

Chapter 24. Protection of Trees

§ 24-1. TITLE.

[1971 Code § 16-1.1]

This chapter shall be known as and may be cited as the "Environmental Tree Protection Regulations of the Borough of Matawan."

§ 24-2. PURPOSE.

[1971 Code § 16-1.2; amended 5-7-2024 by Ord. No. 2024-09]

- a. The purpose of this chapter is to prevent clear cutting of trees through the Borough, and to restrict the removal of other trees, thereby maintaining the beauty and character of the Borough of Matawan, preventing erosion, controlling action that will substantially change drainage patterns, and restricting any action that could create hazard to persons or property.
- b. It is recognized that there is a strong interrelationship between the integrity of the Borough's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources. Fewer trees throughout the Borough also correlates with increased air pollution. Therefore, the Borough finds that the appropriate management of these resources is an important health, safety and general welfare concern.
- c. Managing the Borough's tree resources is consistent with the New Jersey Urban & Community Forestry Program and the Borough's community forestry management plan. For purposes of this Chapter, the applicable management guidelines to be utilized for tree preservation within the Borough are the American National Standards Institute (ANSI) A300 Tree Care Standards.
- d. Trees are declared to be an important cultural, ecological, scenic and economic resource. As such, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees covered by this chapter, except in accordance with the provisions of this Chapter.

§ 24-3. DEFINITIONS.

[1971 Code § 16-1.3; amended 5-7-2024 by Ord. No. 2024-09]

As used in this chapter:

APPLICANT

Shall mean any person making application to the Tree Conservation Officer for a Tree Protection Permit.

CLEAR CUTTING

Shall mean the removal of all, or substantially all, of any size or type of trees within an area on a lot larger than 500 square feet, or within non-contiguous areas on a lot which have a total combined area greater than 1000 square feet.

DIAMETER AT BREAST HEIGHT (DBH)

Shall mean the diameter of a tree measured at breast height, which is approximately three and one-half (3.5) feet above the ground. The diameter of a multi-trunked tree shall be 2/3 of the sum of the diameters of all trunks but not less than the diameter of the largest trunk. Diameter shall be calculated to be 1/3 of the circumference for the purpose of this definition.

EMERGENCY

Shall mean any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger or hazard to person or property.

MITIGATION PLAN

Shall mean a plan prepared by a qualified person acceptable to the Tree Conservation Officer showing the planting of replacement trees on the property on which a restricted regulated activity is taking place or on other properties within the Borough. Said plan must depict, in a manner acceptable to the Tree Conservation Officer scheme for the ultimate full replacement of trees removed.

ORNAMENTAL TREE-SEE TREE, ORNAMENTAL**PERMITTEE**

Shall mean any person who has been issued a permit pursuant to the terms and conditions of this chapter and who is obligated to fulfill all the terms of this chapter.

PERSON

Shall mean any person, firm, partnership, association, corporation, company, or public or private organization of any kind other than those exempted from the provisions of this chapter.

SIGNIFICANT SPECIMEN TREE

Shall mean any tree or ornamental tree with a diameter a breast height (DBH) exceeding 75% of that of the largest similar tree listed in either of these references: Monmouth County's Largest Trees, prepared and annually updated by the Monmouth County Shade Tree Commission or New Jersey's Big Trees, prepared and updated biannually by the Division of Parks and Forestry of the New Jersey Department of Environmental Protection.

SPECIMEN TREE

Shall mean any tree or ornamental tree which is not a Significant Specimen Tree and which has a diameter at breast height (DBH) of 18 inches or more.

THINNING

Shall mean the removal of undesirable, competitive, diseased or damaged trees so as to improve the development of the remaining trees on a lot.

TREE

Shall mean any living deciduous or coniferous (evergreen) tree with a normally anticipated mature height of 20 feet or greater (including, but not limited to: Norway, Red, Silver or Sugar Maple, Sweetgum, London Plane, American Sycamore, White, Red or Pin Oak, American Elm, Yellow or White Poplar, Copper Beech, Cedar Spruce, Pine, fir or Hemlock).

