

U.S. Forest Service Pilot Program At-Risk/Ash Tree Removal and Replanting Program

Policies and Procedures Effective March 15, 2023 (updated February 6, 2024)

Program Overview

The purpose of the At-Risk/Ash Tree Removal and Replanting Program (Program) was originally as follows:

- To provide grant funding for low- and moderate-income (LMI) homeowners to remove at-risk tree(s) from private properties, and
- To replace removed trees on a 1-to-1 basis.

The Program is unique in that funding is available to remove trees located on private property. The U.S. Forest Service provided funding for this Pilot Program in the amount of \$150,000 for a three-year period. The Lincoln Community Foundation has provided an additional \$20,000 in grant funding.

This Program initially applied to at-risk trees, defined as trees that are dead, fatally diseased or structurally weak, as well as trees that have a structural defect making them likely to fail in whole or in part. These trees were prioritized for removal. The Program then expanded to fund Ash tree (including currently living ash trees) removals, in anticipation of the Emerald Ash Borer (EAB) continuing to spread and kill Ash trees across the City of Lincoln.

Initial project funding was expended by the fall of 2022. Additional funding was secured to remove ash trees from private property and replace such removed ash trees on a 1-to-1 basis. Beginning on March 15, 2023, this Program will focus exclusively on ash tree removals. Program requirements are modified as set forth below.

The Program is administered through sub-award agreements among the City of Lincoln Parks and Recreation Department (LPRD), the City of Lincoln Urban Development Department (UDD), and the Board of Regents of the University of Nebraska, a public body corporate and governing body of the University of Nebraska, by and on behalf of the Institute of Agriculture and Natural Resource's Nebraska Forest Service (NFS) at the University of Nebraska-Lincoln (collectively Program Partners).

Within the City of Lincoln, LPRD is responsible for managing the community forest resource. UDD coordinates efforts to increase safe, affordable housing and to support neighborhood vitality within the City of Lincoln. UDD's responsibilities also include managing Lincoln's share of federal Community Development Block Grant funds, as well as other grant program benefiting LMI homeowners.

Program Benefits

Removing mature trees can be costly and beyond the means of many LMI homeowners. Program Partners have recently experienced an uptick in low-income homeowners seeking financial assistance to remove failing trees. This Program provides funding directly to private contractors to remove trees from the property of LMI homeowners. The Program will also provide replacement trees well-suited to the local climate, as well as assistance and education related to selecting, planting and maintaining the replacement trees.

This Program recognizes the impact that privately-owned (1) untreated ash trees, and (2) at-risk trees have not only on the individual homeowner, but also on the community as a whole. Public safety, property values, neighborhood character, and the urban forest canopy are all negatively impacted when homeowners do not remove and replace at-risk trees. Well located and managed trees on private property provide cooling shade to homes, reducing energy costs and increasing property values, and enhance Lincoln's urban tree canopy. A diverse, multi-generational urban forest improves air quality, reduces stormwater run-off, sequesters carbon, and provides wildlife habitat.

Engaging participating homeowners in the planting and care of the replacement trees will ensure participants have ownership in the Program while also expanding Lincoln's urban tree canopy.

This Program will also impact the broader community by supporting local green industry businesses, including tree services and nurseries.

Program Partners will continually evaluate and modify the Program to ensure it is accessible to its target population. This evaluation process will include seeking early feedback from participating homeowners—and adjusting Program policies and procedures as needed, while still ensuring Program Partner accountability. This iterative process will result in a Program that is both tailored to the City of Lincoln and easily replicable/modifiable to meet the needs of other communities.

The Program is consistent with guidance provided in the Emerald Ash Borer Response and Recovery Plan adopted by the City of Lincoln. This plan recognizes the need to identify funding and partners to develop and administer assistance to LMI homeowners seeking to remove ash trees. Program Partners are aware of no other grant programs available to assist LMI homeowners for this purpose. The Program addresses a significant, current unmet need in the City of Lincoln, and this need will grow as EAB continues its trek across the community.

Environmental Review

In developing the Program, Urban Development staff reviewed Environmental Assessment requirements for the Department's federal programs to determine the necessity of completing reviews for the At-Risk/Ash Tree Removal and Replacement Program.

The Nebraska Game and Parks Commission was consulted regarding the Northern Long-Eared Bat. Program Partners contacted the Commission and inquired if the Final 4(d) Rule regarding such bats prohibits or otherwise restricts tree removals. Commission staff advised that the rule does not prohibit tree removals "where hazard trees might cause harm to the public." In cases where a tree is not an immediate threat to the public, Commission staff recommended avoiding at-risk tree removals during the bat's maternity roost season, from June 1-July 31.

Both the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service were also contacted regarding the Migratory Bird Act.

