

Oak Hill Tree Disaster

060408

During the middle of April we had a tremendous accidental tree kill in Oak Hill. I want to give you details and request volunteers for a committee to help our community realize the scope of this disaster and seek restitution for our loss. Feel free to forward this email.

Please have anyone interested in helping with a committee contact me at bmelton@earthlink.net reference "Oak Hill Tree Disaster Committee". Those of you that I have corresponded with individually, please reply again with "Oak Hill Tree Disaster" as the subject line.

Details: (more info at: <http://www.datax.com/photos/trees/>)

Development: Bee Caves Apartments
Location: Old Bee Caves Road near Travis Cook Road
Permit Completed: January 22, 2008
Owner: McShane Corp
Developers Engineer: Cunningham Allen
Permitted impervious cover: 18% impervious cover
Site area 18.5 acres
Number of units: 276
Number of parking spaces: 480
Permitted trees to be removed: 400 inches
Total trees removed: 1,400 inches
Number of protected trees to be removed: 0 (zero)
Number of protected trees removed: 20 trees between 19 and 36 inches

<>Definitions from the Tree Protection Section of the Austin City Code (Chapter 25-8, Subsection B):

<>Inches of trees - One inch of tree is equal to one inch of tree diameter measured at the main trunk, four and one half feet above the ground.

<>Type I Trees - Oaks, pecans, elms etc., or any other highly valued tree (a good example is something that one could make furniture from).

<>Protected Trees - A protected tree is any tree greater than 19 inches in diameter (60 inches in circumference).

NOTE: 1000 inches of trees beyond the permitted amount were killed. This is equal to a tree 1000 inches in diameter (83 feet), or 53 protected trees 19 inches in diameter or greater. Grandmother Oak (the tree that Fix290 group saved from TxDOT) is a 52 inch tree I believe.

What happened?

The developer's contractor accidentally cleared these trees. Sounds very fishy, I have been involved with developers who have threatened to do this, BUT I SINCERELY BELIEVE, based on what I know now, that this claim is valid, and the developer is innocent of everything except responsibility. The bulldozer operator/earthwork contractor cleared these trees on a weekend.

This is not necessarily abnormal; contractors work seven days a week. The bulldozer operator/earthwork contractor was apparently very, very inappropriately prepared for his/her responsibility. This act deprived this developer of a very significant attribute to his apartment complex - grand old trees, many - many of them.

Upon discovery Monday morning, the developer shut down the job and called the City's Environmental Inspector. The city was able to catalog every tree; it's type and diameter and compare it with the permit to determine the agreed to estimate, between the City Inspection department and the Developer, of 1,000 inches of trees destroyed beyond the permitted amount.

The City is requiring the maximum mitigation of one inch of replanted tree per one inch of destroyed tree. Typically, the replant for normal tree mitigation when permits are followed is one to four inches or greater, so this is a significant amount of extra trees being required to be replanted. A revised landscape plan, signed and sealed by a registered landscape architect, is being prepared for review and approval by the development team. There is concern that there will be too many trees in the new plan and this will adversely affect the reclamation of the destroyed forest. This will be addressed at the landscape design review phase. The City Arborist as well as the environmental permit review department will review the plans to assure that the proposed forest reclamation will not start off with a bad mix of trees and be poorly situated to thrive.

The City is also using this catastrophe as a learning experience. They are considering requiring new rules such as having an environmental inspector on site during the clearing phase, or having the protected trees marked in an outstandingly clear manner.

Comments:

Thanks To Alan Watts for bring this to the attention of the community, He has some excellent resources here: <http://www.datax.com/photos/trees/> .

The City's environmental inspector Paul Roberts said this was the worst tree kill incident that he has seen in his 13 years at the City.

The Environmental Board of the City of Austin met on Tuesday night the third, and among other things, discussed unrelated amendments to the Tree Protection Chapter of the City Code. Alan Watts was present at this meeting to give the Environmental Board an overview of the Oak Hill Tree Disaster incident. One great irony and one significant realization occurred at this meaning concerning the important trees of our region. The Tree Protection Amendments, up for consideration, included a new designation of an even more important type of tree – the “Heritage Tree”. This is any tree greater than 24 inches in diameter. Removal of this classification of tree is even more difficult than removal of the classification of tree known as protected, which is 19 inches in diameter or greater. The reasoning of course is the even greater age and therefore greater historical and societal significance of these larger trees. The significant realization that

occurred at this meeting was that, when informed of the scope of the Oak Hill Tree Disaster and the response by City Staff, the Environmental Board was *shocked* to hear that no fine had been imposed.

