

Draft: February 5, 2020

Mr. Brian R. Land  
Kirkland & Ellis LLP  
1301 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Ms. Karen Hartley  
Ramboll US Corporation  
4350 Fairfax Drive  
Arlington, VA 22203

RE: Possible Pro Bono Project to Survey and Report on Tree Programs

Dear Mr. Land and Ms. Hartley:

The Town of Vienna is exploring how it can enhance existing programs and add programs to retain, replace, and add trees in the Town. The Town realizes that our trees have many benefits. They reduce storm water runoff, which reduces erosion and water pollution. They reduce the effects of flooding and help keep basements dry. Trees can improve a home's attractiveness. Also, wildlife depend on trees for habitat. Trees provide food, protection, and homes for birds and small mammals.

The Town has discussed with you the possibility of a pro bono (that is, free of charge) project where Kirkland & Ellis LLP (Kirkland) and Ramboll US Corporation (Ramboll) would conduct interviews and research to identify tree programs that could benefit the Town, and also benefit other communities seeking to enhance their tree programs. The work product resulting from the project would be publicly available, and would benefit the Town, other communities, and their citizens.

The Town understands that such a project would be subject to the approval of Kirkland's and Ramboll's agreement to undertake the project and subject to the Town agreeing to Kirkland's and Ramboll's standard retention agreements for pro bono projects. Kirkland and Ramboll agree that no fees will be charged to the Town, no invoices or expense reimbursements will be submitted. Additionally, no compensated work will be permitted under this project as this project was not submitted for bids or requests for proposals under the Virginia Public Procurement Act (VPPA) and is not a public contract for the purchase of goods or services under the VPPA.

If you agree to undertake the project, the suggested scope of work would include the following, subject to appropriate revisions and changes as the projects progresses.

1. Overview of Project. Face-to-face and telephone interviews with governmental and non-governmental organizations to identify programs and "lessons learned" that could be replicated in Vienna and other communities to 1) retain trees, 2) replace trees, and 3) add trees. Review laws and ordinances in Virginia, Fairfax County, and other Virginia communities to understand provisions that might be

beneficial for Vienna. Understand and identify challenges relating to tree retention, replacement, and increasing the tree population. Review journal and news articles to identify lessons learned from tree initiatives and programs in other communities.

## 2. Interviews and Research.

Kirkland & Ellis LLP Lead Tasks:

2.1. Tree Laws and Regulations in Home Jurisdictions. Review the Code of Virginia, the Virginia Administrative Code, the Fairfax County Code, Fairfax County Regulations, and the Chesapeake Bay Preservation Ordinance to understand existing laws and regulations applicable to trees.

2.2. Tree Laws and Regulations in Other Virginia Jurisdictions. Use the Virginia Tree Ordinance Library <http://web2.cnre.vt.edu/vtod/resources.html> to review tree laws in other Virginia Jurisdictions to identify and summarize ordinances or provisions that might be beneficial if they were adopted by the Town of Vienna.

2.3. Other County, City and Town Agencies. Interviews with Urban Foresters and Arborist representatives in nearby agencies, including Fairfax County, Northern Virginia Regional Commission, Arlington County, City of Falls Church, Alexandria, Prince William County, Loudon County, and the City of Williamsburg. Interviews would focus on the ordinances and legal programs that have worked in these counties and cities.

2.4 Identify and Summarize Available Virginia State Resources. Interviews with Virginia Department of Forestry, Virginia Urban Forest Council/ Trees Virginia, and Virginia Department of Environmental Quality. The interviews would focus on legal programs that are available or could be enacted for tree preservation.

Ramboll Lead Tasks:

2.5 Town of Vienna. Identify and understand the Town's existing tree programs. Identify and understand the practical and day-to-day challenges the Town faces in this area.

2.6. Non-Governmental Organizations. Interviews with nearby non-governmental organizations (NGOs) whose mission is to preserve or add trees, including Earth Sangha, Fairfax ReLeaf, McLean Trees Foundation, Tree Stewards of Arlington and Alexandria, Arlington Tree Action Group, and Casey Trees (Washington, DC).

2.7. Developers and Homebuilders. Interviews with homebuilders constructing homes in Vienna, including Sekas Homes, Cloud IX Homes, Stahl Homes, Bukont Homes, Fisher Custom Homes, Govan Builders, Clearview Homes, Vienna Development Alliance, Oakview Homes, Staats Developers, Wetherburne Homes, Jefferson Homes, Somerville Homes, JDA Custom Homes, Commonwealth Home Design, Evergreene Homes.

2.8. Utilities. Interviews with representatives of Dominion Energy responsible for tree management and tree trimming policies.

3.0. Findings and Conclusions. Summarize findings and conclusions in a user-friendly report that would be made available to the Town, its residents, and other interested communities.

We appreciate your consideration of this project, and we look forward to hearing from you. If we can be of any assistance in your consideration of this project, or should you have any questions, please feel free to contact me.

Sincerely,