Because at-risk trees are deemed emergencies/hazards that need to be addressed immediately, tree removals can continue throughout the migratory bird nesting season (April 1-July 15) and the Northern Long-Eared Bat's maternity roost season (June 1-July 31).

The removal of ash trees that have not been deemed at-risk will be avoided during the April 1-July 31 time frame, which covers both the migratory bird nesting season and the Northern Long-Eared Bat's maternity roost season.

Nebraska Game and Parks Commission staff also noted that flying squirrels have been documented in Lincoln. Although no conservation measures are necessary at this time for this population, Commission staff asked that if flying squirrels are observed during at-risk tree removals, arborists should contact the Nebraska Game and Parks Commission using the information below:

Jessica L. Tapp
Environmental Specialist III
Planning & Programming Division
Nebraska Game & Parks Commission
2200 N. 33rd Street
Lincoln, NE 68503
Office: 402-471-5554
Email: Jessica.tapp@nebraska.gov

Program Partners will distribute the information above to those licensed arborists who are prequalified to remove at-risk trees pursuant to this Program (see below for Tree Removal Process).

Accessibility

UDD will secure translation/accessibility services for applicants and participating homeowners, as needed, throughout the process outlined below.

Application Form

The application form will include the applicant's name, address, contact information, location of the tree(s) (i.e., front yard, back yard, side yard), and income information. The application form may include more than one tree. Documentation for income verification will be required (see Eligibility Documentation section below).

Applicants must agree to plant and maintain a new replacement tree for each removed tree (provided at no cost through the Program) within one year. The application will include a check box for participating homeowners to request assistance with new tree planting.

The application form will authorize access to the participating homeowner's property for (1) assessment of the subject tree(s) to determine Program eligibility, including the taking of photographs, (2) completion of the work, (2) verification of work completion, including the taking of photographs, and (3) confirmation that a replacement tree has been planted within one year, including the taking of photographs. The application form will also include a checkbox affirming that the participating homeowner acknowledges the following statement:

All trees pose a degree of hazard and risk from breakage, failure, uprooting, or other causes and conditions. As a service to our communities, and in the interest of protecting our community forests, the pilot program provides a Level 1 - Limited Visual Assessment which identifies obvious tree defects. With this assessment, the inspector cannot detect or anticipate every condition that could lead to tree death and/or structural failure. This is not a complete risk assessment of the tree and should not be construed as a comprehensive risk assessment. Any recommendations made as part of this risk assessment cannot eliminate the risk of tree hazard or failure, especially in the event of extreme weather conditions or other unanticipated impacts to the tree.

This statement will be modified, as needed, during the period when the Program focuses on ash tree removals.

Each member of the household of the participating homeowner will be asked to complete an attestation form verifying United States citizenship or legal permanent residency.

Application Process:

Application Submission: An on-line application is available on the UDD website at Lincoln.ne.gov/TreeRemovalGrant (Search: Tree Removal Grant) with links to the application on the LPRD and NFS websites. Applications will also be accepted by telephone at 402-441-8209, or in person at the Urban Development Department at 555 S. 10th, Ste. 205.

Eligibility Standards: Eligible grant beneficiaries are City of Lincoln residents who pay a mortgage or own outright a residential dwelling unit, live in the unit, and have an income at or below 80% of Area Median Income (AMI).

Based on data analyzed by UDD in preparation of federally required plans, the *Lincoln Affordable Housing Coordinated Action Plan*, other local plans and studies, and community development studies nationally, homeownership is typically available to households earning no less than 80% AMI. HUD program requirements for CDBG and HOME funds are also generally for households at 80% AMI. For these reasons, this Program will initially utilize the same 80% AMI standard.

Program Partners will evaluate these standards as the Program progresses and adjust the AMI level, if needed to reach the target populations.

Eligibility Documentation: Ownership and income eligibility will be established by the following means:

1. Proof of mortgage or home ownership – a monthly statement from the financial institution or Deed of Trust in applicant’s(s’) name(s) as identified on the Register of Deeds website. UDD will confirm that every person listed on the deed has signed the application.

2. Income verification – The program will utilize the HUD definition of “annual Income” in 24 CFR 5.609 and will determine household income on either (1) total income for the preceding calendar year, or (2) confirmation of the household’s monthly income at time of application and extrapolated over a 12-month period. Preferred documentation is the preceding year tax return. If not available, other documentation can include a Social Security letter or bank statement showing Social Security income, W-2s or other wage statements, bank statements, or determination by another local, state, or federal government assistance program, including the free and reduced lunch program. When a household’s income is not verifiable, a written attestation regarding income eligibility from the applicant may be accepted.

Tree Assessment to Determine Tree Eligibility:

1. During the period when the Program focuses on ash tree removals only: After an applicant’s(s’) eligibility has been verified, UDD staff will contact a contracted arborist to conduct an assessment to determine if the trees at issue are ash trees. No other assessment will be conducted.

