



## KENTUCKY STATE NATURE PRESERVES COMMISSION

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Governor

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**Teresa J. Hill**  
Secretary  
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**Donald S. Dott, Jr.**  
Director

May 14, 2007

Public Service Commission  
211 Sower Blvd.  
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Frankfort, Kentucky 40602-0615

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MAY 15 2007  
PUBLIC SERVICE  
COMMISSION

RE: Case Number 2006-00494  
Electric Distribution Utilities, Vegetation Management in Rights of Way.

Dear Chairman Goss,

The Kentucky State Nature Preserves Commission would like to submit the following written comments for case number 2006-00494.

The Kentucky State Nature Preserves Commission has established a system of dedicated state nature preserves across Kentucky. These lands have the highest protection available under state law pursuant to KRS 146. 475, as they protect high quality natural communities and rare, threatened, or endangered species, many of which are very sensitive to human-caused disturbance.

Electric utility lines cross many of the preserves or run along their roadside frontage. As new lands are acquired, we contact each utility company whose lines cross the preserves to not only make them aware of the preserve, but also of any rare species that are found within the limits of the ROW's. At the same time, we request that the ROW's be managed as shrublands, in order to avoid the future risk of trees growing large enough to pose a hazard to the lines. It is critical that vegetative cover is maintained and soil disturbance minimized to avoid the introduction and establishment of invasive plants. Using a bushhog and backpack sprayers timed to minimize the damage to rare species is more desirable than bulldozing mature trees and windrowing them in piles that will not decay for years. We have had reasonably good responses to our requests to manage utility right of way vegetation in a manner that is least harmful to the ecological elements

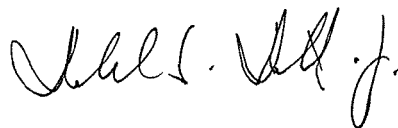
at each site. However, the actual implementation of these plans has not been as successful. Often the information is not communicated to the work crews (usually independent contractors) and damage, such as spraying herbicide on state- or federal-listed endangered plants (prairie gentian and Short's goldenrod respectively) has occurred.

Rights of way clearing projects have also been less than satisfactory at several preserves. Mature trees have been cut down beyond the described limits of the ROW due to operator error. Wide swaths of disturbance have resulted from treating ROW's on steep slopes during wet conditions. Damage to underlying soils and low growing vegetation could have been avoided if more consideration was given concerning timing of treatments. All of these instances occurred after written correspondence had been exchanged between the Commission and the utilities, requesting minimally destructive techniques and notification to the Commission of scheduled maintenance prior to initiation.

We ask that as the PSC conducts its review of the management of vegetation in utility rights of way, that it encourage utilities to make special efforts for management in environmentally sensitive areas, in particular, dedicated state nature preserves. The nature of the actual variance will vary greatly depending on what type of topography, soils and vegetation occur at a particular preserve. We would also ask that the PSC address the issue of improved implementation of such agreements as may be developed between the utility and the owner of sensitive areas, to better protect against inadvertent damage to our biological resources.

Thank you for the opportunity to submit these comments.

Cordially,

A handwritten signature in black ink, appearing to read "Donald S. Dott", written in a cursive style.

Donald S. Dott