

From: Schibanoff, Susan [<mailto:susan.schibanoff@unh.edu>]
Sent: Tuesday, April 21, 2015 12:40 PM
To: Wiesner, David K
Subject: SEC Rulemaking: Easement set backs

Dear Mr. Wiesner,

I urge the Site Evaluation Committee to adopt the most recent guidelines from the Federal Energy Regulatory Commission (FERC), issued May 31, 2012, concerning easement setbacks for new overhead transmission lines. These guidelines do not apply to existing lines or distribution lines.

FERC has issued its setback guidelines as the conclusion to its staff study of the massive power outages that resulted from the October 2011 nor'easter snowstorm, which caused estimated damages of \$1 billion to \$3 billion in New England and adjacent states as well as incalculable other losses. Utilities blamed the trees, not the response to the outages, and, indeed, limbs and branches falling on power lines was the direct reason for much of the problem. But trees are a (splendid) fact of life in the northeast. The immediate question for FERC was what to do about the overlap of trees and power lines, the ongoing conflict between nature and technology, in this case, overhead high voltage transmission lines. The distribution lines that run along roads and bring power into a residence may be able to tolerate contact with trees; high voltage transmission lines cannot.

In the case of existing power lines and all distribution lines, FERC sides with the lines. It recommends more prudent and consistent vegetation management -- tree cutting -- by utility companies so that even limbs and branches outside the easement do not endanger existing power lines. Call it eminent-domain-by-vegetation-management if you will.

But for new overhead transmission lines, FERC comes down on the side of the existing trees and the attendant rights of the people who own them. That is, FERC recommends that these lines have sufficient set backs to prevent "fall ins" -- trees outside the easement falling in on the lines. The burden is on the developer to acquire wide enough ROWs to accommodate existing and future vegetation conditions outside its easement. Put simply, new power lines should not hug the edges of the ROW.

Here's what FERC said:

*Preventing fall-ins from both inside and outside the right-of-way is easier if utilities consider vegetation management needs when siting new transmission lines and acquiring new easements. Therefore, staff recommends that utilities carefully assess vegetation and growth rates in the area of planned lines in order to establish the appropriate right-of-way width. **For example, if native trees have a mature height of 100 feet, the easement should cover an area wide enough to ensure that existing and future trees outside of the right-of-way will not fall into the facilities.** [Emphasis added.]*

New overhead high voltage transmission lines that crowd the edge of the easement - or cause the relocation of existing overhead high voltage lines to the edge of the easement - should be prohibited with an appropriate SEC rule.

Thank you for your consideration.

Susan Schibanoff
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