Frequently Asked Questions: Contracting for Tree Removal

I would like to hire someone to remove dead and dying trees from my property. What kind of contractor can I hire to do the work?

The type of contractor that you need to hire depends on the nature of the work being performed. If the work is to cut or remove dead or dying trees from timberland for commercial purposes, then the work is timber operations and is subject to the Forest Practice Act and Rules. All timber operations must be conducted by a Licensed Timber Operator, or LTO. The California Department of Forestry and Fire Protection (CAL FIRE) issues licenses to LTOs. There are three classes of licenses: the (A) license entitles the Timber Operator to conduct any kind of timber operations. A (B) license is limited to the cutting or removal of minor forest products like firewood and Christmas trees. A (C) license is for an applicant who owns the land upon which the Timber Operations are conducted pursuant to the license.

If the work is not timber operations, you do not need to hire a contractor with an LTO license. However, another license issued by the California Contractors State License Board (CSLB) is required if the contract amount is $1000 or more, including labor and materials and/or if employees are performing the work [Business and Professions Code (BPC) § 7048]. For more license classifications visit the CSLB website: https://www.cslb.ca.gov/About_Us/Library/Licensing_Classifications/Default.aspx.
C-12, C-27, and C-49 are the most common CSLB classifications that involve work associated with trees or working the land on which trees grow.

How do I know whether the work is timber operations or not?

The cutting or removal of trees from timberland for commercial purposes is considered timber operations under the Forest Practice Act and Rules. *Commercial purposes are defined as the cutting or removal of trees that are processed into logs, lumber, or other wood products for sale, barter, exchange, or trade, or the cutting or removal of trees during the course of converting timberland to a non-timber growing use (e.g. deck, driveway, house, orchard, vineyard…).* This means that if you intend to sell, barter, trade, or exchange the trees or if you intend to convert timberland then the work constitutes timber operations and is subject to the Forest Practice Act and Rules. Please note that commercial purposes are not limited to selling the wood products for money. For example, bartering wood products for goods or services (e.g., allowing the LTO to retain the timber to offset some of the cost of the work) also constitutes commercial purposes, and is subject to the Forest Practice Act and Rules. For more information watch the Forest Practice Jurisdiction video and download the Harvest Document Guide card from Forest Practice | CAL FIRE (https://www.fire.ca.gov/what-we-do/natural-resource-management/forest-practice).

The site to which I will be taking my felled trees requires I pay a fee to dispose of them. Does this mean that my work is for commercial purposes?

No. If the cutting or removal of trees is not for commercial purposes, then the work is not subject to the Forest Practice Act and Rules.

My planned work is not timber operations. Can I hire a contractor with a C-27 Landscaping Contractor license, a certified arborist, or a registered professional forester (RPF) instead of a contractor with a C-49 license?

No. If the work is planting, maintaining and removing trees, including pruning and stump grinding, a C-49 tree and palm contractor CSLB license classification is required. A certified arborist is a credential and is voluntary and focuses on expertise while a CSLB license is mandatory if the contract amount is $1000 or more, including labor and materials and/or if employees are performing the work. A Registered Professional Forester (RPF) is a licensed natural resources professional authorized to perform forestry services that require the application of forestry

principles and techniques to the management of forested landscapes but would not be able to be used in place of a C-49 license. Certification as an arborist or registration as a professional forester does not allow for tree removal work unless the arborist or RPF also has the required contractor's license from CSLB or LTO license from CAL FIRE, as applicable. ***Note:*** *There is an exemption from the CSLB license requirement on land in rural districts for fire prevention work.*

How do I verify that a contractor or timber operator is properly licensed?

You may verify the licensure of a timber operator through CAL FIRE's website Forest Practice | CAL FIRE (https://www.fire.ca.gov/what-we-do/natural-resource-management/forest-practice) and click on "View a List of Licensed Timber Operators" or by contacting CAL FIRE's LTO Program by telephone at (916) 653-7211 or by email at calfire.ltoprogram@fire.ca.gov. You can check the status of a licensed contractor on the CSLB's website (https://www2.cslb.ca.gov/OnlineServices/CheckLicenseII/CheckLicense.aspx) or by calling their help line (1-800-321-CSLB). The CSLB website also has information to assist consumers in selecting licensed contractors, which is available at http://www.cslb.ca.gov/Consumers/.

What insurance do LTOs and licensed contractors carry?

An LTO with an (A) license is required by law to maintain at least commercial general liability insurance for not less than one million dollars ($1,000,000) per occurrence for bodily injury and property damage combined, including within that limit, or in a separate limit, loggers third party property damage liability. LTOs with a (B) or (C) license are not required to maintain insurance. A contractor licensed by the CSLB is required to maintain a $25,000 license bond and workers compensation insurance (unless the contractor certifies that he does not have any employees) but is not required to maintain commercial general liability insurance in any amount. However, many licensed contractors maintain commercial general liability or other forms of insurance not required by law, so it is a good idea to ask the contractor about the contractor's insurance and request copies of certificates of insurance.

How do I become an LTO or a licensed tree service contractor?

CAL FIRE licenses LTOs. In order to get an (A) LTO license, the applicant must complete a two-day course of instruction, have 3,000 hours of relevant work experience, and must maintain the required insurance. An applicant for a (B) limited LTO license must complete the same course of instruction. An applicant for a (C) LTO license, which only allows landowners to perform work on their own property, must also complete the two-day course of instruction. The CSLB licenses all other licensed contractors, including C-49 tree and palm contractor license. Applicants for a contractor's license from CSLB may be required to pass an examination and will be required to maintain a license bond and workers compensation insurance, if required. Further information on becoming a licensed contractor is available on the CSLB website at http://www.cslb.ca.gov/Contractors/Applicants/Contractors_License/.

Besides having a proper license, are there any other requirements related to timber operations?

Yes. Commercial timber operations subject to the Forest Practice Act and Rules also require a timber harvesting plan or an equivalent harvest document. You can learn more about the requirements of the Forest Practice Act & Rules at Forest Practice | CAL FIRE (https://www.fire.ca.gov/what-we-do/natural-resource-management/forest-practice) and click on Harvest Document Guide. Even if your work is not for timber operations and is not subject to the Forest Practice Act and Rules, other state and local laws may apply to the tree removal. A list of state and local regulatory contacts for tree removal activities is available at Home - California Wildfire & Forest Resilience (https://wildfiretaskforce.org/) and explore resources.