Photos by (and of) Alan Watts:

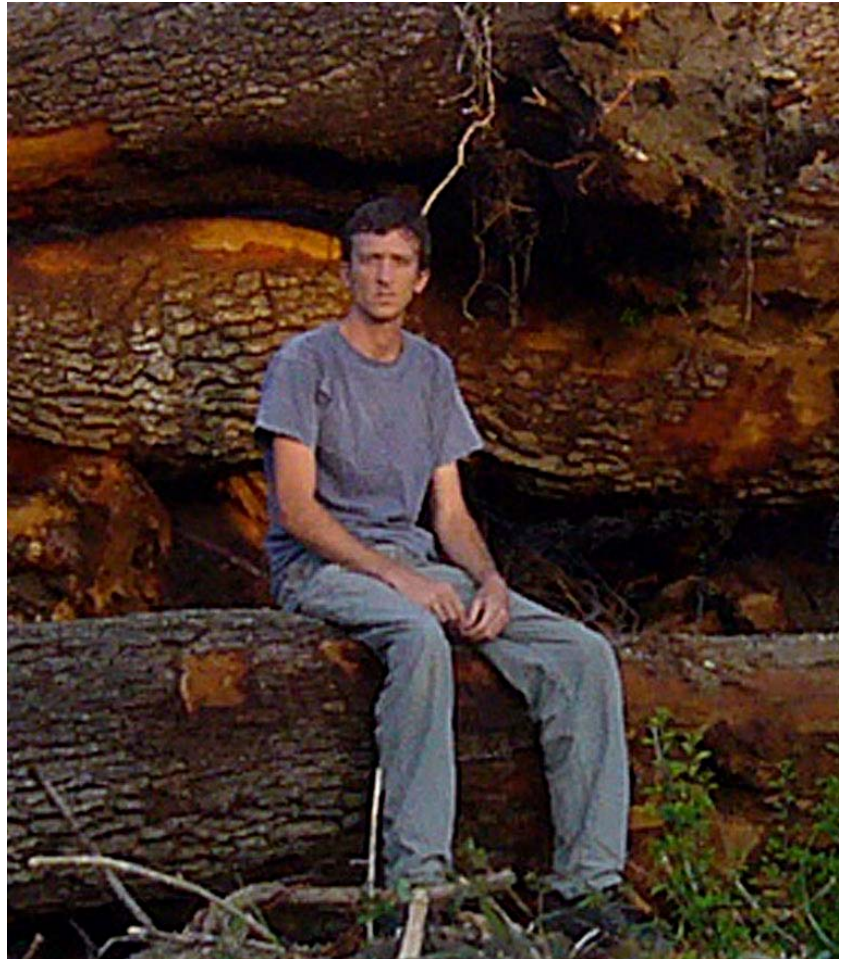


Sadly, Alan reports that the City's environmental inspector says that this is just a small part of the destruction.

I can count five or six, maybe even seven trees in this pile. There were likely three or four or more piles like this or larger. We are trying to get more photos from the City, They have them, lots of them, but public information requests take a while. In greater perspective: if I assume there are 6 trees in this pile and they average 30 inches in diameter (the one Alan is sitting on is about a 24" tree where he is sitting), this is less than 20% of the total of 1000 inches.

I need to make a very important point here about the scope and size of this accident: This great destruction of trees is similar in extent to the devastation that TxDOT's proposed 12 lane super tollway through the heart of Oak Hill would have on the historic trees in the super tollway's path. One thousand (1,000) inches of Type I trees is: 20 Grandmother Oaks, or 53 protected trees. These are Type I trees too - furniture wood, and historically significant because of their great age.

In my experience as a land developer's consultant, tearing down trees (*on purpose*) and putting up buildings and parking lots is a required evil. Permitting requires very specific tree surveying criteria, specific calculations, existing conditions and tree location plans and proposed landscaping plans: all prepared by registered surveyors, registered engineers and registered landscape architects. These documents must then be approved by the City permitting department in a rigorous process often described as being unfair to the developer (generally, but not always, by the developer or those associated with the developer). The City permitting department is as serious about their trees as we are in Oak Hill. But this is just for normal trees (no disrespect intended). Protected trees are a different story entirely.



