across core geographies and multiple landscape types, including ROWs.

The CCA represents a unique opportunity in terms of scale and scope for collaborative conservation. The current partner organizations collectively manage millions of acres of ROW and other lands. This presents valuable opportunities to connect available habitats, provide more diverse breeding and feeding habitat for monarchs (especially compared to intensely managed or developed landscapes), and offers areas that are generally safe from major disturbances or future development. The agreement also provides a model for other at-risk species and multi-sector conservation agreements.

The draft version of the agreement is currently undergoing review by the FWS. As part of this review, the draft agreement will be made available for public comment in early 2019. The agreement is expected to be finalized ahead of the listing determination. If the FWS determines that the monarch butterfly listing is warranted, landowners and managers may apply for coverage until the effective listing date. If the decision is made not to list the monarch butterfly, the CCA application period will remain open as long as the species is not listed.

There are plenty of opportunities to support the agreement in the meantime. During the public review period, individuals and organizations can pose questions and provide comments. UIC will also continue to gauge participation from potential industry participants. For more information, stay tuned to the Working Group's website: <http://rightofway.erc.uic.edu/>. You can also contact Iris Caldwell (UIC) at [iriscaled@uic.edu](mailto:iriscaled@uic.edu), or Dan Salas (Cardno) at [dan.salas@cardno.com](mailto:dan.salas@cardno.com).

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## Working with Federal Agencies

*By Michael Neal, ISA-Certified Utility Arborist and Specialist, Tree Risk Assessor, Michael Neal Consulting, LLC.*

Cutting trees is the easy part of vegetation management (VM). The real challenge is notifying customers and land management agencies.

Working with federal agencies can be taxing on many fronts—from agency turnover, to different priorities, and perhaps a lack of understanding of utility vegetation management (UVM).

The approval process can be long and tedious because many departments must approve the UVM work plan. These departments include wildlife, archaeology, silviculture, and recreational to name a few. This process can frustrate a vegetation manager trying to complete the VM work plan.

As a vegetation manager, I learned how to get our work plan approved by federal agencies the hard way. As agencies started to enforce more compliance on our VM work, it became apparent: we had to do things differently.

The biggest asset our VM department had was the employees. The team included supervisors, planners, and natural resource specialists, which included biologists and archaeologists. This team developed working relationships with their counterparts at the agencies.

The relationship we built enabled communication about UVM, our need to stay in compliance with FAC-003, reliability to our customers, and forest fire prevention. In return, the agencies helped my team better understand the approval process and to be more timely in submitting the requests for VM.

The natural resource specialists developed a 12-step work flow process.

- 1 The one-year work plan is reviewed and mapped the previous year to determine land ownership.
- 2 A list of land ownership by feeder number is provided to each forestry division.
- 3 Each forestry division is responsible for conducting a preliminary review of the agency list and providing feedback to natural resource specialists regarding current knowledge of work to be conducted.
- 4 A natural resource specialist submits the feeder/landowner list to each agency for the following year's work.
- 5 The pre-inspector or planner prepares agency work.
- 6 The work plan is submitted to the natural resource group and includes any additional details.
- 7 The natural resource specialist fills out and files appropriate paperwork for submittal to agency. (This may be simply an e-mail or letter to the agency, or a more detailed Corridor Management Plan.)
- 8 The natural resource specialist, in coordination with the division supervisor, negotiates the terms and conditions of the maintenance work with the agency contact.
- 9 The natural resource specialist documents and records approval dates and communicates all associated work requirements to the supervisor, pre-inspector, planner, and crews as necessary.
- 10 Work commences.
- 11 Work completion is reported back to the agency.
- 12 The natural resource specialist, pre-inspector, planner, and/or supervisor updates the project checklist during this entire process.

This takes time and effort from the forestry department to work through the approval process. Before any work can begin, a field visit is conducted with the agency lead person, the natural resource specialist, supervisor, and the contractor performing the work. This process improves the working relationship with the agencies by showing them the utilities and contractors are committed to performing the work according to the approved Corridor Management Plan. The agency is also aware of which contractor performing the VM work.