TREE CONSERVATION OFFICER

Shall mean the person designated by the Shade Tree Commission to administer and enforce this chapter. If no such person is designated, the Borough Clerk or the Clerk's designee, shall act as Tree Conservation Officer.

TREE EXPERT/INSPECTOR

Shall mean a specialist in trees or tree care whose qualifications are acceptable to the Tree Conservation Officer.

TREE, ORNAMENTAL

Shall mean any living Dogwood, American Holly, Native Laurel and any other small decorative tree with a normally anticipated mature height of six feet or greater (including, but not limited to: Birch, Japanese Maple, Cherry, Crabapple, Magnolia, Bradford Pear and Willow).

§ 24-4. REGULATED ACTIVITIES AND TREE REPLACEMENT REQUIREMENTS.

[1971 Code § 16-1.4; amended 5-7-2024 by Ord. No. 2024-09]

- a. The activities described in this section and any substantially similar activity are regulated activities:
 1. Removing, causing or permitting the removal of any significant specimen tree.
 2. Removing, causing or permitting the removal of any tree having a trunk diameter of six inches DBH or larger.
 3. Removing, causing or permitting the removal of any ornamental tree have a size as follows:
 - (a) One inch DBH or larger for any Dogwood (*Cornus Florida*) or American Holly (*Illex Opaca*).
 - (b) Three inches or larger root crown diameter for any Native Laurel (*Kalmia Latisolia*);
 - (c) Two and one-half inches DBH or larger for any other ornamental tree.
 4. Clear Cutting areas which total more than 20% or a lot or on slopes steeper than 15%.
 5. Undertaking, causing or permitting any activities including occupancy, grading, demolition or construction on, or adjacent to any lot which may damage; or otherwise causing or permitting any damage, injury or disfigurement to any tree or ornamental tree described hereinabove.
- b. Tree Replacement Requirements.
 1. Any person who removes one or more street tree(s) with a DBH of 2.5 inches or more, unless exempt under Section **24-10**, shall be subject to the requirements of the Tree Replacement Requirements Table below.
 2. Any person who removes one or more tree(s) with a DBH of six inches or more, unless exempt under Section **24-10**, shall be subject to the requirements of the Tree Replacement Requirements Table.
 3. Replacement tree(s) shall:
 - (a) Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Requirements in the table below;
 - (b) Be planted within 12 months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;
 - (c) Be monitored by the applicant for a period of two years to ensure their survival and shall be replaced as needed within 12 months; and
 - (d) Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table		
Tree Removed (DBH)	Tree Replacement Requirement(s)	Mitigation Fee
DBH of 2.5" (for street trees) or 6.0" (for non-street trees) up to 9.99"	Replant 1 tree with a minimum tree caliper of 2.0"	\$340 per Removed Tree

Tree Replacement Requirements Table		
Tree Removed (DBH)	Tree Replacement Requirement(s)	Mitigation Fee
DBH of 10" to 13.99"	Replant 2 trees with minimum tree calipers of 2.0"	\$680 per Removed Tree
DBH of 14" to 17.99"	Replant 3 trees with minimum tree calipers of 3.0"	\$1,200 per Removed Tree
DBH of 18" to 21.99"	Replant 4 trees with minimum tree calipers of 3.0"	\$1,600 per Removed Tree
DBH of 22" to 25.99"	Replant 5 trees with minimum tree calipers of 3.5"	\$2,400 per Removed Tree
DBH of 26" or greater	Replant 6 trees with minimum tree calipers of 4.0"	\$2,880 per Removed Tree

4. Replacement Alternatives. If the Tree Conservation Officer determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - (a) Plant replacement trees in a separate area(s) approved by the Borough.
 - (b) Pay the Mitigation Fee for the removed tree size(s) based on the fee schedule in the Tree Replacement Requirements Table hereinabove. All such fees shall be placed into the Shade Tree Trust Fund.

§ 24-5. PERMIT REQUIRED.

[1971 Code § 16-1.5]

No person shall engage in, nor allow, permit or direct any person to engage in, any regulated activity as defined in Section **24-4** above unless a Tree Protection Permit is first obtained from the Tree Conservation Officer.

§ 24-6. PERMIT APPLICATION PROCEDURE.

