Tyson Affidavit 150610

While preparing to trim a tree at 1516 Brooks Avenue I went next door to 1514 to ask the residents if they wanted their tree trimmed as well. Mr. Tyson agreed. II consulted the statutes, standards, and protocols mentioned by the utility DEP to ensure that my work would comply. These are listed in Appendix A.

I inspected the tree per ANSI A300 Tree Care Standard 83.3 and determined its health and structure were very good.

NERC Standard FAC-003-2 Technical Reference…**Methods to Control Vegetation**

***R1***

***1.1*** *The transmission vegetation management program shall specify the methods that*

*the Transmission Owner may use to control vegetation.2*

*2 ANSI A300, Tree Care Operations* — *Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, while not a*

*requirement of this standard, is considered to be an industry best practice.* methods must be applied in a sound biological

manner. Side Pruning — Prune trees adjacent to the Active Transmission Line Right of Way that have

grown to an extent that they have encroached upon or will soon encroach upon the clearances

listed in the specification. In cases where specified clearances can not be achieved due to Active

Transmission Line Right of Way width restrictions, remove branches to prevent entry into the

Active Transmission Line Right of Way. ***ANSI A300 – Best Management Practices for Tree Care Operations***

Transmission Owners have the option of adopting the procedures and practices contained in an

industry-recognized ANSI Standard known as A300 for use as a central component of its

vegetation management program. The following is a description of A300.

**Introduction**

Integrated Vegetation Management (IVM) is a best management practice conveyed in the

American National Standard for Tree Care Operations, Part 7 (ANSI 2006) and the International

Society of Arboriculture’s *Best Management Practices: Integrated Vegetation Management*

(Miller 2007). IVM is consistent with the requirements in FAC-003-02, and it provides

practitioners with what industry experts consider to be the most appropriate techniques to apply

to electric right of way projects in order to exceed those requirements.

As presented in ANSI A300 part 7 and the ISA best

management practices, IVM consists of 6 elements:

1) Set Objectives

2) Evaluate the Site

3) Define Action Thresholds

4) Evaluate and Select Control Methods

5) Implement IVM

6) Monitor Treatment and Quality Assurance”

I set the job objective as “…promoting safety, preventing outages caused by vegetation growing into electric facilities and minimizing them from trees growing outside the right of way, maintaining

regulatory compliance, …maintaining access and clear lines of sight, protecting the environment, and facilitating cost effectiveness.”. My client told me he had been advised by DEP attorneys that the work had to allow for 10’ of sage and 5’ of sway, so I set the objective to achieve clearance and avoid tree-wire contact under those conditions for at least 5 years.

I evaluated the site and inspected the tree per ANSI A300 83.3. I concluded its structure and health were very good. I told Mr. Tyson that I often appraised trees that were being taken for other utility projects, such as road widening and pipeline installation, and that their tree might be conservatively appraised according to formulas described in the Council of Tree and Landscape Appraisers Guidebook 9th ed. in the $5000--$10000 range.

I selected pruning and a growth regulator as control methods “*Manual Control Methods*

Manual methods employ workers with hand-carried tools, including chainsaws,

handsaws, pruning shears and other devices to control incompatible vegetation

Article 19A. Overhead High-Voltage Line Safety Act. <http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/byarticle/chapter_95/article_19a.pdf> 95-229.7. “No person shall…be placed within six feet of any overhead high-voltage line; or any part of any tool or material used by the agent, employee, or other person to be brought within six feet of any overhead high-voltage line,…”. I looked and determined that I and my tools would remain more than 6’ away

*Tree Growth Regulator and Herbicide Control Methods*

Tree growth regulators and herbicides are essential for effective vegetation management.

Tree growth regulators (TGRs) are designed to reduce growth rates by interfering with

natural plant processes. “ I selected Paclobutrazol for its proven effectiveness.

***Clearances Following Work***

Clearances following work are sufficient to meet management objectives,

including preventing trees from entering the Minimum Vegetation Clearance Distance per DEP,

electric safety risks, service-reliability threats and cost.

***…***

**Summary**

IVM offers among others, a systematic way of planning and implementing a vegetation

management program as presented in ANSI A300 Part 7. This methodology enables a program

to comply with the NERC *Transmission Vegetation Management Program* standard (FAC-003-

2). Managers should select control options to best promote management objectives.”

I pruned the tree to comply with A300 Part 1, The ISA BMP on pruning, and DEP’s own <https://www.duke-energy.com/safety/right-of-way-management/pec-vegetation-management-methods.asp>

**Directional Pruning**Duke Energy Progress uses a technique called directional pruning to maintain tree health while establishing acceptable clearance between energized wires and tree branches.” I cut back branches growing toward the wires, and left branches growing in desired directions. To reduce tree sway, I reduced the central stem with a 4” cut, considered the maximum desirable size. I made the cuts at growth points, where there were leaves or buds, to maintain health. These are the criteria that I practiced as a line clearance technician 30-40 years ago.

Conclusion: In my opinion, the pruning is “sufficient to meet management objectives,

including preventing trees from entering the Minimum Vegetation Clearance Distance,

electric safety risks, service-reliability threats and cost. “ for at least 5 years, and the effects of the growth regulator may extend that reliability to 8 years or more.