This process greatly reduced the risk of tree workers making mistakes while doing the VM work. When mistakes do happen, the agency has been more tolerant. In most of our previous cases, our mistakes were reported to the agency by the natural resource specialist before the agency was aware of any issue. The forestry department required our contractors to phone in the crews' GPS locations daily for various reasons, such as worker safety, progress, and reporting to the agency. Trust is a concern of the agencies and developing these controls only improve the relationship with them.

Unfortunately, working with people, there are always personality conflicts that arise and get in the way of common sense. These are the times when pushbacks occur on both sides. It's important to hold your ground on the important issues that affect compliance, reliability, safety, and prevention of wildfires. However, concessions should be made to accommodate the agencies' needs that could affect how the work is managed.

As the former manager of forestry and special programs at APS, I was fortunate enough to have a team dedicated, responsible, and accountable for improving and streamlining the VM work on agency lands. Thank you, APS forestry and special programs team!

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## UVM on Federal Land

*The problem is inconsistent policy implementation*

*Opinion Editorial by Randall H. Miller, Director, Research and Development, CNUC*

Reaching agreement to perform vegetation management (VM) on federally managed land can be frustrating. I was involved with it during my tenure at PacifiCorp. PacifiCorp's system interfaces with 33 national forests—each divided into multiple autonomous districts, a dozen Bureau of Land Management (BLM) district offices, seven national monuments, six national wildlife refuges, and five national parks. I also worked for years with many others representing the UAA and the Edison Electric Institute (EEI) VM task force at a national level, promoting the need to apply integrated vegetation management (IVM) to rights-of-way (ROW) that cross federal property.

In my experience, the federal agency national leadership recognizes the importance of keeping vegetation from interfering with utility facilities and appreciates that IVM is





the proper approach. Their understanding enabled the UAA and the EEI to reach a memorandum of understanding (MOU) with federal agencies to conduct IVM on federal lands.

The problem is not with national land management agency leadership. The difficulty is the decentralized management structure of federal agencies and the resulting inconsistent policy implementation it enables. It is up to the discretion of local managers or forest supervisors to determine which standards apply. While ostensibly using the same rules and regulations, some officials cooperate while others obstruct work. Many, like their national leadership, understand the importance of safe, reliable power delivery and that IVM offers a scientifically based, environmentally sound framework for providing it. Others don't recognize the electric grid as critical national infrastructure; they either don't understand IVM or are suspicious of it and dedicate themselves to minimizing the "sacrifice" they consider utilities to impose on the land under their auspices. It is not uncommon for them to dismiss encouragement from their national leadership to cooperate with utilities. For example, I have been told by local forest service staff that the UAA and EEI MOU doesn't apply to them.

The frustration for us as utility vegetation managers is that we are left to navigate through inconsistent policy application. Decisions often seem to be a capricious imposition of opinion rather than rational policy implementation. For example, at PacifiCorp, we had mandated prescriptions change abruptly at forest service district boundaries, which are ecologically arbitrary. Other times, we had relationships change from cooperative to antagonistic (and vice versa) with a single retirement or transfer. Many decisions seemed to be more a matter of biased viewpoint than science-based understanding. The result

is that the electric grid is abandoned to an often-irrational patchwork of local decision-making that can impede sensible, long-term management.

There is hope. In response to testimony by members of the UAA, EEI, and the Rural Electric Cooperative Association, Congress has attempted to legislate cooperation among federal agencies and electric utilities. In addition to other provisions, the Energy and Natural Resources Act of 2017 (S1460), section 2310 instructs federal agencies to consider the UAA and EEI MOU in their decision-making. Decisions must be consistent with long-term, cost-effective, efficient, and timely VM of utility corridors with the object of enhancing electric reliability, promoting public safety, and avoiding fire hazards. The law enables electric service providers to submit VM plans to federal agencies and specifies that the intent of Congress is for the review process to not exceed 180 days. In order to facilitate authorization, the Energy and Natural Resources Act instructs federal agencies to identify categories of work that do not require environmental impact statements and environmental assessments. There is also language that empowers owners or operators of electric lines to respond to emergency conditions by pruning or removing vegetation that is an immediate threat to electrical service or that poses imminent fire and safety risks. Moreover, the law "encourages" the Forest Service and Department of Interior to develop training related to electrical facilities to ensure federal staff understand electric reliability requirements, assist owners in complying with reliability and safety mandates, and support willing utilities to promote habitats and forage for pollinators and other wildlife. The expectation is that proper training will lead to more sensible decision-making.