[1971 Code § 16-1.6; amended 5-7-2024 by Ord. No. 2024-09; 10-1-2024 by Ord. No. 2024-21]

- a. Application for a Tree Protection Permit shall consist of:
 1. A fully and accurately completed application form provided by the Borough.
 2. A Tree Removal Plan in sufficient detail to identify the nature and limits of all regulated activities including the location, species, diameter and estimated height of all tree removals and the limits of all existing or proposed principal or accessory structures in relation to any removals. For removals of five or fewer trees on a lot where the principal use is an existing single-family dwelling, the Tree Removal Plan may be provided using a legible sketch, a tax map reproduction, a copy of an existing survey or similar drawing with field measurements and dimensions provided by the property owner or the owner's agent. For other removals, the Tree Removal Plan shall be prepared by a qualified professional, acceptable to the Tree Conservation Officer.
 3. A narrative description of the property owner's reason for removing the trees, including a description of any alternate considered.
 4. A signed evaluation and recommendation from a tree expert, whose qualifications are acceptable to the Tree Conservation Officer, shall be provided if the reasons for the removal include the removal of dead or diseased trees or a horticulturally advantageous thinning or an overgrown area.

5. A Tree Protection Permit application fee:
 - (a) Thirty-five (\$35.00) dollars for applications proposing removal of five or fewer trees on a lot containing an existing single-family dwelling.
 - (b) One hundred fifty (\$150.00) dollars for applications proposing removal of six or more trees on a lot containing an existing single-family dwelling; or
 - (c) One hundred fifty (\$150.00) dollars plus twenty-five (\$25.00) dollars per tree removed, for all other applications.
 - (d) Fees may be waived or modified by the Borough Council for charitable, public or quasi-public agencies or for eleemosynary institutions or in unusual and exceptional circumstances, i.e. disease, safety or under wires.
6. The applicant will place or cause to be placed, in a highly visible manner, a one inch wide yellow ribbon, which may be obtained from the Tree Conservation Officer, around the trunk of each tree to be removed, to aid the Borough in evaluating the proposed removals.
7. The Tree Conservation Officer of Matawan may seek the advice of such Borough officials, agencies, committees, boards and commissions, as Tree Conservation Officer may believe necessary in evaluating a permit application.
8. After evaluation of an application, the Tree Conservation Officer, will take one of the following actions within the time set forth.
 - b. If the Tree Conservation Officer determines that the permit application is incomplete, unclear, inaccurate or otherwise deficient, the Tree Conservation Officer shall so advise the applicant and return the permit application within 30 days of the date of application. The applicant may revise, supplement and/or resubmit the application, which will then be treated as a new application except no additional fee is required. An applicant may elect not to resubmit a returned application and, in such case, may request refund of 50% and any fee paid.
 1. If Tree Conservation Officer determines that the proposed regulated activity is permitted or prohibited by the standards set forth in Section **24-7**, a permit shall be, respectively issued or denied within 30 days of the date of application.
 2. If the Tree Conservation Officer determines that the proposed regulated activity is restricted by the standards set forth in Section **24-7**, the application will be referred to the Unified Planning Board for review and recommendation pursuant to N.J.S.A. 40:55D-26b(3) within 60 days of the date of application.
 3. In issuing permits under this chapter, the Tree Conservation Officer may impose reasonable permit conditions necessary to effectuate the purposes of this chapter.
 - c. Any person who wishes to appeal any decision taken by the Tree Conservation Officer in the administration and/or enforcement of this chapter may, within 10 business days of the date of action of the Tree Conservation Officer, appeal to the Unified Planning Board. The Unified Planning Board may establish procedures to hear such appeals and shall render a decision affirming, reversing and/or modifying the decision or action of the Tree Conservation Officer within 90 days of the date of appeal. In hearing such appeals, the Unified Planning Board may seek the opinion of the Shade Tree Committee, the Environmental Commission or any other State, County or municipal agency or official.

§ 24-7. REVIEW OF APPLICATIONS.

[1971 Code § 16-1.7]

- a. When reviewing applications, the Tree Conservation Officer will, after inspecting the site, evaluating soil, grading, drainage and other conditions on the site and adjacent properties and consulting with

such other officials, agencies, committees, boards and commissions as the Tree Conservation Officer deems appropriate, determine if the regulated activity proposed is prohibited, permitted or restricted in accordance with this chapter.

