

IDAHO COMMUNITY TREES

News You
Can Use

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Coordinator's Column

Tree Risk Management—Part 1

Understanding Liability

Note: The following information is from 'An Introduction to Tree Risk Assessment for Municipal Officials' webinar by Association of Idaho Cities' attorney Jerry Mason and Oregon Urban and Community Forestry Program Manager Paul Ries. It was sponsored by the states of Alaska, Oregon, Washington, Idaho and the Pacific Northwest Chapter of the International Society of Arboriculture. The presentation in PDF format and the audio (MP3) are available for download at: http://www.idl.idaho.gov/bureau/community_forestry/home/index.htm.

Trees in our communities provide substantial benefits—such as air and water quality, stormwater management, energy savings, public health and increased property values. But they can also pose a risk to public safety. Drivers failing to stop at a stop sign blocked by leaves, people tripping on sidewalks lifted by tree roots, or the impact of a falling branch or tree can all lead to damage to people or property. In Idaho, state law assigns governments the duty of keeping the public rights-of-way safe.

Risk—the possibility of suffering loss or harm—can be managed, however. While it is impossible to keep a city

*Are you a city official, employee or tree board member?
Better read page one carefully!*

completely risk free, it is possible to identify and mitigate the risks most likely to occur and where the consequences may be significant. Though their exposure may be limited under the Idaho Tort Claims Act, municipalities can be sued for negligence should a loss occur on public rights-of-way.

Negligence is composed of the following four primary elements:

- *Duty*—governments are assigned the duty of knowing about and exercising a reasonable standard of care to keep public rights-of-way safe.
- *Breach of duty*—the government body failed to meet the standard of care. It is important to note that absence of training or being unaware that a risk exists can be breaches in themselves.
- *Causation*—this can be direct by actions, or indirect by a failure to act, and can be shared by others.
- *Resulting damages*—usually a financial award to compensate for a loss.

When challenged as to whether a government body has met its duty, the best defense is that a reasonable and appropriate standard of care has been met. That is, the city has educated itself, has written policies in place endorsed by the governing board, and has kept records demonstrating compliance with an appropriate standard of care. If a city has done this and an unforeseeable failure still happens, they are not liable.

There are other defenses as well, including discretionary function immunity (that's better left for an attorney to explain), or that someone else caused the loss or harm. For more information on liability and government, the *Liability Manual* from the Association of Idaho Cities is a good resource. This can be viewed at <http://www.idahocities.org/documentcenter/view/108>.

Since the cost of one lawsuit can far outweigh the cost of decades of tree risk assessment and management, identifying and addressing tree risk issues pays and helps keep our cities safer. The good news is that trees rarely just fail—there are structural and/or health reasons that predispose some trees to failure. In the next issue, I'll discuss basics of a tree risk management program, including standards of care.

– David Stephenson
Community Forestry Coordinator



Photo by Paul Ries

A splitting tree in the right-of-way always places a municipality in danger of liability – especially if it happens to be outside a lawyer's office!

Storms and Trees

by Gerry Bates

In an urban environment, trees are a part of everyone's life. They are crucial for quality of life, beautification, energy savings, and the list goes on and on. That said, does your city, in the event of a serious storm, have a plan to take care of the trees, address public safety, and mitigate tree related issues as efficiently as possible?

Storm events involving violent weather are functions of climatic conditions in Idaho and should be expected to occur periodically. Downed trees, power lines, and wrecked property are major hindrances in getting help to affected property owners. It is essential that emergency crews of tree workers have clear directions on how to get the work done without causing added damage to trees.

The old adage of "plan your work and work your plan" surely applies to storm response in the urban forest. Community leaders need to consult with their city foresters, parks and recreation directors and public works folks to develop a plan to address tree issues related to storm events. Communication is essential. In advance of a storm, city foresters and parks directors should meet with other city departments to work out a plan that addresses tree related issues such as power line clearance, street clearance, and public safety. All public service providers should be involved in the development of a storm related plan.

Essentially, address public safety issues first. Then, work to restore above ground utilities, open major routes of



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Field Contacts

Northern Idaho: Vacant. For assistance, contact the Coeur d'Alene office. Southern Idaho: Gerry Bates, C. F. Ass't., 2445 John Adams Parkway, Idaho Falls, ID 83401. Ph. 208/522-5964 (plantingidaho@gmail.com).

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transportation, and perform hazard abatement of trees that may present immediate risks. City, county and state personnel should all be on the same page and have previously identified responsibilities. Identify the resources that each entity has to address a storm related event. In order to maintain a state of readiness, city foresters should develop a listing of emergency numbers that includes emergency call-in lists for staff, numbers for police, fire, city utilities, and other public services personnel. They should know what municipal equipment is available for tree clean-up operations and have a good idea what equipment is available for rental. Neighboring communities

may have resources to assist in an emergency or you may be able to assist them. Identify a staging area for debris related to the event.

If you would like to know more about storm response planning, please contact either of the Idaho Department of Lands offices listed in the masthead of this newsletter. We can supply examples of effective plans and work with you to develop a plan that is effective and applicable to your community.

Also, check our website at: www.idl.idaho.gov/bureau/community_forestry/techtreeinfo/tti_natural_disaster.htm.

