

Appendix L
Guidelines for Tree Removal and Replacement on State Lands

A. Intent

Cutting of trees for management purposes is encouraged and these guidelines are not intended to stop all tree removal on State-controlled land. Trees causing hazardous conditions or those required to be removed for emergency reasons to permit access, such as dam repair, power line repair, highway damage repair or to prevent the spread of insect and/or disease destructive epidemics are exempted. Volunteer weed trees resulting from wild growth in fences and drainage ditches are also exempted.

B. Definitions

1. State lands – lands owned, leased or controlled by the State of Nebraska.
2. Tree – a woody perennial with the potential to reach a total height of 20 feet or greater.
3. Tree removal – cutting, bulldozing or any other mechanical or chemical method of removing or felling trees.
4. Minimum size – trees of 2” in diameter or 6” in circumference and larger, measuring 4.5’ above the ground, will be covered by these guidelines.
5. Minimum size area – area covered by a single tree.

C. Migratory Bird Impact on Tree Removal

1. Multiple Federal and state laws protect migratory birds in the US and Nebraska:
 - Migratory Bird Treaty Act of 1918 (MBTA) (16 U.S.C. 703-712)
 - Threatened and Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1544)
 - Bald and Gold Eagle Protection Act of 1940 (BGEPA) (16 U.S.C. 668-668d)
 - Nebraska Nongame and Endangered Species Conservation Act of 1975 (Nebraska Revised Statutes §37-801 et seq.)
2. Tree removal between April 1 - September 1 requires survey of tree by qualified biologist or USDA Wildlife Services. . Trees causing hazardous conditions or those required to be removed for emergency reasons to permit access, power line repair, roadway damage repair or to prevent the spread of insect and/or disease destructive epidemics are exempted.
3. Inspections need to be conducted in the early morning to capture bird activity
4. Trees determined to be void of nests must be removed within (3) days of the survey

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D. Replanting

For each tree removed:

1. Trees will be replanted on property controlled by that State agency according to the following table:

Deciduous Trees Caliper (inches)	Coniferous Trees Height (feet)	Min Number of Trees to plant
2 to 4	5 to 10	1
4 to 8	10 to 20	2
8 to 12	20 to 30	4
12 to 20	30 and over	6
Over 20	30 and over	10

2. Tree Type

- a. Deciduous Trees meeting the listed dimension will be replaced with sufficient trees of minimum 2" caliper.

- b. Coniferous trees approved for removal shall be replaced with sufficient coniferous trees of 5' minimum height.

3. Replacement of planted trees will be repeated until there is a 50 percent survival rate (of the original required number) at the end of five years.
4. No non-hazardous live trees are to be removed prior to approval. Dead or hazardous trees (based on condition, not location) will be exempt from these guidelines. Trees and shrubs removed by thinning or other approved management practice to improve tree growth or habitat conditions will be excluded from these replanting guidelines, provided such removal is covered in an approved management plan.

D. Management Plans

The preparation of a management plan is encouraged. These guidelines are designed to prevent unnecessary removal of trees, but not to restrict good management techniques.

E. Applicability

These guidelines shall apply to all agencies, boards and commissions which have the responsibility of managing State-owned real property with the following exceptions.

1. The Department of Roads shall be exempt from this policy as long as a current policy statement exists and is followed that addresses the unique concerns and requirements of highway rights-of-way.
2. Research and demonstration projects need only to have the approval of the agency head responsible and do not require approval of the Governor.
3. Historical and arboretum areas are exempted provided an acceptable master landscape plan has been developed.

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F. Tree Removal/Replacement Review and Approval

1. State Building Division review
 - a. Information to be submitted by the agency shall include, but not be limited to the following:
 - (1) Project description: A brief description of the project and the reason for the tree removal.
 - (2) Site Plan. A scale drawing of the site showing all pertinent site features with the caliper and species of the trees planned for removal. This site plan shall be submitted prior to completion of preliminary architectural/engineering design documents.
 - (3) Replanting list. A list of replacement trees indicating quantity and species.
 - (4) Replanting plan. A scale drawing showing the location of all trees listed on replanting list. This plan must be submitted to the State Building Division within six months of the tree removal approval.
 - b. Items (1), (2) and (3) will be included in the State Building Division report recommendations. Item (4) will be included in the report if submitted with items (1) through (3); if not, item (4) will be attached to the original report when received.
2. Report filed. Copies of the State Building Division's report and recommendations are filed with requesting agency along with a notice of how to proceed (approval/disapproval).