2. If additional funding for non-ash removals is secured: After an applicant’s(s’) eligibility has been verified, UDD staff will contact one of the two TRAQ (Tree Risk Assessment Qualified) contracted arborists to conduct a Level 1—Limited Visual Assessment that identifies obvious tree defects. UDD staff will attempt to assign a roughly equal number of assessments to each contractor.

The contractor will complete the assessment within 14 calendar days after contacted by Urban Development. The participating homeowner does not need to be present for the risk assessment.

Upon completion of the assessment, the contractor will submit the following to both UDD and LPR: (1) the risk assessment documentation or documentation as to whether the tree is an ash tree, (2) certification as to whether the tree meets the definition of a “at-risk tree,” if applicable, (3) documentation indicating the date of the assessment, the species of the tree, and the size of the tree, (4) photos of the tree (“before photos”), and (5) the invoice for the assessment. LPR will pay invoices for tree assessments and seek reimbursement from the NFS, if applicable.

If the assessment concludes the tree is an ash or at-risk, UDD will notify the participating homeowner, provide the list of prequalified arborists licensed to do work within the City of Lincoln, and direct the homeowner to obtain at least two quotes for removal from the arborists on this list. If the two quotes differ considerably, UDD will direct the homeowner to obtain a third quote, as set forth below.

Priority

The Program currently focuses on ash tree removals, as set forth above. If additional funding is secured, the Program may expand to fund the removal of at-risk trees as defined above. UDD will maintain a waiting list of applicants seeking removal of non-ash trees. If a tree assessment determines that the tree at issue is not an ash tree, the homeowner will be placed on the waiting list, pending additional funding.

Program Beneficiaries and Marketing

Special effort will be made to assist Lincoln’s most vulnerable and ethnically diverse residents. GIS analysis will identify homeownership by race, ethnicity, and income. Initial marketing efforts will focus on census tracts with the highest percentage of these characteristics. Marketing may include working with the following partners to publicize the Program and identify potential Program participants:

- Cultural centers
- Social service agencies, including Center for People in Need and Community Action Partnership
- Neighborhood associations
- Department of Aging
- Cause Collective

Marketing materials will be provided in English, Spanish, Arabic and Vietnamese.

Subsequent marketing efforts may include social media postings, press releases, and press conferences.

Tree Removal Process

LPRD will compile a list of prequalified arborists licensed to work within the City of Lincoln. When confirming participation in the program, LPRD will direct licensed arborists to submit documentation to UDD for electronic payment, along with a completed IRS W-9 form.

UDD will provide approved applicants/participating homeowners a list of prequalified arborists licensed to work within the City of Lincoln, as set forth above. The participating homeowner will contact a minimum of two prequalified, licensed arborists for price quotes to remove the tree(s). Quotes should be provided within 14 calendar days (after the arborist is contacted by the homeowner) and should outline the scope of work to be completed, including removal of the tree(s) and grinding of stump(s), and the timeframe for completion of the work. The licensed arborists will send the quotes to both the homeowner and UDD/Loren Roberts at the following email address: lroberts@lincoln.ne.gov). If the

two quotes differ considerably, UDD will consult with Community Forestry, and the homeowner may be directed to obtain a third quote.

UDD will follow up with participating homeowners, requesting an additional quote or directing homeowners as to which licensed arborist(s) they may contact to complete the removal work.

Participating homeowners may choose to seek an additional quote from the list of prequalified, licensed arborists if they are not comfortable working with the arborist(s) providing the quote(s).

The participating homeowners will advise UDD which licensed arborist they select and contact the selected arborist directly to schedule the work.

After the work is completed, the participating homeowner will notify UDD who will, in turn, notify Mike Fallon at LPRD. LPRD will confirm via an on-site visit that the work has been appropriately completed, take photos of the completed removal for recordkeeping (“after photos”), notify UDD when the on-site confirmation is complete, and forward the photos of the completed removal to UDD.

Payment

The licensed arborist is responsible for submitting the invoice to UDD, attention Loren Roberts, 555 S. 10th, Suite 205, Lincoln, NE 68508 or e-mailed to lroberts@lincoln.ne.gov. The invoice should include the following information: reference to the At-Risk Tree Removal and Replanting Program, the participating homeowner(s) name and address, the date the tree was removed and the stump was ground, the name(s) of the qualified, licensed arborist(s) on site during completion of the work, and the cost of the service.

UDD will not process payment of the invoice until (1) LPRD has confirmed the work was appropriately completed, and (2) UDD confirms that the amount of the invoice does not exceed the quote. If both conditions are met, UDD will process the payment, which will be made directly to the arborist electronically within 30 days after the invoice is submitted.

