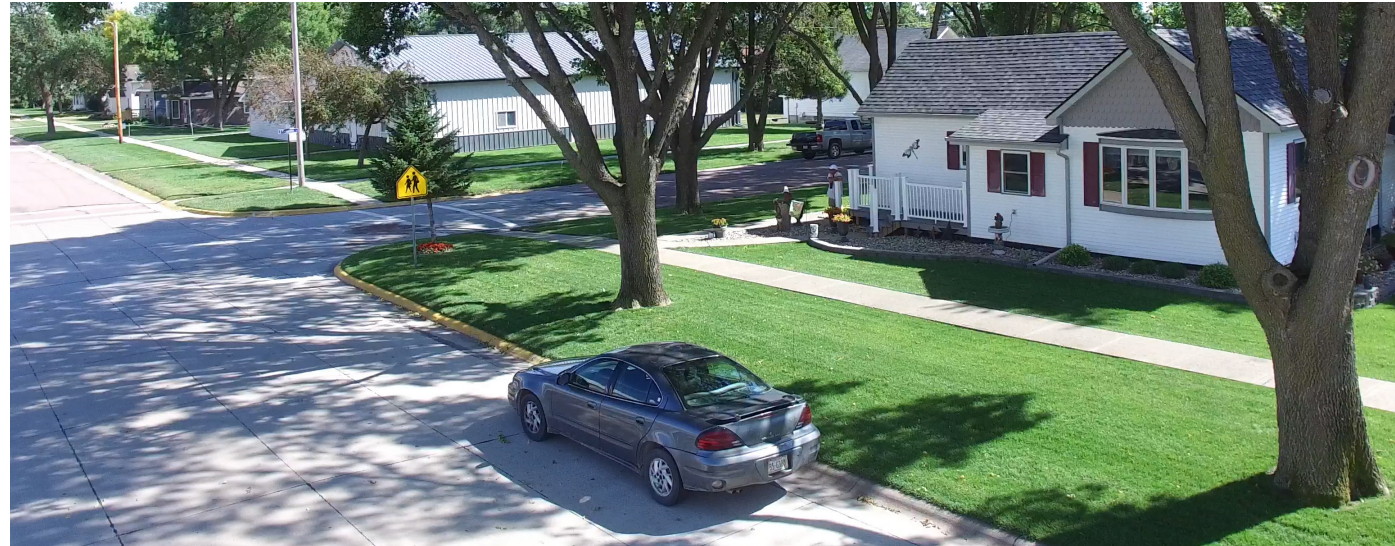


# PUBLIC SAFETY MEETS LIABILITY



A journalist in Rochester, NY reported in 2016 that, “It’s not a hollow threat.” States ahead of Nebraska coping with the loss of ash trees are all too familiar with implications of not addressing publicly owned ash trees. In Missouri, an ash limb broke off in a city park and fractured the skull of a man walking below. In Michigan, a decaying ash tree fell on a passing school bus, sending five children to the emergency room. Clearly, the effects of inaction can have very real consequences.

Treating and removing ash trees to minimize liability doesn’t occur as quickly as needed. Reports from other states suggest that many turn a blind eye in hopes their insurance company will pick up the tab. Because of ad-

vanced warning and countless examples from around the country, this is a gamble they will probably lose.<sup>1</sup>

The first step to getting ahead of EAB is for communities to start tree inventories. Each community needs to know where ash trees are, what condition each is in, and start crafting a city-wide response plan. Infected ash trees left standing, with no mitigation or removal strategy, are serious liabilities.

Over the course of an infestation, this risk only increases. To date, careful planning, early response, and coordinated replanting efforts remain the most effective methods to limit the extent of the natural disaster that Nebraska will experience in the coming years.