1. Prohibited Regulated Activities include:

- (a) Clear cutting areas, outside of the limits of removal permitted by Section **24-7a2** which, in the aggregate, exceed 40% of a lot.
- (b) Removal of a significant specimen tree.
- (c) Any action which will substantially increase the potential of erosion.
- (d) Any action which will substantially change drainage patterns.
- (e) Any action inconsistent with other land use approvals or regulations affecting the site.
- (f) Any action which would create a potential hazard to persons or property.

2. Permitted Regulated Activities include:

- (a) Tree Removal within a line drawn 15 feet outside the limits of any existing principal structure of any proposed principal structure for which site plan approval has been granted or a valid building permit or other necessary municipal approval exists.
- (b) Tree removal within a line drawn five feet outside the limit of any existing accessory structure or any proposed accessory structure for which site plan approval has been granted or a valid building permit or other necessary municipal approval exists.
- (c) Any action, including tree removals, required or permitted pursuant to subdivision, site plan and/or variance approval granted by a municipal agency acting under the Municipal Land Use Law and local ordinances.
- (d) Removal of dead, dying or diseased trees or which constitutes a horticulturally advantageous thinning of an existing overgrown area.

3. Restricted Regulated Activities Include:

- (a) All regulated activities, which are neither prohibited nor permitted, are restricted. Applications may propose a combination of prohibited, permitted and restricted activities. In such cases, the Tree Conservation Officer may segregate the activities proposed and each type of activity.
- (b) The Unified Planning Board shall consider these factors in making a recommendation to the Tree Conservation Officer concerning a restricted regulated activity:
 - (1) Whether the proposed cutting or removal would impair the growth and redevelopment of the remaining trees on the applicant's property or adjacent property.
 - (2) Whether the proposed cutting or removal would change existing drainage patterns.
 - (3) Whether the proposed removal would allow soil erosion or increase dust.
 - (4) Whether the proposed removal would constitute a significant change in the screening between existing or proposed buildings on contiguous lots or the aspect of the lot as viewed from the adjacent public road.
 - (5) The overall effect of removal of such tree(s) on the physical and aesthetic value of the property and the neighborhood.
 - (6) Whether proposed changes in the topography of the area where such tree(s) are located will have a land configuration which shall be deemed injurious to the trees or

other trees located nearby so as to require welling, construction of an aerification system, or tree removal or replacement.

- (7) Whether a Mitigation Plan is required. The purpose of such a plan shall be the ultimate replacement on the property of the trees being removed, giving due consideration to a reasonable maturity period for new plantings, and the maintenance at all times of at least 20% of the existing trees on a lot in the existing state.
 - (8) Whether alternative plans, which eliminate or reduce undesirable impacts, but provide reasonable use of the property are possible, technically practicable and financially feasible. In particular, the Board will consider if the removal of any specimen trees, which are not significant specimen trees, is unavoidable and whether clear cutting, in excess of 20% of lot area but 40% or less of that portion of a lot outside of the limits of removal permitted by Section **24-7a2** is unavoidable.
 - (9) Whether reasonable application of the standards of this chapter create a substantial hardship for the applicant, prohibiting reasonable use of the property consistent with the Planning and Development Regulations, and whether, therefore, one or more of the standards should be waived.
- (c) The Tree Conservation Officer shall give due deference to the recommendations of the Unified Planning Board with regard to an application for a permit to allow a restricted regulated activity. The Tree Conservation Officer may only act contrary to, or significantly modify, the recommendations of the Unified Planning Board if the Tree Conservation Officer finds that the recommendations are based on incomplete or inaccurate information, are unreasonable or impracticable or would produce results contrary to the intent of this chapter. The Tree Conservation Officer shall provide the Unified Planning Board with a copy of the Tree Conservation Officer's final action on all permits for a restricted regulated activity.

§ 24-8. PROTECTION OF EXISTING TREES.