On a quarterly basis, UDD will invoice NFS for reimbursement and submit supporting documentation. Invoices must include the Program name, the participating homeowner(s) name and address, the date the service was completed, the name(s) of the qualified licensed arborist(s) onsite during the completion of the work, and the cost of the service.

Record Keeping

UDD will collect and retain on file the grant applications of participating homeowners, which include the following information:

- Name
- Address
- Household size
- Income
- Proof of home ownership
- Race and ethnicity
- Agreement to terms of Program

UDD will collect and retain on file the tree assessments, quotes for removal/stump grinding, and invoices for the work, which include the following additional information:

- Number and type(s) of tree(s) removed
- The condition of the tree(s) causing removal (if not ash)
- Date of removal
- Specie(s) of removed tree(s)

In addition, UDD will collect and retain on file the following information:

- LPRD confirmation that the tree(s) was (were) removed/that the work was appropriately completed
- Before and after photographs of removed trees
- Type/size of replacement trees

Planting Replacement Trees

Participating homeowners must agree to (1) plant a replacement tree (for each tree removed pursuant to the Program) within one year and maintain the replacement tree, and (2) allow LPRD on site to confirm and document the planting via photos. LPRD will seek and secure grant funding for and/or donations of replacement trees. LPRD will assist participating homeowners in selecting a replacement tree species and securing the replacement tree. LPRD, in cooperation with NFS, will prepare written educational materials for participating homeowners outlining how to plant and maintain a new tree. These materials will reference Arbor Day Foundation information about how to place trees around homes to achieve energy savings. Educational materials will be available in Spanish, Arabic, Vietnamese, and English.

LPRD will seek volunteers to assist participating homeowners in planting and maintaining new trees, if requested. A tree distribution event may be held in the spring and/or fall in cooperation with community partners. Trees will be set aside for participating homeowners.

Participating homeowners will advise UDD when the replacement tree has been planted. UDD will then advise LPRD, which will verify the planting, take photos of the replacement tree, notify UDD what type and size of tree was planted, and forward replacement tree photos to UDD for recordkeeping.

Program partners will follow up with participating homeowners who do not plant a replacement tree within the one-year period. In the unlikely event a homeowner refuses to plant a replacement tree, LPRD will identify a location in the area to plant a tree that will serve as the replacement tree.

Program Outcomes & Goals

Ultimately, this Program seeks to:

- Ensure that the cost to remove an at-risk tree (\$3,000 on average) does not prevent LMI homeowners from removing the tree, and
- Realize at least \$90,000 in eco benefits and avoided costs over the next fifty years. (Initial iteration of Program—removal and replanting of 65 trees anticipated to realize \$93,266 in eco benefits/avoided costs over the next fifty years. Source: I-Tree tool)

To achieve these outcomes, Program partners established the following goals, objectives and strategies:

- Goal 1: Improve tree management equity on private property

- Objective A: Create a grant program for LMI homeowners to fund at-risk and ash tree removals
 - Initial Strategy: Remove at least forty at-risk and ash trees over a two-year period. Update: 65 trees removed over approximately one year. 47 households assisted.
 - Strategy: Remove at least seventy ash trees over the subsequent three-year period.
 - Strategy: Ensure the program is person-centric and minimizes barriers to participation.
 - Strategy: Compare tree removal mapping data with Lincoln Lancaster County Health Department health indicator data to determine if program reaching target areas.
- Objective B: Engage at least three non-traditional community partners in the marketing and implementation of the Program
 - Strategy: Engage social services organizations in program promotion
 - Strategy: Engage faith-based groups, neighborhood groups, and others in replanting and maintenance efforts
- Objective C: Replant trees on participating properties and advise homeowners on management
 - Strategy: Replant trees on a 1:1 basis- “right tree, right place” using quality nursery stock and planting techniques
 - Strategy: Provide education, including publications (translated) and planting/pruning demonstrations.
 - Strategy: Monitor replacement tree during and after the establishment period, with a goal of 95% survival rate.
- Goal 2: Ensure the Program contributes to the economic vitality of Lincoln
 - Initial Objective A: Involve at least 2 local TRAQ qualified arborists in the Program (to assess trees)
 - Initial Strategy: Personal contact with TRAQ qualified arborists in Lincoln to seek their participation
 - Strategy: Keep TRAQ qualified arborists engaged with ash tree focused iteration of Program.
 - Objective B: Involve at least 10 local arborists in the Program (to remove trees). Update: 11 local arborists involved in program.
 - Strategy: Contact all licensed arborists in City of Lincoln to invite their participation in the Program
 - Objective C: Maximize eco-benefits of trees through species selection and placement
 - Strategy: utilize on-line tools to calculate eco-benefits of replacement trees

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