



# SIERRA CLUB

## LOMA PRIETA CHAPTER

San Mateo, Santa Clara & San Benito Counties

August 19, 2022

Senator Dave Cortese  
1021 O Street, Suite 6640  
Sacramento, CA 95814-4900  
Via email to: [Senator.Cortese@senate.ca.gov](mailto:Senator.Cortese@senate.ca.gov)

**Re: SB 396 (Bradford) Forestry, electrical transmission or distribution lines, clearances, notice and opportunity to be heard. PLEASE OPPOSE**

Dear Senator Cortese,

The Sierra Club strongly opposes SB 396 (Bradford), which will allow Investor-Owned Utilities (IOUs) including PG&E to fell, cut and trim live trees on privately owned land, without owner permission or recourse short of lawsuit. Passing this bill could negatively impact our climate and private landowners by decreasing the number of California's live trees and by increasing the amount of flammable woody material left on private properties throughout our state.

SB 396 as currently written unnecessarily increases the authority of Investor-Owned Utilities (IOUs) to fell and cut trees on private properties, without providing the intended benefits of reducing utility-caused fires. Current law already allows IOUs, including PG&E, to prune healthy trees, abate hazardous trees on private property, and to create clearance around utility lines and equipment. Since protecting residents is its main goal, PG&E should modernize its equipment to decrease its flame creation potential, using effective fire-reducing interventions such as replacing bare wire with reinforced, triple-insulated wires, and installing computerized circuit breakers. System and equipment interventions are likely to be more effective in reducing fires and protecting residents than increasing tree cutting beyond current allowances.

SB 396 could inadvertently increase fire risk on privately owned properties because cutting trees results in flammable refuse. As currently written, SB 396 allows IOUs to leave woody material from cut trees on private owners' lands, up to a depth of nine inches. Live, whole trees tend to hold water and to resist fire more effectively than waste from felling, cutting and trimming trees, even if this waste is chipped. Felling trees also reduces shade, increasing temperatures and fire risk during our warmer seasons. We understand that the intentions behind the bill are to decrease utility-caused wildfire, but the unintended consequences could be increased fire risk for our residents and our forest ecosystems.

SB 396 could negatively impact our collective efforts to solve our climate crisis. If this bill is passed, it is likely that PG&E will significantly increase its investment in tree-cutting operations instead of investing in less flammable equipment and infrastructure. This will result in the release of a large amount of previously sequestered carbon dioxide and a reduction in future carbon sequestration. So far in 2022, utility right-of-way exemptions have been filed targeting 959,407 acres compared with 285,576 acres for salvage logging, and 24,753 acres for THPs. Even if new trees are planted, it could take decades or centuries for the newly planted trees to sequester the equivalent amount of carbon of the felled mature trees.

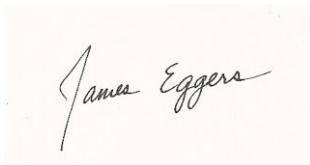
In the above, we have referenced just a few of the negative, unintended consequences that could result if SB 396 is passed. A number of organizations have written letters detailing additional issues with the bill. Please see the letters from Sierra Club [SB 396 \(Bradford\)-SierraClub+Oppose 8.4.22.pdf](#) and Indivisible California [SB396-Indivisible Letter of Opposition 7.26.22.pdf](#) for additional important issues for you to consider.

We know that you and our other Senators wish to take every action possible to protect Californians from the threat of wildfire. Passage of SB 396 could result in inadvertent and far-reaching negative consequences for both our climate and our residents.

We ask for your leadership in helping our IOUs find more effective, less harmful ways to protect communities from fire in our future.

To assist with this goal, we ask for your leadership in opposing SB 396, and in convincing the majority of your peers to also oppose.

Sincerely,

A handwritten signature in black ink on a light-colored rectangular background. The signature reads "James Eggers" in a cursive script.

James Eggers, Executive Director  
Sierra Club, Loma Prieta Chapter

Cc:

Karen Maki  
Forest Committee Chair  
Sierra Club, Loma Prieta Chapter

Gladwyn d'Souza  
Conservation Committee Chair  
Sierra Club, Loma Prieta Chapter

Daniel Barad  
Senior Policy Advocate  
Sierra Club California