The law will undoubtedly help. However, there is enough flexibility in it that local land managers are still likely to hinder UVM if they choose. The work of cooperating with and educating federal agency personnel to promote consistent policy must continue. We should assure federal skeptics that we are committed to environmental stewardship, including creating pollinator and other habitat, while protecting the electrical grid. We need to emphasize the science behind IVM, and work to remove unsupported bias from our conversations. The result will be improved consistency, reduced frustration, and a proper balance between environmental quality and society's need for flawlessly reliable, safe power delivery.

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OPINION EDITORIAL

## How Our Industry is Changing

By Bob Urban,  
Senior Manager, ACRT, Inc.

The utility services industry is moving in new directions—not only as the industry itself develops new processes and technologies, but also as shifting climate conditions and an increasingly complex regulatory environment create a cause-and-effect cycle. This cycle has been producing more and more scenarios and circumstances that require utilities and the companies that work with utilities to adapt and keep pace.

While the industry is facing significant change both now and in the years to come, it also faces an equal amount of misunderstanding—both in the public and professional spheres. Members of the UAA will understand the misconceptions we collectively face: that the association focuses exclusively on vegetation-related matters, when utilities and the companies that support them face more challenges than just vegetation management (VM). An additional misconception is that only electric utilities face these challenges—water, gas, and other service providers must also navigate them.



### A Shifting Climate Impacts More Than Weather

For example, recent years have seen an increase in severe weather and storms—resulting in damage to utility property such as power, water, and gas lines; customer complaints and public relations issues; and a race against the clock to meet tight compliance timelines. Everything from hurricanes and wind storms to heavy snowfall and ice storms threatens utilities’ ability to provide reliable service to tens or even hundreds of thousands of customers. Needless to say, these events and circumstances necessitate an immediate response, not only to restore service to customers’ homes and businesses, but also to help utilities avoid regulatory fines and costly litigation as a result of prolonged service outages.

Not all extreme weather events involve storms. Often, the impact of climate change made in an area

takes a long time, which can lead to situations that also require a response. The more proactive, the better. In certain areas of the country, extended drought can lead to a widespread infestation of harmful insects such as bark beetles. Dead and dying vegetation poses a risk to all utilities, not just power companies. Water lines and gas lines are all subject to damage from vegetation. ▶





### How Our Industry is Changing *(Continued)*



When incidents such as drought and infestation occur, the need to understand the extent of the risk potential—as well as the remediation process—is critical and timely. We partner with utilities of all types to assess affected areas and develop a strategy and process for mitigation and resolution. This includes identification and cataloging of vegetation in affected areas and coordinating removal or other tasks with contracted work crews.

#### The Storm That Follows the Storm

While storms, extreme weather, droughts, and infestation pose field-level challenges for utilities of all types across the country, a potentially greater problem is the repercussions of failing to prevent, mitigate, contain, resolve, and communicate situations, should they arise. Failure to address certain incidents can quickly lead to multi-million-dollar fines and regulatory action taken against not only the responsible party, but also the industry itself.

Utilities and other industry organizations are well aware of the many compliance requirements. These regulations undergo frequent re-evaluation and updates, requiring the industry to adapt, and often in very short order. In this heavily regulated and increasingly litigious environment, the value of working with an independent third party for compliance support cannot be understated. Much is at stake, and industry organizations already shoulder the burden of providing reliable service to customers. Internal compliance and legal teams are standard, but supporting those teams with an expert, independent partner serves to validate decision-making, evaluate and improve internal processes and procedures, and get organizations in the best position possible to do what they do best with as little risk as possible. ▶



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## How Our Industry is Changing *(Continued)*

While the goal of such services is to help utilities avoid legal proceedings, expert witness testimony through an independent third party can provide the reliable, external perspective that may be needed in a legal scenario if the time should come. This is often the case in safety-related matters, where accidents and incidents that are often preventable nonetheless occurred, putting the utility at risk of a lawsuit.