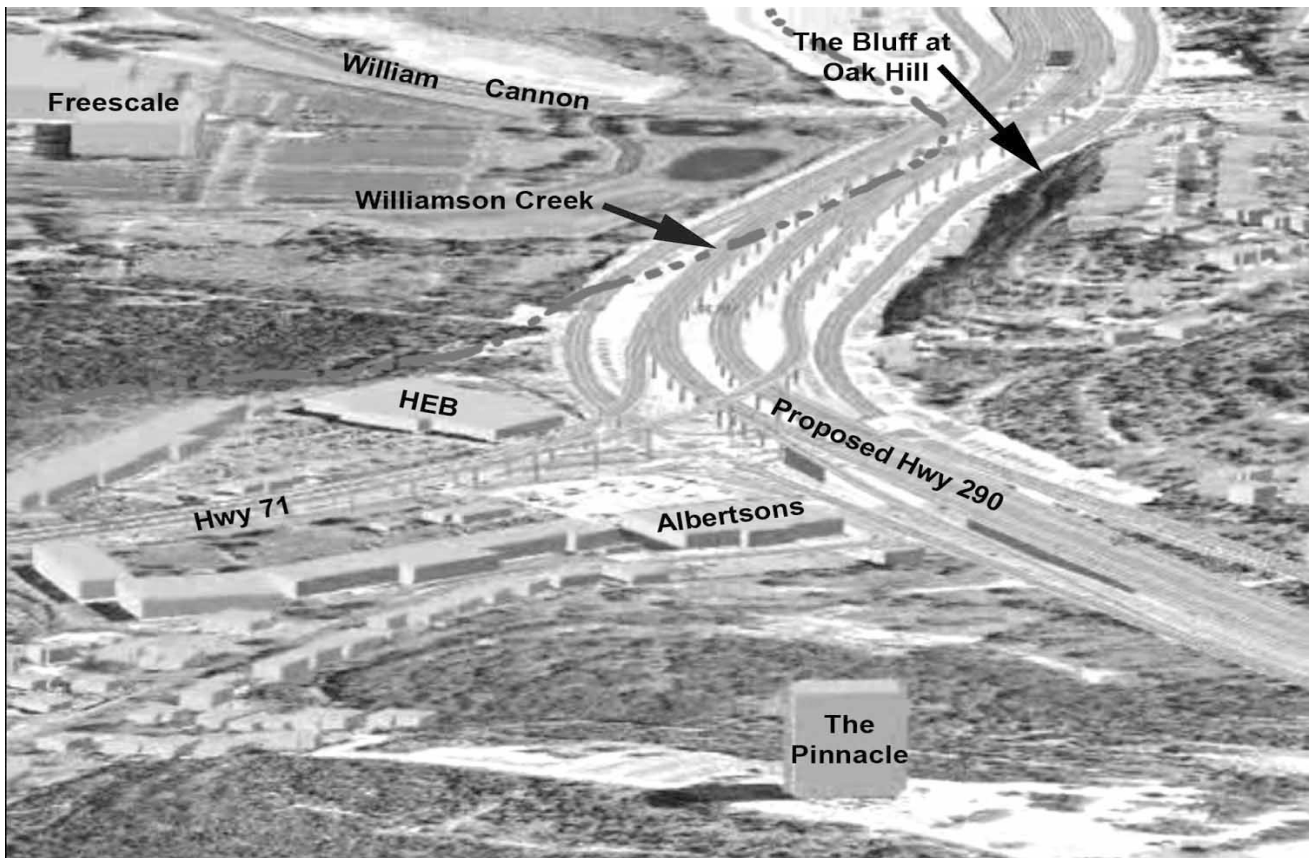
Protected trees, as designated by the Tree Protection Chapter of the City Code to be any tree with a diameter greater than 19 inches, are trees of an uncommonly special designation. In my considerable experience with the City's Environmental Permitting Department, **Do Not Try to Remove a Protected Tree!** It's really amazing the authority that a 19 inch diameter tree has; with good reason too. Generally, at the bare minimum, 19 inch trees are as old as an old, old human. Pecans and elms are (conservatively) 70 or 80 years old at eighteen inches and oaks are usually well over a hundred years old at this size. But growing conditions can cause them to be much older at this size as well. Trees that are 24 and 36 inches in diameter can be 200 to 300

years old, again, much older if growing conditions are not optimal. Some of these protected trees pre-date Austin. Some of trees this size pre-date European explorers who arrived in Texas in the 16th century. This is why the City (and of course the wishes of most citizens of every community) puts such a significant value on protected trees. These trees are antiquities deserving of the highest respect.

This is certainly a disaster for Oak Hill. These trees were to remain here forever as a legacy to our community's name, protected by law, with the respect that they are due.

What do we do now?

