

From: Cairo, Jenn

Sent: Wednesday, May 25, 2016 8:51 AM

To: Diaz, David <david.diaz@post.harvard.edu>; Bello, Mark <markrichardbello@gmail.com>; Vivek Shandas <vshandas@pdx.edu>; French, Brian <ai.brianfrench@gmail.com>; Mushel, Catherine <cmushel@comcast.net>; Hollenbeck, Barbara <bhollenbeck98@gmail.com>; Gregg Everhart <gseverhart@gmail.com>; Damon Schrosk <damon@treecology.com>; Redisch, Meryl <merylaredisch@gmail.com>

Cc: Lipai, Natasha <Natasha.Lipai@portlandoregon.gov>; Gailey, Lola <Lola.Gailey@portlandoregon.gov>; Garcia, Tony <Tony.Garcia@portlandoregon.gov>

Subject: RE: Minimum planting strip width and urgency

Dear David -

As I expressed at the meeting, I appreciate and we have documented the perspectives presented. I and the Urban Forestry team are taking them into serious consideration, and I look forward to responding to them directly in the near future. It also became clear at the meeting that Commissioners' information and familiarity of the context on this topic vary; I hope to help "fill in the blanks" for all. The UFC indeed has an important role to play in management of our urban forest, and I and my staff want you all to have as much information to that end as possible.

I'm not sure why you perceived that "there was nothing to indicate an urgent need to address the many concerns now being voiced". I did not mean to imply that. On the contrary to this not being urgent, the topic is timely. That is why I brought it to the first possible UFC agenda after some UFC Commissioners' requested at the March meeting to hear about it.

At the meeting I was asked what changing the specifications would entail; I answered that their creation involved significant work, and that changing them would likely also involve significant work. I wasn't asked about the timing or dates of issuance of the BES blanket or programmatic permit. I said that BES has had a current "blanket permit" and that as per Title 11, programmatic permits are now used. (To give some context, UF has reissued a blanket permit in some form, after extensive work annually with BES, for all the years of the BES program's existence). Our expectation has been that we would issue BES a programmatic permit as close to seamlessly as possible from the expiration of the current "blanket permit" (May 31). I apologize if there was any confusion on this point.

I'll also offer the following information to illustrate the importance we have placed on this permit and its timing. BES's complaints, one of which you heard about at the meeting, are in response to the programmatic permit draft which we provided to them for their review many months ago. The content of the BES draft was little changed from their current permit, however they wanted extensive revisions. Thus, the current BES blanket permit has already had to be extended multiple times and consequently it is one of the last programmatic permits to be issued. BES has wanted certain changes or content in their programmatic permit that do not meet code requirements, support the Urban Forest Management Plan or satisfy our regulatory or urban forest management needs. Attached is a document that we provided to BES in March to communicate that we have made great efforts to be collaborative, however cannot honor some of their requests because we must fulfill our responsibilities for urban forest regulation and management.

To illustrate the importance and extent to which we have worked on the BES programmatic permit: all other programmatic permits average 57 hours of UF staff time, thus amounting to the \$5,500 programmatic permit fee in the Tree Permit Fee Schedule (rounded from \$5,430, the

actual average cost); by March 2016, work with BES on their draft permit had required more than 320 UF staff hours totaling over \$31,900.

I hope this information helps communicate that we view this as an important and time-sensitive issue, and it has involved extensive effort.

Regarding how I answered questions, at the meeting I answered all questions put to me as clearly and directly as possible with the time I was given. If you have further questions, please do let me know; I am happy to answer them. I truly look forward to further discussion and sharing information on specifications, planting space and processes with the UFC and others.

In regards to when this issue first came to the UFC, had I thought this would be of significant interest or concern, I would have tried to bring specific information about ROW tree planting space sooner. The specifications are technical and derived directly from well-established urban forest research and management practices, and in fact borrow heavily from other cities' standards; to those in urban forestry, they are expected and not controversial. I really strive to keep the UFC informed and engaged, and to be responsive. I also make many decisions throughout each day and there is not enough time for the UFC to address or even be aware of everything. The draft specifications, for example, were developed at a time when the UFC was deeply engaged in Title 11 implementation and had loaded meeting agendas. Going forward, I'll continue to try to bring what I believe are the most important topics, and those in which it seems the UFC has, or has expressed, the greatest interest.

I hope this is helpful, David. Please feel free to call if you'd like to discuss this rather than email.

Thank you -

Jenn Cairo

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From: david.daniel.diaz@gmail.com [<mailto:david.daniel.diaz@gmail.com>] **On Behalf Of** David D. Diaz

Sent: Thursday, May 19, 2016 4:57 PM

To: Cairo, Jenn <Jenn.Cairo@portlandoregon.gov>; Mark Bello <markrichardbello@gmail.com>; Vivek Shandas <vshandas@pdx.edu>; Brian French <ai.brianfrench@gmail.com>; Mushel, Catherine <cmushel@comcast.net>; Hollenbeck, Barbara <bhollenbeck98@gmail.com>; Gregg Everhart <gseverhart@gmail.com>; Damon Schrosk <damon@treecology.com>; Redisch, Meryl <merylaredisch@gmail.com>

Cc: Lipai, Natasha <Natasha.Lipai@portlandoregon.gov>; Gailey, Lola <Lola.Gailey@portlandoregon.gov>; Garcia, Tony <Tony.Garcia@portlandoregon.gov>

Subject: Minimum planting strip width and urgency

Dear Jenn and fellow Urban Forestry Commissioners,

During our conversation of the minimum planting strip width policy today, there were many serious concerns raised in public comments as well as by several Commissioners about this policy choice.

After Damon's motion to request the City Forester suspend implementation of this policy was deemed inadmissible due to a conflict of interest (as Treecology is a contractor to BES), the consideration I was going through was whether or not these issues needed to be hashed out now or whether they could be resolved over a longer and more-informed discussion at future UFC meetings.

What that in mind, I (and I believe at least one other Commissioner) asked whether there were any impending decisions or changes this policy would affect that would justify a need for urgency from the UFC in making a decision about this policy. Jenn, the answer I heard from you was unequivocal: this policy has been in place since October and there was nothing to indicate an urgent need to address the many concerns now being voiced over it.

It has since come to my attention that the "blanket permit" BES has been operating the City's Tree Program under is slated to expire at the end of this month, and would ostensibly be replaced with a new Programmatic Permit that could incorporate this new planting strip policy. That certainly helps me understand the broader context of today's meeting more fully, public comments in particular.

One of the fundamental duties of the UFC under Title 11 ([11.20.020 E.2](#)) is reviewing and providing input on policies just like this. For the sake of this discussion, I'll leave aside why the UFC is being consulted now rather than when this impactful policy was originally being conceived, as well as why this impending Programmatic Permit governing one of the largest (if not the single largest) tree planting programs conducted by the City wasn't clearly recognized in response to our questions as an important and time-sensitive issue that would be significantly affected by this planting strip policy.

I strongly urge that the seriousness and substance of the concerns raised during the UFC meeting today be reflected in how Urban Forestry chooses to handle and negotiate this Programmatic Permit. I am not concerned what form this consideration takes, such as an extension of the existing blanket permit, a suspension of the new planting width policy in a new Programmatic Permit for BES, or any of a host of other compromises I'm sure could be struck. I would be very bothered and disappointed to see a sweeping policy choice like this implemented without meaningful UFC engagement beforehand and in light of such concerns and objections being raised and as yet unaddressed, if not actually resolved.

Sincerely,
David Diaz