### A Strong Safety Program Starts with Safety-Conscious People

Safety has always been a priority for the industry, but ever since tragic accidents in the 1960s spurred the development of the ANSI Z133 Safety Standard, the emphasis on safety has only continued to grow. Safety plays a significant role in the protection of an organization's bottom line, as workers' compensation claims accrue, insurance premiums increase, legal costs continue, and other results of preventable incidents make an immediate and long-term financial impact.

Safety is deeply ingrained in our culture and the services we provide. To help the industry build and maintain safety-conscious cultures that keep employees, contractors, and customers safe at all times, provide a variety of services that cover all levels of an organization's safety program.

A safety program gap analysis evaluates onboarding and new-hire training processes; program materials; safety tailgates, safety manuals, and training documentation; and incident reporting and investigation procedures. Interviews are conducted with key personnel and management, while work crews are audited in the field to better understand the nature of their day-to-day activities. The entire analysis is performed through our independent perspective that focuses on safety and safety alone.

Once complete, a report is provided detailing all areas of review and analysis, highlighting areas where the organization is performing well and items that can be leveraged to strengthen the safety culture. Improvement areas are examined, and recommendations are made as it relates to deficiencies in internal reporting, training, and other gaps in the overall effort to develop and maintain a best-in-class safety program.

While a safety program is an absolute requirement for every organization in the utility services industry, simply having one does not guarantee that it is being followed. Ensuring that workers in the field are following best safety practices is an ongoing effort, as busyness, lack of training, or other problems can lead to workers potentially taking shortcuts and putting themselves or others at risk of injury.

Company-wide field worker assessment skills and a competency evaluation can help the industry ensure safety practices are being followed. This service helps to enhance safety, increase employee engagement, bolster morale, and provide third-party training and feedback. Crews are observed and scored according to workplace and worksite safety protocol, and assessments are evaluated based on industry best management practices (BMP).

### Are You in Position to Respond to Change?

As the world experiences and adapts to climate change, as the industry adapts to shifting and increasing regulation, and as the emphasis on safety both externally and internally continues to grow, we encourage the industry to consider two things. First, get involved. The UAA reaches more than the vegetation management (VM) space. Its work with utilities and industry organizations of all types can only grow and improve with participation. Second, consider how your organization is responding to change now, and how it is positioned to respond in the future. Industries, governments, and the very world around us are all in a constant state of change—how will you best prepare?

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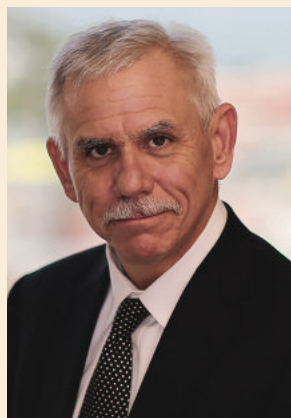
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## Rakes Will Not Be Enough: A Call for a Comprehensive Approach to Wildfires

*Opinion Editorial by Randy W. Gimple, Attorney, Carlson, Calladine, & Peterson, LLP.*



PORTRAIT BY JOHN L. COOPER

Five years ago, I shared my thoughts about how to deal with the human and economic burden of wildfires in the July/August issue of the *UAA Newslines*. I warned of lawsuits with hundreds of millions of dollars at stake, electrical utilities and their contractors facing near financial collapse, and victims going uncompensated. I found hope in a few things I thought might start us on a path toward intelligent and comprehensive reform. Sadly, I was overly optimistic on all counts. Since then, the U.S. has endured even worse wildfires, causing tremendous loss of life and billions of dollars in damages.