This tree issue is just so sad for Oak Hill. It certainly could have been worse if it was not an innocent mistake. It's like entire families have been wiped out. This is Oak Hill for goodness sakes. What makes things worse is the rapid and or proposed destruction of the trees and greenspace left in Oak Hill. It was less than a decade ago that TxDOT destroyed a very significant number of the remaining old oaks in Oak Hill with their extension of highway 290 from Mopac to Joe Tanner Lane next to the ballparks. Let me also ask you to remember that the scope of destruction done in this accident is similar to that proposed by TxDOT in their installation of their proposed 12-lane super tollway and three-level interchange in the heart of Oak Hill (shown in the artist's rendering supplied by TxDOT in the following two images).



TxDOT's 400 to 500 foot wide cross section includes a six lane elevated roadway that extends for a mile and a half through downtown Oak Hill. And absolutely dominates our community. Our small community center will be recreated in the form of the elevated State Highway 183 in North Austin.



The image to the right gives a birds-eye view of TxDOT's proposal from the top of the Pinnacle building. If you look closely William Cannon, HEB, the old Albertson's and Gattitown are labeled. The 400 to 500 foot wide project completely engulfs Williamson Creek, shown as blue line disappearing under the elevated tollway. To create this transportation project, TxDOT proposes to completely eliminate over a mile of Williamson Creek, along with all the trees, the springs, the natural beauty and just about the last remaining bit of character in our community's downtown area.

The Fix290 Group, a community advocacy group fighting for the citizen's rights of Oak Hill, has been able to get a commitment from TxDOT to at least save Grandmother Oak, the big 52 inch oak the intersection of William Cannon and US 290. The reality of this commitment, however, given the scope of the proposed TxDOT roadway, remains to be seen.

OK. So now we know the perilous fate that the oaks of Oak Hill are facing. We know that this accident at the Old Bee Caves Apartments was just that (until proven otherwise), and that the Bee Caves Apartment trees will at least be replaced at the maximum designation in the tree protection ordinance. (The trees destroyed by TxDOT however will just disappear under concrete.)

We know the developer is working with the City permit program to redesign their landscaping plan to meet the mitigation requirements, and that the City Arborist's office and the Environmental Permit Review Program will be reviewing the plan.

But our trees are still gone and precious few remain. How can we be compensated for this loss? How can we assure that this will not happen again?

The Oak Hill Tree Disaster Committee

With the help of the community, I would like to see a subcommittee formed to address this issue. I really have no idea what we could do to get appropriate compensation for our community, so I would like to ask you good folks in the community to help me.

First I think we need to get the conceptual support of OHAN and OHBPA. Then, good faith dictates we approach the developer and discuss this issue with them. I would like to believe that we as a community, together with our leaders at OHAN and OHBPA can come to an agreement with the land owner, in good faith.

Beyond that our alternatives involve discussions with City environmental and legal staff, resolutions from local boards and associations, lobbying City Council and then City Council Action to take the developer to court. These alternatives are not where we want to take this issue, but we have a duty our community, and our region, to insure that our communities future is clear, and our environment is safe, and that developers honorably earn the responsibility that they deserve.

The Worth of this Disaster:

What was the worth of this forest before it's destruction? This is a tough question and it depends on who is asked. However there is some precedent in valuing these large trees. Costs of \$20,000 or more are normal for these giants. This assumption is based on the cost to actually move a tree of this size – assuming of course that there are trees in existence needing to be donated.

In Eagan, Minnesota, a 27 “ tree was moved from a roadway project to City hall in 2002 at a cost of \$55,000. <http://www.ci.eagan.mn.us/live/page.asp?menu=4749>

In Austin the Cost is typically \$75,000 to \$100,000.
http://www.ci.austin.tx.us/news/01/tree_move.htm

The worth of the tree? What is the life of a child worth? a great grandmother? a family pet? a 300 year old building? A mile of creek? The old oaks in a town called Oak Hill?

20 of these trees are worth one to two million dollars (\$1,000,000 to \$2,000,000).

How to Help:

Respond to this email, or write a new email to me at Bmelton@earthlink.net with a subject line of Oak Hill Tree Disaster Committee. Let me know how you can help, and I will put you on a list.

If you can't think of any way that you could help, just let me know you are available. If you can play a key role please make that clear, there will likely be many key roles to play.

I will try to have a meeting before the end of June. We have 2 years to deal with this by City Ordinance requirements, and a lot of fundamental questions still need to be answered.

Please pass this along to others - they don't have to live in Oak Hill or even Austin. They need to know that this kind of tremendous accident can happen in their community, and it does happen from time to time, and we needlessly lose our heritage because of it.

Thanks,
Bruce Melton
512 799-7998