

THE NEW JERSEY SHADE TREE AND COMMUNITY FORESTRY ASSISTANCE ACT

C.59:4-10 Immunity from liability relative to community forestry.

16. a. Except as provided pursuant to N.J.S. 59:3-14, a shade tree commission, or a member of a shade tree commission, or a volunteer participating in a community forestry program as provided for by P.L. 1996, c.135 (C.13:1L-17.1 et al.), is not liable for an injury or death caused directly or indirectly by a tree or shrub, or any part thereof, if: (1) the tree or shrub, or pertinent part thereof, is on public property or on a public easement or right-of-way, or the tree or shrub, regardless of its location, is regulated, planted, cared for, controlled, or maintained by the shade tree commission; and (2) the local government or shade tree commission has participated in and successfully completed a training skills and accreditation program established pursuant to section 6 of P.L.1996, c.135 (C.13:1L-17.6) and has a comprehensive community forestry plan approved pursuant to section 7 of the act.

6. COMMUNITY FORESTRY PLANS

In 1996, the State Legislature passed the New Jersey Shade Tree and Community Forestry Assistance Act. The purpose of the Act is to eliminate liability of local governments associated with injury or death caused by trees that are located on public property or maintained by local governments. The Act was passed because many shade tree commissions were disbanding under the threat of litigation. In order to be eligible for immunity, local governments must have an approved comprehensive community forestry plan and participate in the state's training, skills and accreditation program.

The Act also established a Community Forestry Council, which is made up of volunteers appointed by the State Forester. Each member must have a background in forests, trees, or their management and care. Their mission is to “encourage and assist New Jersey Communities to establish and successfully implement a tree management program by providing them information, financial incentives and educational resources needed to sustain and enhance their forests.”

One of the responsibilities of the Council is to review and approve community forestry plans. The Council has developed a set of guidelines for preparing a comprehensive plan, which is updated as necessary. At the present time, the guidelines for a community forestry plan call for 10 elements. Many municipalities have volunteer staff qualified to prepare their plans. The same services might cost between \$2,500 and \$7,500 if prepared by an outside consultant. Other towns seek outside professionals to write their plans. In either case, the plan lays out a comprehensive approach to community forestry and must be signed by the head of the governing body.

For each town, the community forestry plan will address different issues. In a traditional downtown area, the inventory, planting, and maintenance of street trees may dominate the plan. For rural areas, trees that line rural roads, create and define vistas, and lie within public open space areas may be of primary importance. In this case, the plan may lay out strategies for managing woodlands and hedgerows. The community forestry plan is in essence a plan much like a master plan, and contains goals, strategies, and a plan of action for managing a comprehensive community forestry program. The plan should ultimately be adopted as a part of the master plan (see Chapter 3).

ELEMENTS OF A COMMUNITY FORESTRY PLAN

The ten elements that should be included in a community forestry plan include information about the community and its resources, how these resources are managed, who oversees their management, and what is needed to ensure the long term success of the overall program.

ELEMENTS OF A COMMUNITY FORESTRY PLAN

1. Municipal Information Form
2. Introduction
3. Community Overview
4. Community Forestry Program Administration
5. Community Map
6. Training Plan
7. Public Education, Awareness and Outreach
8. Statement of Tree Budget
9. Statement of Plan Implementation
10. Community Steward Incentive Program (CSIP)



MUNICIPAL INFORMATION FORM

The first element of the plan, the Municipal Information Form, simply provides basic information such as the name of the town and the period covered by the plan. One key part of this element is the Mayor's signature. Without the support of the governing body, the plan cannot be successful. The goal is to have political support eventually include a reliable funding source, staff, grant application support, and volunteer labor support. In all cases, political support is critical to the successful implementation of the community forestry plan.

INTRODUCTION

The introduction element contains the mission statement, goals and objectives, and a brief liability statement. An overview of the community should be included, which discusses history, culture, community values and how they relate to the community's tree and woodland resources. This section contains a general summary of the needs of the community regarding trees and woodlands. It also indicates how the community forestry plan is linked to the master plan, Conservation Element, or open space plan for the municipality.

