

# Hazard Tree Removal Frequently Asked Questions

## Hazard Tree Removal on Private Property

### 1. What is considered a Hazard Tree?

For the purposes of Hazard Tree removal on Private Property, a Hazard Tree is a tree on private property that is so severely damaged by the declared fire that its structural integrity is compromised and it poses an imminent danger of falling onto a public right-of-way, other public improved property. For these purposes, "imminent danger" means within five years.

### 2. What are my options for removing Hazard Trees on my property?

As property owners begin the process of recovering after a wildfire, there are programs and resources available to help get them back on track. One of those is the State's **Consolidated Debris Removal Program** led by the California Governor's Office of Emergency, CalRecycle, and local governments. This is an opt-in program. Survivors can participate by filling out a Right-of-Entry (ROE) form, which grants state-contracted work crews access to their property.

Survivors with fire-damaged structures and trees in danger of falling on public roads and other infrastructure from the [2020 California wildfires](#) have until **February 1, 2021**, to sign up for this no-cost program. This deadline has been extended in order to motivate more homeowners to participate.

The State's **Consolidated Debris Removal Program** consists of two phases. As Phase One wraps up, which is the removal of hazardous household materials, and now moves into Phase Two, which removes the remaining contaminated debris, the property owner becomes a critical part of the process.

## State Debris and Hazard Tree Removal Program (State Program) Enrollment/Process

### 3. What do I need to do?

To sign up for the State Debris and Hazard Tree Removal Program (State Program), you must complete a Tree Removal (ROE) Permit Form to grant government contractors access to your property to conduct the Hazard Tree evaluation and removal. Please visit <https://wildfirerecovery.caloes.ca.gov/> with ROE resources and county-specific contact information.

**4. Can I request only Structural Debris Removal services, or only Hazard Tree Removal services, through the State Debris and Hazard Tree Removal Program.**

No. By submitting a Right-of-Entry Permit, property owners agree to allow the government to remove both eligible structural debris and eligible hazard trees. Property owners cannot request only specific portions of the program's scope, such as only hazard tree removal or only structural debris removal. If a property owner is enrolled in an alternate/private program for structural debris removal, they cannot enroll in the State Program.

**5. Who determines if the trees on my property are Hazard Trees and must be removed?**

A Certified Arborist or Registered Professional Forester will determine which trees are a hazard to the public. Just because a tree looks healthy, alive and may have green in the canopy, does not mean it is not already dead, dying or a threat to public safety.

**6. Are trees that threaten private roads eligible for removal?**

At this time, only trees that threaten public roads or other public improved property are eligible for removal. The State is working with local jurisdictions and the Federal Emergency Management Agency to determine whether trees threatening private roads should be included in the future.

**7. When will my Hazard Trees be assessed?**

Once the ROE Permit Form has been received by the State, an assessment team, including a Registered Professional Forester (RPF) or Certified Arborist, will come out to evaluate the trees on properties.

If the property owner would like to be present during the tree evaluation process, that must be noted on the ROE Permit. State contractors will attempt to contact those who have requested pre-notification on the ROE Permit 24 to 48 hours prior to tree evaluation team entering the property to conduct evaluations.

If the arborists or RPFs determine there are no eligible hazard trees on the property threatening public infrastructure, the property will be returned to the county and homeowner after the assessment and any structural debris removal is complete.

**8. What if I do not want all of the trees removed that are marked as Hazard Trees?**

All trees that have been marked by the State Program RPF or Certified Arborist as a hazard will need to be removed.

**9. After Hazard Trees are removed, what are the next steps?**

Once Hazard Trees are removed, a final site-walk of the property will be conducted to ensure all marked and qualified trees have been removed, and any erosion control determined necessary by the program has been installed. The County will then be notified the property is cleared of Hazard Trees.

**10. Will the State Debris and Hazard Tree Removal Program (State Program) remove stumps and other remnants from the tree removal such as sawdust and brush?**

The State Debris and Hazard Tree Removal Program (State Program) will not remove stumps. The State Program will remove limbs and other slash, but a small amount of incidental material may be left onsite. Some chipped material may be left onsite for erosion control.

**11. Will the trees be removed from my property once they are felled?**

All Hazard Trees felled as part of the State Debris and Hazard Tree Removal Program (State Program) will be removed from the property, but some incidental material such as wood chips may remain.