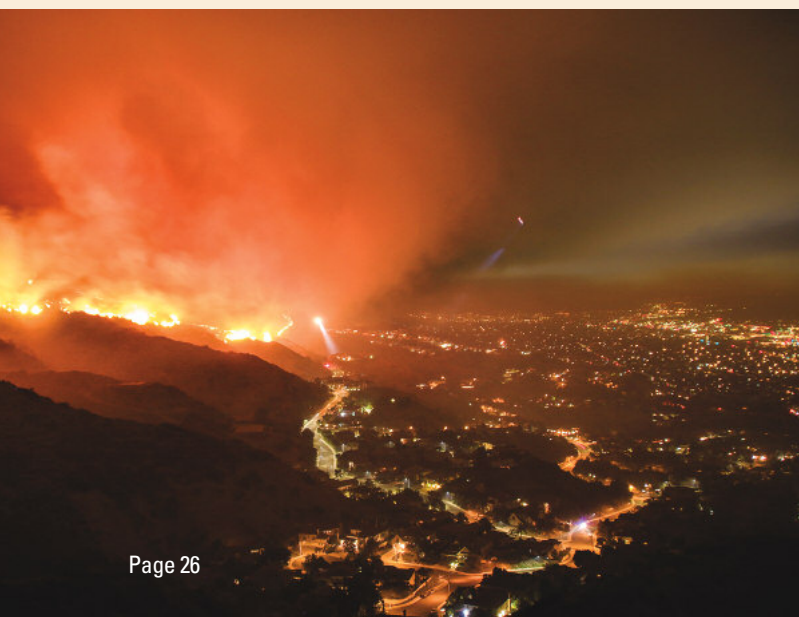
Our leaders have learned little in the last five years except how to weaponize wildfires for political gain. Even after he toured the wasteland that was once Paradise, California, President Trump railed about the need for more raking of the “dirty forest floor.” Interior Secretary Ryan Zinke laid blame at the feet of “radical environmental groups.” Blaming forest management and environmentalists is a mere political pretext for denying climate change. Climate change is real and is really killing people. On November 23, 2018, 13 federal agencies and 300 experts issued a report that should scare all of us. They concluded that, by the middle of this century, the annual area burned by wildfires in the Western U.S. could increase



six-fold. People can still debate whether climate change is man made, but the impact of climate change on the wildfire problem is beyond debate. The president and CEO of one of the country’s largest electrical utilities ominously warns that climate change has made the recent fires in California “the new normal.” Addressing the wildfire problem in the U.S. without addressing the impacts of climate change is impossible.

Second, we cannot ignore the demographics of wildfires. The most damaging wildfires of course occur in the wildland urban interface (WUI), where residential development meets and competes with mother nature. Research published in the Proceedings of the National Academy of Sciences found that the WUI is the fastest-growing land use type in the U.S. This is not because the WUI is getting bigger; it’s because of dramatic increases in new housing developments in the WUI. The researchers found that one in three houses in the U.S. is now in the WUI. This not only puts more lives and properties at risk, but also spikes the chances for human-caused fires. Any serious effort at combating the wildfire problem has to include tough land use and building code regulations, as well as enforcement, in and around the WUI.

Third, and with some acknowledgment to the president, we need to better address how we allocate the scarce resources of the U.S. Forest Service (FS). According to Sonny Perdue, Secretary of the Department of Agriculture, “We end up having to hoard all of the money that is intended for fire prevention, because we’re afraid we’re going to need it to actually fight fires.” He added, “That’s wrong, and that’s no way to manage the FS.” To make matters worse, prominent fire ecologist Dr. Chad Hanson notes that the FS often spends millions fighting back-country



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fires when that money would be much better spent on preventing fires where people actually live.

Fourth, there needs to be serious reform of the laws surrounding wildfires. As I pointed out in 2013, certain laws allow plaintiffs in civil cases to recover millions—now billions—from electrical utilities without having to prove negligence or any other blameworthy conduct. Those laws may cripple not only utilities providing an essential service, but also nearly everyone who contracts with them. They make insurance companies unwilling to provide the insurance needed to survive wildfire litigation. Without insurance to pay claims, companies will go bankrupt, people will lose jobs, and victims will go uncompensated.

Fortunately, there is a faint glimmer of hope on the horizon in at least one state. In 2018, California passed Senate Bill 901, which attempts to help electrical utilities better spread their wildfire losses. The new law also calls for the creation of a commission to develop reasonable and, hopefully, bi-partisan approaches for how to better share the risks and losses of wildfires. With any luck, the commission’s work may be the first step toward comprehensive reform that could spread to other states, and maybe even to a national scale.