1. Orr, Steve. “Update: Irondequoit to cut down infected ash trees.” *Democrat & Chronicle* 8 Sept. 2016

*Cities will have to act fast to prevent damage claims and/or lawsuits due to dead or declining ash trees losing limbs or falling down.*

*-David Bienemann, City Arborist, Bowling Green, OH (2012)*

# EMERALD ASH BORER WHAT LIES AHEAD FOR NEBRASKA



It took 16 years and 26 states, but the dreaded invader commonly referred to as EAB (emerald ash borer) was discovered in Omaha in 2016. While the discovery is significant (searches were ongoing since 2006), the repercussions to the state’s economy remain larger than ever.

The confirmation of EAB puts all of Nebraska’s 44 million ash trees at risk. Over the next 15 years, the vast majority of these trees will disappear from our favorite hunting spots and rural windbreaks. However, an arguably more destructive fate awaits the nearly 1 million ash trees that line communities’ streets, schoolyards and parks. The big question is what can be done about it?

Ash trees can be treated, removed or replaced—but they can’t be ignored. Nebraska Forest Service (NFS) inventories estimate that communities will need to commit more than \$275 million to protect themselves from infested, publicly-owned ash trees. Delaying management only increases response costs as infected trees decay and become more hazardous to remove.

As EAB continues to spread, communities will need to remain even more vigilant. Because of the elusive nature of the insect, local detections can take several years. But once underway, the infestation quickly accelerates and will kill trees in a matter of years.

What can’t be projected are the indirect impacts from an EAB infestation. In a community such as West Point—with more than 440 public ash trees—one severe weather event could send dozens of decaying trees down onto homes, infrastructure and utilities. When so many rural towns are already experiencing tight finances, EAB related liabilities could overwhelm operating budgets and send communities into debt.

**As Nebraska prepares to address this natural disaster, we find ourselves in a unique position. Dozens of other communities and states have shared invaluable insights on how to address the invasion. We know what actions to take; the question is will we respond in time ?**

## ADDITIONAL INFORMATION:

**COMMUNITY RESPONSE PLANNING:**  
Eric Berg, Community Forestry Leader  
Nebraska Forest Service  
eberg2@unl.edu

John Wynn, City Forester  
City of Omaha  
john.wynn@ci.omaha.ne.us

**TECHNICAL INQUIRIES:**  
Dr. Scott Josiah, State Forester & Director  
Nebraska Forest Service  
sjosiah2@unl.edu

**LEAGUE OF MUNICIPALITIES**  
Lash Taffin, Utilities Section Director  
League of Nebraska Municipalities  
LashC@lonm.org

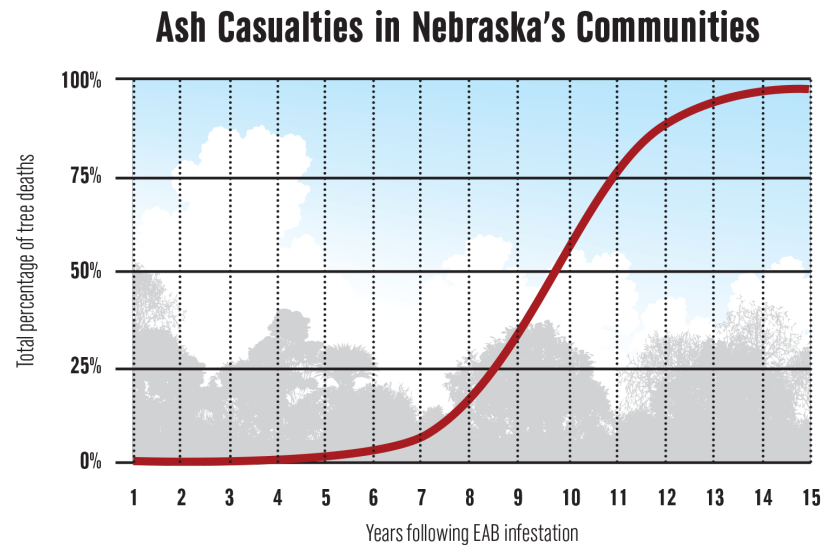
**LEGISLATIVE INQUIRIES**  
William Stock  
Office of Sen. Patty Pansing Brooks  
wstock@leg.ne.gov