**12. Can I request to keep the timber once the trees are felled?**

The State Debris and Hazard Tree Removal Program (State Program) does not allow you to keep your trees that have been felled.

**13. If I fell my own trees in advance of the State's contractors, will the timber be removed by the State Program?**

No. Any trees that are felled prior to the arrival of the State's hazard tree removal contractors will not be removed by the State Program, regardless of whether they were assessed and marked by the State Program. Property owners may elect to fell their own trees and stack the timber, provided they comply with all applicable local and CAL FIRE requirements.

**14. Does inclement weather delay Hazard Tree removal?**

Yes. To ensure the safety of the public and crews working to remove the Hazard Trees, inclement weather may delay progress on tree removal. State forestry rules also limit the ability of crews to work in wet or saturated conditions.

**15. If the contractor damages my property while removing Hazard Trees, where do I submit a claim?**

Per Section 6 in the ROE Permit, the property owner acknowledges that the Government is not liable for any claim based on the activities of the program. By signing the ROE Permit, the property owner agrees to hold harmless the Government from all liability for any damage or loss that may occur during or after activities in the State Debris and Hazard Tree Removal Program (State Program). However, you can still fill out a claim on your county's website for consideration. Please visit <https://wildfirerecovery.caloes.ca.gov/> for county contact information.

**State Debris and Hazard Tree Removal Program (State Program) Health and Safety**

**16. Can a property owner(s) be present during Hazard Tree evaluation on their personal property?**

Yes. By signing the ROE Permit, however, the owner agrees that the methodology for identifying and removing hazard trees, selection of personnel to identify hazard trees, is at the sole discretion of the State Debris and Hazard Tree Removal Program (State Program). The owner may not contest the identification and/or removal of hazard trees (see Section 6 of ROE Permit).

**17. Can a property owner(s) be present during Hazard Tree removal on their personal property?**

Generally, yes. By signing the ROE Permit, however, the owner agrees that the methodology for identifying and removing Hazard Trees, selection of personnel to identify Hazard Trees, is at the sole discretion of the State Debris and Hazard Tree Removal Program (State Program). The owner may not contest the identification and/or removal of Hazard Trees (see Section 5 of ROE Permit). Additionally, the owner must comply with all State Debris and Hazard Tree Removal Program (State Program) direction that may include absenting themselves from the property during program activities.

**18. How is the Incident Management Team protecting rivers, streams and aquifers from contamination?**

The Incident Management Team will use best management practices to prevent off-site erosion such as use of erosion control devices around storm drains and containing biomass products from tree removal with tarps on-site or in truck transport off-site. Transport of timber and biomass products to market are regulated by the federal Department of Transportation (DOT), and Federal Motor Carrier Safety Administration and the State Debris and Hazard Tree Removal Program (State Program) contractors will be required to comply with their regulations.

**19. Who ensures compliance with worker safety regulations?**

The Incident Management Team safety professionals and contractor safety staff ensure work is in compliance with all OSHA, Cal/OSHA, and applicable state and federal safety laws, regulations, and management practices. Trucks used to transport timber and biomass products will be DOT safety inspected prior to being included in the operation and will be inspected periodically during the operation.

**20. If a marked/assessed fire-damaged tree falls before it is cut, will state contractors remove it?**

No. State contractors are only authorized to remove marked trees that they have cut. If a tree has fallen on its own, or been felled by someone other than a state contractor, it is no longer eligible for the government program.

**State Debris and Hazard Tree Removal Program (State Program) Payment and Insurance Related Questions**

**21. Who will pay for the tree removal?**

The Government will pay the costs of tree removal under the State Debris and Hazard Tree Removal Program (State Program). However, if property owners have homeowner's insurance covering tree removal, owners must inform local officials by indicating that coverage on their ROE Permit. Homeowners may be required to remit that portion of their insurance proceeds specifically reserved for trees.

**22. If I have homeowner's insurance, can I still participate in the State Debris and Hazard Tree Removal Program (State Program)?**

Yes. However, to avoid a duplication of benefits provided by the state or federal government, your insurance company may be required to provide payment from your insurance policy designated for tree removal to the government.

**23. Will the State Debris and Hazard Tree Removal Program (State Program) reimburse me if I already removed hazard trees from my property?**

No. If a property owner chooses to hire a private licensed timber operator or tree removal contractor, the property owner is responsible for the cost of removal and liability.