[1971 Code § 16-1.8]

In connection with any construction, subsequent to tree clearing but prior to the start of other construction, snow fencing or other protective barrier acceptable to the Construction Official and/or Tree Conservation Officer, shall be placed around trees that are not to be removed. The protective barriers shall be placed at least ten (10') feet from the trunk of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

§ 24-9. EMERGENCY ACTION.

[1971 Code § 16-1.9]

In the event of an emergency, any person, otherwise subject to this chapter, having responsibility, jurisdiction and/or authority to cure, remedy or mitigate dangerous, hazardous, inconvenient, unhealthy or obnoxious conditions resulting from the emergency may, without first applying for and obtaining a permit under this chapter, take any lawful action which is otherwise a regulated activity. However, such person or the agent or designee of such person shall apply for a Tree Protection permit not later than the end of the second succeeding business day after any regulated activity takes place and may not proceed with non-emergency work including restoration until a permit is obtained.

§ 24-10. PERSONS EXEMPT.

[1971 Code § 16-1.10]

This chapter shall not apply to regulate activities by:

- a. The Borough or those acting under the control and direction of the Borough including any person acting pursuant to a specific agreement of contract approved by the Borough Council.
- b. Federal, State or County agencies or those acting under their control and direction.
- c. Entities, having by their charters and the Laws of the State, authority to engage in a regulated activity without the consent of the Borough but only insofar as the purpose to which such authority extends; in all other respects, such entities shall comply with this section.
- d. Commercial nurseries and similar established legally operating uses.
- e. Properties operating under a silviculture or forestry management plan approved by the State of New Jersey.
- f. Utility companies with public rights-of-way when such companies are operating under the jurisdiction of the public agency controlling the right-of-way.

§ 24-11. VIOLATIONS AND PENALTIES.

[1971 Code § 16-1.11]

- a. Any person who violates any provision of this chapter shall, upon conviction thereof in Municipal Court, for a violation of any provision of this chapter, be liable to the penalty stated in Chapter 1, Section 1-5.

Each instance of engaging in a separate regulated activity, including specifically each tree removed, in the violation of this chapter shall be deemed a separate offense.

- b. In addition, the Borough may institute civil action for injunctive or other relief to enforce the provisions of this chapter including requiring the replacement of all trees illegally removed and/or, at the option of the Borough, the payment of a contribution to allow equivalent mitigation on public land.

§ 24-12. PLANTING, CONTROL, PROTECTION, REGULATION AND IMPROVEMENT OF TREES UPON PUBLIC STREETS, HIGHWAYS, RIGHTS-OF-WAY AND PUBLIC PLACES.

§ 24-12.1. Definitions.

[Ord. No. 13-03]

BOROUGH ARBORIST

Shall mean the Borough of Matawan Arborist or someone designated by the Borough to perform the duties of the arborist.

PERSON

Shall mean every person, firm, association, partnership, and corporation.

PLANT CONSTRUCTION AS APPLIED TO PUBLIC UTILITY COMPANIES

Shall mean poles, wires, cables, sub-surface conduits, pipes, manholes and appurtenant facilities of such companies installed in a street.

PUBLIC UTILITY COMPANY

Shall refer to a public utility as defined in the Revised Statutes of the State of New Jersey (R.S. 48:2-13).

SHADE TREE COMMITTEE

Shall mean the Shade Tree Committee of the Borough of Matawan.

STREET

Shall mean:

1. Public rights-of-way
2. Municipal parks and fields
3. County roads
4. State highways

TREE

Shall be defined as any living deciduous or coniferous tree with a normally anticipated mature height of 20 feet or greater.

§ 24-12.2. Mission Statement.

[Ord. No. 13-03]

The mission of the Community Forestry Plan is to protect the Borough's existing trees, to provide methods to increase their numbers and to maintain healthy trees, which would reduce damage and hazards to residents while providing great environmental benefit. The implementation of this Plan will result in a more healthy and safe community forest resource.

§ 24-12.3. Goals and Objectives.