I still have hope we can begin to solve the wildfire problem in the U.S. if we put politics aside and focus on the bigger picture. The last thing I want to do is admit five years from now that I was once again overly optimistic. By then, it may be too late to do anything.

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## Walking a Mile in Their Shoes

*Opinion Editorial by Rick Johnstone, Owner, VMES, LLC. VM Consulting and President of IVM Partners, Inc.*

Every utility arborist knows of a “problem customer” that always wants tree work done a special way and wants to be present before a pruning saw touches a branch. This can also be true on lines that cross public agency jurisdiction, such as metro parks, wildlife refuges, national forests, and tribal lands.

This frustration is understandable, since most utilities do not own their right-of-way (ROW) corridors and instead operate as part of easements. These easement agreements give them the right to maintain vegetation to provide energy services to the public, but they are often vaguely worded as to how that maintenance is to occur. The International Society of Arboriculture (ISA) and the UAA have worked diligently to develop best vegetation management (VM) practices for pruning and herbicide treatments, and these practices are explained in American National Standards Institute (ANSI) A-300 Standards. These standards are not just for utility arboriculture, as the newly revised A-300 Part 7-IVM standard is now recognized for any type of VM.

*Communication is a vital component of IVM, so one needs to “walk a mile in their shoes” to understand what drives their attitude and not use a one-size-fits-all approach.*

ANSI explains how vegetation work should be performed and contractors are usually hired to perform the necessary vegetation maintenance. Education and training are necessary to guide contracted workers in these important tasks, but it is hard to develop professionalism in an industry plagued by high worker turnover. This problem is compounded by overzealous

supply chain managers who are so focused on obtaining cost savings with “low bids” that they fail to recognize the high long-term cost of poor workmanship and diminished public relations.

Even if a utility arborist operation is blessed with high quality workers, vegetation maintenance may need to be negotiated or adjusted to also suit the needs of the landowner. Integrated vegetation management (IVM) techniques can be selective or non-selective and include biological, chemical, cultural, physical cutting, and fire strategies. The right tool at the right time is the best practice, but since utility arborists may be operating on land owned or managed by another, make sure to consider that person’s objectives as well. Communication is a vital component of IVM, so one needs to “walk a mile in their shoes” to understand what drives their attitude and not use a one-size-fits-all approach.

As a consultant who specializes in building partnerships between utilities and landowners, I’d like to share some



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actual case studies in which techniques and/or timing were adjusted to create a win-win situation that paved the way for more successful, economical, and satisfying projects:

### **Mid-West Electric Transmission**

While inspecting completed tree work for compliance with FAC-003 clearance standards, I found all trees under the transmission conductors “topped” by the contractor.

“Why didn’t you remove the trees instead of topping them?” I asked.

The contractor replied that they never remove trees in a metropark and had not asked the park superintendent, but simply trimmed the trees as usual. I met with the park superintendent and asked him what his management objectives were, and he replied:

“I would like to restore the original savanna that was formed by receding glaciers of the last ice age, and control non-native invasive plants.”

We took a walk together on the ROW, where I explained that if we could mow down all the trees and then follow with herbicide treatments, we could help with his savanna management objectives by converting back to early successional prairie plants. He gave approval for our plan to remove trees, followed by broadcast herbicide treatments using selective chemistry down the centerline wire zone to release native prairie grasses. We used selective application techniques in the border zones to target trees and invasive spotted knapweed (*Centaurea maculosa*) and Canadian thistle (*Cirsium arvense*) while favoring native forbs beneficial to pollinators. ▶



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## Walking a Mile in Their Shoes (Continued)

The utility obtained their clearances while the park restored their savanna, and the superintendent rewarded the partnership with unsolicited public relation benefits by placing signage along nature trails explaining to hikers why herbicides were necessary to restore the native ecosystem.

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### Mid-South Natural Gas Transmission

“The Army Corps of Engineers (ACE) won’t let us use herbicides on a lake island ROW and periodic tree and brush removal by hand is extremely expensive,” said the natural gas company.