The community forestry plan should reinforce and expand upon master plan goals to preserve tree and woodland resources in the community. Goals set forth in the community forestry plan should then be reinforced through land development regulations. Shade tree commissions have the power to adopt tree and woodland preservation ordinances independently from other municipal bodies. It is important when forming a shade tree commission to specifically authorize these powers.

ADMINISTRATION

The community forestry program administration element provides information about how community tree resources are currently managed. It includes a discussion of which staff members and community volunteer boards are in charge, their duties, and how they interrelate. An organizational chart is required, along with a statement about how tree service requests are handled in the municipality. The purpose of this element is to gain an understanding of how trees in need of maintenance are or are not handled.

A COMMUNITY FORESTRY PLAN CONTAINS GOALS AND OBJECTIVES

GOAL #2

Document the type, location, extent, and condition of all community forestry resources within the Township of West Windsor.

Objectives:

- A. Conduct an inventory of all individual trees and woodlands located within public rights-of-way, parks, and public facilities with the Township, record a body of specific information about each tree, and document the information using a standard database that allows easy updates, retrievals, sorting, and to the extent practical, coordinate with the Township's G.I.S. system.
- B. Delineate all woodland areas and forest stands (in both public and private ownership), collect specific information at random sample points, and document the information using a standard database that allows easy updates, retrievals, sorting, and to the extent practical, coordinate with the Township's G.I.S. system.
- C. Create a list of trees that may be hazardous and in need of prompt maintenance.

COMMUNITY MAP

The element containing a community map is very straightforward, especially in this age of computer mapping. A basic map shows the municipal boundary, with adjacent municipalities labeled, and streets. A more sophisticated map can show land use/land cover data. This type of data can be downloaded for free from the New Jersey Department of Environmental Protection website. The data is provided in Geographic Information System (GIS) format.

TRAINING PLAN

The training plan discusses the education and training needs of the community. For instance, if no one in the public works department has been trained to properly prune trees, then this is an area where education is needed. In addition, the plan identifies the two municipal representatives, one municipal official and one volunteer, that will attend the core training program and maintain continuing education on behalf of the community.

PUBLIC AWARENESS/OUTREACH/EDUCATION

The importance of community education and involvement is discussed in this handbook. The public education/awareness/outreach element discusses how the community has handled community involvement in the past. Even if there are no outreach programs currently ongoing in the municipality, most towns have done something at some point. This element lays out how past and current efforts can be used successfully to help implement the community forestry plan.

STATEMENT OF TREE BUDGET

The statement of the tree budget is an exercise to help communities understand how the community pays for tree maintenance. Many times, the tree budget is not readily available or evident. The public works manager will invariably be able to explain where emergency tree maintenance is included in the public works budget.

Many public works departments hire qualified private contractors to perform large tree trimming or tree removal projects because some public works departments have limited staff resources and equipment. Documenting how money is budgeted and spent on

maintaining trees and woodlands on public property may be the one of the most difficult aspects of preparing the community forestry plan.

Communities should place a dollar value on the time commitment given by volunteers who serve on shade tree commissions and tree boards. This volunteer asset is often fiscally invisible, and yet it drives local tree programs.

STATEMENT OF PLAN IMPLEMENTATION

The statement of plan implementation is the action plan of the community forestry plan document. The community is asked to outline an action item list, or a plan to accomplish the goals and objectives of the program. The action plan should cover the five-year length of time covered by the plan. The implementation element should cover both short-term action items and long-term issues that need to be addressed.

Typical items might include doing a street tree inventory, a woodland association inventory, preparing an emergency management plan to deal with downed trees after storms, tree hazard identification and maintenance, tree planting, tree care, and public education activities. The action plan need not contain details as to how the items will be accomplished, but it is important to identify all action items. Once these action items have been identified, future grant money may be available from the state to help communities implement their plans.