# THE COSTS OF INFESTATIONS

# LESSONS FROM THE MIDWEST

**E**merald ash borer (EAB) begins its life cycle almost entirely hidden from view. On average, signs of an infestation aren't discovered until three years or more after EAB has attacked a community's trees. At year five, the rate of tree deaths begins an exponential climb—claiming over half a community's trees by year 10. At 15 years, nearly 100 percent of ash trees are lost. Unless contained—which no state has accomplished—this cycle will repeat westward across Nebraska.



“Doing nothing would be a really bad option. We have gotten the comment, ‘Why don’t you just wait until my tree dies?’ And if we wait til your tree dies there could be so many, there could be thousands and thousands of standing dead trees that we could never get to quick enough.”

-Ralph Sievert, Forestry Director  
Minneapolis, MN (June, 2014)

“Municipalities who contract for tree removal have found that sudden, urgent, high-volume demand for service can make contracted removals more expensive and less available; disreputable firms commonly appear.”

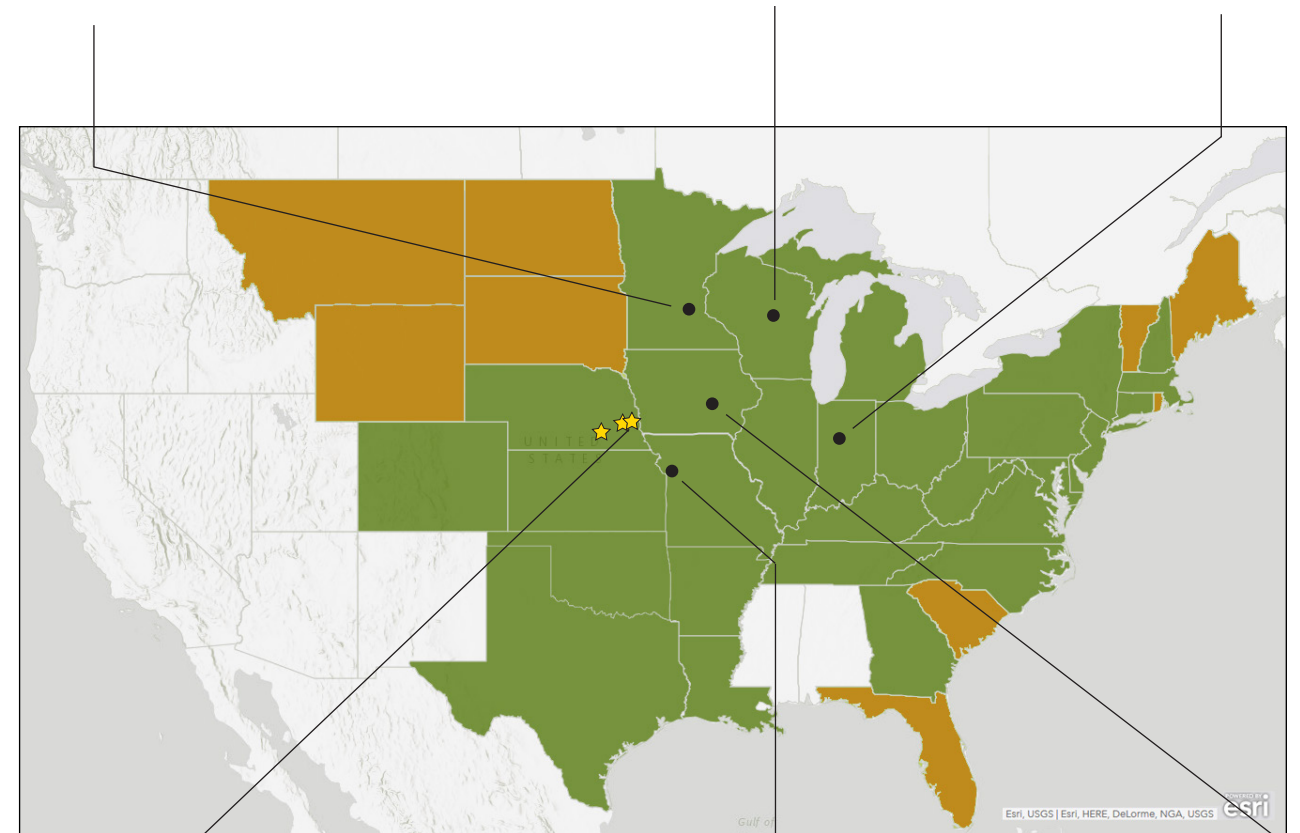
-Wisconsin Dept. of Natural Resources (2013)