We met with the ACE, where I provided a slide presentation explaining our IVM plan to first clear brush with mowers transported by boat, followed by herbicide treatments after one growing season to control the root systems and allow dormant, low-growing grasses and wildflowers to germinate. The ACE corp major responded favorably because it would help them meet their goal of improved wildlife management. When I asked him why he did not approve the original gas company request for herbicide treatments, he said:

“They wanted to spray the herbicide Tordon (picloram) using a helicopter.”

I also would have declined that proposal, since an aerial application would leave tall, dead brush that would be an aesthetic issue for the recreating public. That particular herbicide is also not registered for use near water nor on lands with karst soils (limestone soils with sink holes).

I promised we would use selective herbicide treatments and only products registered for use near water. A 10-year partnership was formed that increased pollinator habitat more than four-fold, and an invitation was sent for my presentation of findings at a national ACE environmental conference.

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### Southwest Electric Transmission

ROW VM crossing tribal lands must be approved by that tribe’s government, as they have their own forest service, fish and wildlife service, and environmental protection agency. Prior to our meeting, my research discovered the tribe’s goal of juniper tree removal to reduce competition for water and improve rangeland grasses for grazing. Instead of wholesale mowing, our goal would emphasize juniper (*Juniperus*) tree removal and selective herbicide treatments that would favor native shrubs and grasses. Within the river bosque areas, we promised to only remove and treat non-native Russian olive (*Elaeagnus angustifolia*) and saltcedar (*Tamarix*), while retaining lower growing native coyote willow (*Salix exigua*). In the mountains, we

honored their request to remove full, log-length Douglas fir (*Pseudotsuga menziesii*) trees found hazardous adjacent to the ROW, so that the tribe could utilize the wood for saw timber. This IVM partnership allowed the utility to economically manage hundreds of ROW acres and the native tribe to realize their respective goals.

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### Mid-Atlantic Electric Transmission

The utility had cleared trees and brush back to their original easement boundaries for compliance with FAC-003. The U.S. Fish & Wildlife Service (FWS) biologist asked if the vegetation could now be managed to improve bird habitat within a 10,000-acre natural area that drained into the Chesapeake Bay. Low-bid spray contractors had started indiscriminate hydraulic herbicide treatments that were killing desirable shrubs along with the targeted trees. We stopped them and instructed trained professional contractors using selective backpack applications to treat only incompatible trees while retaining scattered clumps of native shrubs. The restored shrub-scrub habitat supported 120 species of native birds, 40 species of butterflies, and 147 species of native bees based on FWS documentation. They then intervened to allow for similar IVM management on 200 acres of a nearby ROW within a national wildlife refuge, improving the utilities budget and public relations.

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### Mid-West Distribution Electric Cooperative

During an IVM field workshop, the biologists with the FWS and U.S. Forest Service requested help for improving pollinator habitat to support the Federal Strategy on Pollinators. We reviewed vegetation conditions along an electric distribution ROW and asked the cooperative about their VM plan. Their arborist explained that they side trim the trees adjacent to the easement every four years, followed by broadcast herbicide treatment of brush on the ROW floor. Noticing that grasses dominated the ROW plant community, I asked if their spray mix consisted of only broadleaf herbicides. When they confirmed this suspicion, I explained that those are good herbicides for brush control, but when broadcasted, prevent wildflower and shrub growth that are beneficial to pollinators. They could meet their reliability goals and the pollinator goals of the federal agencies by simply changing herbicide chemistry and selectively applying with backpacks.

We are all tasked to provide services to the public, whether that be energy in the form of electricity or natural gas, or natural resources for present and future generations. Both are awesome responsibilities, and we can all do a better job meeting our respective goals by learning, understanding, and appreciating the goals of other land managers we have the privilege to engage, and incorporating those goals into our IVM plans.



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**Vegetation Management Specialists**

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1. Has your utility company worked in partnership with a government agency? If so, what agency?
2. What type of collaboration or communication skills are used in working with an agency?
3. What were some of the challenges or achievements made during this process?
4. How was the overall mission statement or general tasks established in the early stages of the partnership?