STATEMENT OF PLAN IMPLEMENTATION

Plan of Action for Year One - March 2000 to February 2001

1. Develop responsibilities and duties for the Shade Tree Committee.

- A. Organize Shade Tree Committee
- B. Review Committee duties, procedures, and projects and establish priorities
- C. Identify a yearly budget
- D. Identify outside funding sources and compile a list of grant opportunities with contact information and application timetables
- E. Apply for community forestry grants on a regular basis

Team

Shade Tree Committee
 Planning Board
 Mayor
 Town Council
 Township Landscape Architect
 Director of Community Development

2. Set up an inventory system for street trees.

- A. Decide which characteristics to inventory
- B. Set up a spreadsheet using Microsoft Excel and G.I.S.
- C. Conduct an inventory in a pilot area to test the system
- D. Enter the inventory data into the computer
- E. Sort the data to be sure the inventory system is adequate
- F. Delineate the Township into phased inventory areas using a street map

Team

Township Landscape Architect
 March Associates Landscape Architects
 Shade Tree Committee
 Mayor
 Town Council
 Township Engineer
 Director of Community Development

COMMUNITY STEWARDSHIP INCENTIVE PROGRAM PRACTICES

Community stewardship incentive program practices (CSIP) are used for grant funding purposes by the state. In the last element of the community forestry plan, communities list specific programs under the heading of each practice that would require funding. For instance, under the public awareness and education CSIP, one town listed: a brochure for the arboretum, educational posters for the arboretum, a brochure for a community memorial tree donation program, a seminar on tree selection and care for community residents, and advertising costs associated with a public awareness and education campaign.

**COMMUNITY STEWARDSHIP
INCENTIVE PROGRAM
PRACTICES**

1. Plan Preparation
2. Public Awareness and Education
3. Assessment/Inventory
4. Tree Planting
5. Tree Recycling
6. Tree-Care Disaster Plan
7. Training
8. Arbor Day Activities
9. Tree Hazard Identification Plan
10. Tree Maintenance
11. Ordinance Establishment
12. Insect and Disease Management
13. Other (i.e. design a street tree master plan)

CSIP #1 Plan Preparation

- Preparation of Community Forestry Plan and future updates

CSIP #2 Training - Refer to page 23

- Core Training for additional Township staff and volunteers
- Continuing Education Units
- Special Training Needs

CSIP #3 Public Awareness and Education - Refer to page 25

- Brochure for Arboretum
- Educational Posters for Arboretum
- Brochure for Community Memorial Tree Donation Program
- Seminar/poster on tree selection and care for community residents
- Advertising costs associated with public awareness and education

Listing CSIP's in the community forestry plan allows the community to apply for CSIP grant funding from the state. Once the community forestry plan is approved and the education requirements for the municipality are met, the community is eligible for CSIP funding.

EDUCATION

In order to participate in the state's training, skills and accreditation program, two representatives of the local government must attend a basic, "core" training program, and maintain continuing education each year after that. One of the government representatives can be an active volunteer or member of a shade tree commission, but the other member must be a staff employee of the municipality. The state offers courses in the north, central and southern geographic regions of New Jersey each year. Core training and continuing education classes are usually offered at the New Jersey Shade Tree Federation's annual meeting, at Rutgers University's Cook College, and by other tree-affiliated organizations throughout the State.

FUNDING

The state has provided grant funding for preparation of community forestry plans, and expects to continue this practice in the future. Once a community forestry plan is approved, and continuing education requirements are met, towns become eligible for other grant funding. The additional funding is to accomplish CSIP's that have been set forth in the approved community forestry plan.

These grant opportunities typically require that the town match the grant amount by a small percentage of the total requested grant amount. The percentage of the grant amount municipalities must match varies from year to year, and usually ranges between 10 and 30 percent of the total amount of the grant request. Volunteer labor can be counted toward the matching amount communities must contribute. Grant money for community forestry is partially funded through sales of the "Treasure our Trees" license plate, so the purchase of this plate contributes directly to supporting community forestry in New Jersey.

Ideally, the community forestry plan is adopted as a sub-element of the master plan. It can be included as part of the Conservation Element or the Recreation Element. It is only one type of tree protection strategy, or tool. The master plan and land use regulations are other types of strategies to use to conserve woodlands in your community. A detailed discussion of specific woodland conservation strategies and tools follows.