“If you know that it’s coming, be proactive. Get your plan in place. Get your budget set. Too few decision-makers realize that trees are infrastructure—just like a city bench, just like a streetlight—and they pay back more than they cost to put in.”

-Chad Tinkel, City Arborist, Fort Wayne, IN (2014)

“It’s a double-hit to taxpayers: first, tax money normally used to run local government is being diverted to remove infested trees from public property; second, homeowners will be paying out of their pockets for private contracts to remove ash from their private property.”

-Dayton Daily News (Ohio) - 3/2/16

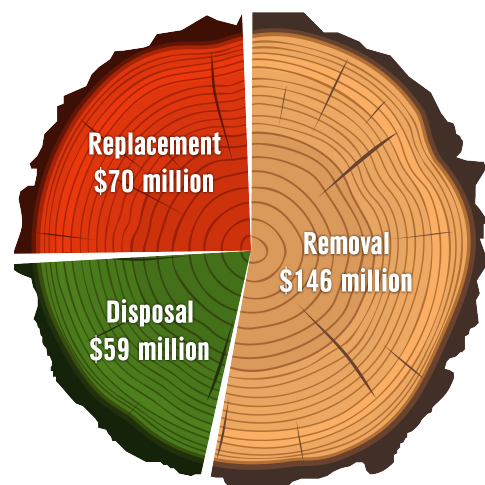


★ Nebraska  
EAB Detections

■ EAB Confirmed

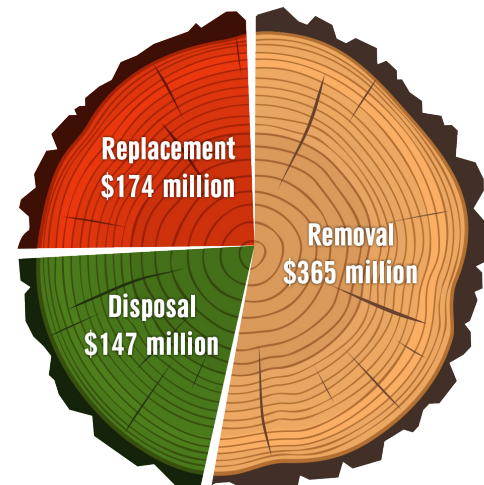
■ EAB Information Available

## TAXPAYER COSTS



**\$275 MILLION | 256,000 TREES**

## HOMEOWNER COSTS



**\$686 MILLION | 640,000 TREES**

“Omaha has been very proactive in preparing for EAB. We completed our inventory three years ago and started removing ash trees in high target areas. If we could have started removing ash trees more aggressively, we would not have to budget up to \$250,000 per year for treatments.”

-John Wynn, City Forester, Omaha (2016)

“We’re not going to stop this beetle. We’re trying to transition through this next 10 to 15 years so that we’re not losing all the trees at the same time.”

-Kevin LaPointe, City Forester  
Kansas City, MO (2015)

“We actually started removing ash trees pretty early using city crews. I believe we were the first community in Iowa to start proactively removing ash and we received quite a bit of criticism for it. Looking back, it was the right thing to do.”

-Todd Fagan, City Arborist, Cedar Rapids, IA (2016)