



TREES & THE LAW

BY JULIAN DUNSTER

How often should you assess trees?

Setting a schedule is a function of available time, money and potential damage caused by a failing tree.

A key issue in any due diligence strategy is to have a defensible risk management policy that is reasonable within the constraints of available time and funds. Because negligence is tested by whether or not an incident was, or was not, foreseeable, tree managers wonder how frequently they should be checking their trees. Part of their concern is driven by tree-related damage encountered in storms, which in the aftermath is very visible and triggers public demands for more frequent tree assessments. Politicians, responding to the fear that 'next time it might be worse,' exert pressure by directing staff to ensure the trees are safe. However, in the quest to create a risk-free environment, time and money may be focused incorrectly.

There are no industry standard rules about how often one or more trees should be inspected. A basic starting point will always be to focus attention on the targets—people or property—that are most important and most highly used.

Property targets are not necessarily those with the highest assessed value. In a city or municipality, the highest rated property targets would be those that are most vital for emergency preparedness. Main highways, electrical substations, access points to hospitals, fire stations, police, and other vital service providers, would be the most important points. Next, the main access roads to large urban areas, then the main access roads

within those areas. Beyond that, as many key access roads as seems reasonable or possible.

From a people usage point of view the priority will be the most well-used parts of the downtown core, the busiest parks and recreation areas, and the busiest parts of each well-used park, e.g. the parking areas, the closest trails, play areas, access paths to and from well-used buildings and the car park.

Within any one land use area, say a golf course, the focus would be on car parks, the clubhouse, and the most heavily used areas



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Target Category	Assessment Interval	Assessment Method
Low	5-1 years	Walk or drive by slowly. Note individual trees requiring more detailed assessment if in doubt.
Moderate	2-5 years	Walk by, with assessment of individual trees as required.
High	1-2 years	Walk by and assess all trees within 1.5 times the tree height of actively used sites or property.
Very high use areas and critical access roads	Immediate	Various.
All zones	After severe storms	Drive by and identify extreme risk trees, followed up by more detailed assessments in critical areas in order to establish the priorities for risk abatement.

The guidelines above, adapted from the US Forest Service, were developed for the Pacific Northwest ISA risk course.

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where the number of people, and the duration of their presence, was the highest. Tees and greens have people standing around for a longer period of time than on fairway trails or cart paths where the exposure time to any one tree is less, so the focus is greater in those areas. Parks managers would typically adopt a similar approach, focusing on the most heavily used areas and trails first of all. These scenarios may include a range of public and private lands. Note that it is not always

possible to achieve the same level of risk assessment on private lands when compared to public lands, since private landowners, especially residential home owners, are often less aware of tree risk issues and may be held to a lower standard of care.

While there will always be public and political pressure to check every tree in every location, a sound risk management plan will focus on what is feasible rather than trying to satisfy all interests all the time. An optimal strategy would be to protect the most property and the most people per dollar of expenditure, rather than investing large amounts of time and money in more remote areas. Which is not to say that the latter are unimportant. Protecting people and property is always important, but it is not always feasible to check all sites within a short time frame. And the lower use areas are unlikely to warrant the same frequency of assessment.

Many regions encounter severe storms on a regular basis throughout the year. Given the extent of the land base it is unreasonable to expect that every tree in every setting will be assessed in detail after every single storm. A diligent manager will send out crews trained in risk assessment procedures to carry out a simple drive by or windshield survey of trees in high use areas, right after a storm. But this level of assessment is at best cursory. It is not designed to be a detailed assessment of every tree. Rather, it is intended to spot the most obvious problems identifiable at a glance: partly uprooted trees, hanging

limbs, cracked trunks or limbs, or trees hung up on power lines or other trees.

Looking at the number of deaths occurring due to falling trees and/or falling limbs, it is clear that some of the incidents involved trees that were in very poor condition prior to failure. In some cases, there were failures in locations where one might have expected to see more rigorous assessment protocols in place. Conversely, there are also many incidents where storms cause apparently healthy trees to fail. These would not have been predictable, even if a detailed assessment had been undertaken right before the storm occurred. And, in almost all cases, death or injury due to falling trees or limbs occurs during the storm, not before or after.

A prudent tree risk management strategy will lay out priority areas and assessment intervals as a starting point, and then budget accordingly. With that in place, and assuming it is implemented correctly, the foundations of due diligence will have been established. One caveat in deciding on assessment intervals is to be sure you can deliver on them. For example, creating a policy requiring an annual tree risk assessment looks good on paper, but in the absence of staff time and money, you may not be able to meet the standard you have created. In which case, you may create a setting for negligence simply by being over zealous in intent without the wherewithal to actually follow through.

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