### Midwest Region

By Scott Skopec, Cuivre River Electric Cooperative

Response by Scott Skopec

1. Here at Cuivre River Electric Cooperative, we used to follow as part of the rural utilities service (RUS) programs for years when we first started in 1941. We no longer receive or get money from the RUS and we do not have to follow the rules and guidelines of those programs for many years now. In the past, our company, CREC, did use RUS to build powerlines and build the company. That program provided much needed infrastructure improvements to rural communities, such as electric power to areas that need or want power. RUS loaned money to electric companies to build and supply electric services to homes and businesses that needed and wanted them. In most populated areas, for-profit electric companies were making money because homes were close or nearby. Most big utilities didn't want to serve the rural area because they wanted to make more money in the city where most people lived. The RUS was started through the federal government to loan money to empower the rural areas of the U.S. We used this program to start this utility, it has worked great, and the members that own Cuivre River Electric Cooperative now control the rates, reliability, and services they want because they own the company that serves them.

2. When we followed RUS guidelines, we would have to report how things were built and the cost of what was done. We would have to be audited and would have the records.

3. Working with any agency or government is hard. Making sure we built the lines how they wanted them was always a challenge. We still achieved them and are still going on to this date.

4. The people gathered together to form a cooperative business and took loans through RUS to receive power. The people gave up easements for powerlines, paid money, cleared trees for powerline on their own property (so lines



Scott Skopec

could be built), helped in construction in any way they could, and paid memberships. They came out as one community to get power for everyone.

### Northeast Region

By Nathan Wright

The following is a special message about the disposal of chipped biomass in the urban environment. Nathan Wright believes that this is an aspect of the industry that has never received the attention it deserves.



Nathan Wright

Disposal of chipped biomass in rural settings is rarely a problem, but in urban and suburban settings, it's a completely different story—one that deserves serious consideration. Every utility and utility contractor that serves major urban areas recognizes the challenge of getting rid of the chips generated through utility line clearing work. Where do you dispose of them and what useful purpose do they serve? In the northeastern part of the country, there have generally been just three uses: mulch, compost, and fuel for electric generation. Let's consider the benefits and drawbacks of each of these options:

#### Mulch

##### Pros:

- Mulch is commonly used in landscaping and is an excellent use of woodchips returning the nutrients to the soil as they degrade.
- Mulch does degrade, so there is a constant need for more.

##### Cons:

- Our chip material often contains leaf matter and is rarely from chipped logs so twigs are usually present, making for inconsistent sizing.
- Twig and leaf matter present additional challenges for coloring

#### Compost

##### Pros:

- Leaf and twig material are beneficial because they break down much more quickly than do larger chips.
- Composting returns the nutrients to the soil reducing the need for manufactured fertilizers.

##### Cons:

- Compost requires a large property for processing and storage until composting is complete.
  - It requires costly special equipment for turning.
  - Urban land values are generally prohibitive of
- (Continued)



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locating these sites where they would be needed.

- In an urban setting, the composting odor would be enjoyed by neighbors about as much as a dairy farm.
- Tipping fees are often imposed despite the fact that they will be selling what you're paying to dispose.

### Electric Generation

Pros:

- Chips are certainly renewable energy.
- Using them for electric generation reduces the amount of coal used.

Cons:

- Coal-fired plants are increasingly being moth balled or converted to other fuels.

My own experience with this was that the plant utilizing the chips wanted us to provide multiple sites to dump the chips that they could access at their convenience.

These are the means of disposal where the chip material provides some level of benefit and value; the alternative

is putting them into a landfill. There is no environmental advantage to dumping in a landfill, but there are several drawbacks:

- No value is returned to society or the environment.
- Landfills are sealed, so the decomposition of the organic material does not return the minerals and nutrients to the environment.
- Chips are organic material that expedite the reaching capacity, requiring sooner closure of the landfill.

Thank you for considering this issue, which is a serious concern. How can you fix a problem about which no one is discussing?

### UAA needs your help!

Every two months, UAA Regional Representatives can provide a report for the *Utility Arborist Newsline*. Let them know what is going in your company or in your region.

For a current list of UAA Regional Representatives, visit the "Contact" page at [gotouaa.org](http://gotouaa.org).

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