Treasure Valley Canopy Study Update

A major part of the canopy study in Ada and Canyon Counties is now complete. The GIS contractor, Plan-it Geo, has developed geospatial datasets of existing tree canopy, impervious surfaces, grass, bare earth, all building footprints, and 1.8 million possible planting locations within the 240 square-mile project area.

Most exciting are the geospatial tools they developed with input from local project partners. Using an ArcGIS extension called CommunityViz, these tools allow resource managers to prioritize areas where planting will best provide specific benefits while also meeting other criteria. By asking the software to assign trees to the planting sites within these prioritized areas and "growing" them out a specified number of years, the software returns the cumulative dollar value of those trees toward a number of specific benefits over time, including specific air pollutants, stormwater mitigation and energy savings. It's a great way to see the impact of tree planting long-term on a neighborhood, city or region.



Additionally, users can do site-specific cost-benefit analysis. They can “plant” individual trees of various species on a GIS map of their site, and are prompted to enter information on the cost of trees, site prep, planting and annual maintenance. Next, by selecting a future year, the tool will “grow” the trees and calculate the cumulative costs and specific benefits of the trees over that time. Change some of the tree species, add or delete trees, or change the future grow-out year, and the results change instantly to reflect the new information.

This transition marks a new chapter in the Treasure Valley project as area partners begin to use the information and tools to enhance strategic planning, cost-benefit analysis and to inform a variety of great projects already being planned. More information is available from Dave Stephenson.

Gerry Bates Continues his Education

Gerry Bates of Idaho Falls is an experienced arborist and the state’s southern area community forestry assistant. However, like other professionals, Gerry knows that education should never end. Accordingly, he recently attended the Municipal Forestry Institute at Arbor Day Foundation’s Lied Conference Center and became one of about 400 people nationwide who have completed its requirements. Gerry recommends that others in Idaho who work with trees also attend this program that is provided by the Society of Municipal Arborists.

The goals of the Institute are to help urban forestry professionals improve leadership and creative managerial skills that will advance sustainable urban and community forestry. Participants in the week-long program learn to apply resourceful solutions for the management of neighborhood green spaces and rights-of-way. Sending an employee to this Institute is a wise investment.

Does Lack of Trees Kill People?

“There is something fascinatingly mysterious about the entanglement of our health with that of nature,” wrote Lindsay Abrams in online *Atlantic Cities*. In the article, she was describing a study by U.S. Forest Service researchers that discovered a rise in deaths by cardiovascular and lower respiratory illnesses in areas where the emerald ash borer decimated the communities’ tree canopies. The researchers controlled for as many other demographic factors as possible and were unable to explain the correlation between the loss of trees and the increase in human mortality. Numerous other studies have shown a relationship between trees and both mental and physical health, but the direct cause and effect remains a mystery. According to Abrams, environmental psychologists Rachel and Stephen Kaplan noted the connection and attributed nature’s apparent restorative ability to something they termed ‘soft fascination.’

Summer/Fall 2013 Events Calendar

June 19 – 20

Idaho Lands Resource Coordinating Council Meeting, Idaho Falls, ID. Contact David Stephenson at (208) 666-8621 or dstephenson@idl.idaho.gov for more information.

August 3 – 7

International Society of Arboriculture Annual Conference and Trade Show, Toronto, Ontario. Visit www.isa-arbor.com/events/conference/index.aspx for more information and to register.

September 18 – 20

2013 Northern Rockies Tree School – “Risky Business,” Dillon, MT. This excellent conference will include topics on Tree Planting and Establishment, Selecting Trees to Avoid Conflict, Pruning to Minimize Risk, and Using Dogs to Detect Emerald Ash Borers. Visit www.dillontrees.org for more information.

November 5

Society of Municipal Arborists Annual Conference, Pittsburgh, PA. Visit the Society of Municipal Arborists website at www.urban-forestry.com for more information.

November 6 – 7

Partners in Community Forestry Conference, Pittsburgh, PA. Visit the Arbor Day Foundation’s Conference website at www.arborday.org/shopping/pcf/2013 for more information.

Upcoming Exams

Upcoming Certified Arborist (CA), Certified Tree Worker (CTW), Municipal Specialist (MS) and Utility Specialist (UA) written Exams

May 16, 2013	Salt Lake City, UT (CA, UA, MS) ¹
June 1, 2013	Lewiston, ID (CA, UA, MS) ²
June 1, 2013	Twin Falls, ID (CA, UA, MS, CTW written exam) ²
September 21, 2013	Pocatello, ID (CA, UA, MS, CTW/Aerial Lift Specialist written exam) ²

¹For information or to register, contact Utah Chapter, International Society of Arboriculture at (801) 446-8229 or email: Lisa_UCFC@yahoo.com.

²For information or to register, contact Pacific Northwest Chapter, International Society of Arboriculture at 503/874-8263 or 217-355-9411 or email: info@pnwisa.org.

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Tree tip

Tree I.D. Made Easy



Android smart phone users now have access to an amazing new app called vTree. It has fact sheets for 969 woody plants from all over the U.S. and 6,400 color photos. You can narrow down your search for an unknown tree species by entering your address or zip code and answering a series of questions about the tree's leaves, etc. The app was developed at Virginia Tech. Other apps available include:

- Arborist Knots
- Lichen Guide
- Tree Fungi

More information can be found at:

<https://play.google.com/store/apps/details?id=org.pottssoftware.agps21&hl=en>