[Ord. No. 13-03]

- a. Complete a comprehensive forest inventory of the municipality if funding is available.
- b. Create a computerized data base to tract and prioritize plantings and tree work if funding is available.
- c. Apply for grants to implement the recommendations of the Community Forestry Plan.
- d. Complete a hazard tree survey, if funding is available.
- e. Conduct regular surveys to gauge overall forest health and individual tree health.
- f. Work with JCPL and other utilities to prioritize and implement acceptable utility clearing which will reduce and prevent above ground and below ground conflict with utilities.
- g. Prioritize tree pruning and tree removals by developing and implementing an efficient hazard tree program and protocols.
- h. Establish and implement an efficient and adaptable response system to tree related complaints.
- i. Establish and implement an efficient and adaptable response system to tree related complaints. Taking into account future conflict with above and below ground utilities to select proper tree species based on site conditions.

§ 24-12.4. Required Permits (Non-Utility Operations).

[Ord. No. 13-03]

- a. No person shall do any of the following acts to any tree on a public street without obtaining a permit:
 1. Cut, prune, climb with spikes, break, damage, remove or kill.
 2. Cut, disturb, or interfere in any way with any root.
 3. Spray with any chemical.
 4. Fasten any rope, wire, sign, or other device. (Nothing herein shall prevent any government agency from affixing in a manner approved by the Shade Tree Committee a public notice upon a tree in connection with administering governmental affairs.)
 5. Remove or damage any guard or device placed to protect any tree.
 6. Place or distribute chemicals, including, but not limited to salt deleterious to tree health.
 7. Plant any tree on a street.
 8. Remove soil, either for trenching or otherwise.
 9. Conduct razing, removal or renovation of any structure if deemed to be damaging to neighboring trees.
 10. Construction new sidewalks and/or driveways with any material whatsoever within five feet of a tree.
- b. Non-emergency request to permit actions identified in paragraph a above, items 1 through 7 should be directed to the Borough Arborists, the Shade Tree Committee or the Department of Public Works. Emergency requests should be directed to the Borough Arborist or Department of Public Works.
- c. Requests to permit other actions should be directed to the appropriate Borough of Matawan agency.

§ 24-12.5. Required Permits: Utility Operations; Exceptions.

[Ord. No. 13-03]

- a. The Borough Arborist or Department of Public Works may grant to a public utility company a blanket permit for (1) tree pruning for line clearance, and (2) for the installation and maintenance of sub-surface and above ground plant construction if there is inference with or endangerment to trees. The Borough Arborist of Department of Public Works shall notify the Borough of Matawan Administrator and the Shade Tree Committee whenever such a permit is granted.
- b. Public utility companies may, during periods of emergency, without specific prior permit approval (1) install temporary attachments to trees and (2) make emergency sub-surface repairs.
- c. Each public utility company shall exercise reasonable diligence in the maintenance of its plant construction so as to avoid damage to trees under the jurisdiction of the Shade Tree Committee.

§ 24-12.6. Violation and Fines.

[Ord. No. 13-03; amended 5-7-2024 by Ord. No. 2024-09]

- a. Any person found guilty of violating any of the provisions of these regulations shall, upon conviction by the Municipal Court or other judicial court of competent jurisdiction may be fined a sum of not

exceeding \$1,500 for each offense. Each day after the notification any violation of this section shall continue shall constitute a separate offense.

- b. In addition to the fine of \$1,500 referred to in paragraph a above, the Borough of Matawan may impose an additional civil penalty of an assessment paid to the municipality based upon the value of the tree as determined by a Certified Tree Expert or a trained forester or by a formula of not exceeding \$40 per square inch of a cross-section of the trunk measured 4.5 feet above ground level. This amount shall be modified by the tree's species variety, location, and its condition at the time of damage or destruction.
- c. The Code Enforcement Department, Police Department, and the Borough Administrator shall have the authority to issue summons, to initiate proceedings for the collection of civil penalties and to otherwise enforce the provisions of this section.

§ 24-13. SHADE TREE TRUST FUND.

[Added 5-7-2024 by Ord. No. 2024-09]

There is hereby established a Shade Tree Trust Fund which shall receive contributions in accordance with this Chapter. The Shade Tree Trust Fund shall be administered in accordance with applicable local government finance laws and be used for the purposes of planting new shade trees and maintaining existing shade trees on public property within the Borough of Matawan. The Borough CFO shall administer the Shade Tree Trust Fund.