



BUTTE FIRE – HAZARDOUS TREE REMOVAL PROGRAM

FREQUENTLY ASKED QUESTIONS

July 27, 2016

1. Q. How can we have input as to whether all dead or dying trees close to the road have been removed?

- A. The County has engaged the services of a certified arborist to evaluate trees that could impact County roads within the Butte Fire burn area. This evaluation is done in accordance with the US Forest Service report titled "[Marking Guidelines for Fire-Injured Trees in California.](#)" Only trees that meet these guidelines are marked by the arborist and are considered hazardous.

The County intends to remove all hazardous trees that have been evaluated and marked by the Arborist that are located within the County Right-of-Way.

Property owners are liable for hazardous trees located on their property and the Federal Emergency Management Agency (FEMA) program allows for the County to evaluate and remove hazardous trees that could impact the County road right-of-way from private property at no out-of-pocket cost¹ to the property owner.

Property owners that wish to discuss the hazardous tree evaluation with the arborist may contact Public Works at (209) 754-6767 to make arrangements.

2. Q. Where may we find an arborist to examine trees not on or a hazard to the right-of-way?

- A. The County cannot make any specific recommendations. However, you may check with arborist associations, such as the International Society of Arboriculture or a local tree service. The Tuolumne-Calaveras Unit of CalFIRE provides an on-line list of Registered Professional Foresters, who are also qualified to evaluate fire damaged trees and assist with removal.

3. Q. What is the liability if you do not sign the Right-of-Entry (ROE)?

- A. Owners are liable for the hazardous trees on their property that cause damage to the County road or injuries to the traveling public.

¹ Under the federal program requirements, Property Owners with insurance coverage for debris removal or those who wish to retain the felled trees may need to reimburse the County for the tree removal effort.



4. Q. We did not receive a ROE letter, but we received a telephone call about this meeting. Will we know where we fall relative to this program before July 22, 2016?

A. Please contact the County Hazardous Tree Removal Hotline at (209) 754-6767 and provide your Assessor's Parcel Number (APN) or the street address for the property. Staff can determine if your property is included in the program.

Please note that this program is only for eligible hazardous trees that can fall onto the public road right-of-way. Private roads, including those roads that are a part of a Community Services District are not eligible for the program.

5. Q. Can I keep the trees that are cut down?

A. A property owner that wants to keep the hazardous trees after they have been cut down may do so. Please be aware that if hazardous trees are sold, bartered, or traded, per Federal requirements, the property owner must reimburse the County for the value of the tree felling operation. Additionally, the program will not pay for cutting felled trees into firewood or splitting.

6. Q. Can you trim the trees and, not cut them down?

A. Trimming the hazardous trees will not remove the hazard. Hazardous trees must be cut down in accordance with the FEMA guidelines.

7. Q. After tree removal, is slash removed? Is it chipped and left for the property owner?

A. The contract for hazardous tree removal allows for the removal of the debris from the property. This contract also allows for the resulting chips to be spread as mulch. Please contact the Hazardous Tree Removal Hotline at (209) 754-6767 for more information.

8. Q. Is anyone re-planting the trees that have been destroyed?

A. This program is only for the removal of hazardous trees. The County has not identified a program to replant any areas. Natural Resources Conservation Service (NRCS) and PG&E have offered programs for seedlings; please contact NRCS or the PG&E office in Jackson for more information.

9. Q. Will hazardous trees be cleared on private roads?

A. This program is only available for the removal of hazardous trees on County owned and maintained public roads.

10. Q. What about the trees that were marked to be cut down but are still coming back? Will you still cut them down?

A. The hazardous trees that are marked were evaluated by a certified arborist and it was determined that the tree is mortality injured and will not survive. There are a variety of factors that determine the trees ability to survive, including the condition of the crown, injury to the cambium, and if there is any evidence of internal burning and other factors. Trees can appear to be recovering; however the damage is determined to be so extensive that the survivability of tree is compromised.

Additionally, this Federal program funds more than 90% of the associated costs of fire damaged tree removal and treatment, and the program has a limited duration. The County must act immediately. Dead trees as a result of the fire and not removed under this program will present a liability to the County or the land owner.

11. Q. *If no trees are marked on a parcel do we need to sign ROE form? (County road goes thru, but no trees are shown on the map to be removed.)*

A. If you received the ROE form, your property has trees that could be deemed hazardous and need the evaluation of the arborist. Property owners may have trees that will be marked by the arborist and this is irrespective of the tree markings on the County road. The property owners should sign the ROE to allow the evaluation and removal of any hazardous tree.

12. Q. *If property is fenced will trees be removed in such a way as to not damage fences? Will County be liable for repair if fences are damaged?*

A. The tree removal contractor is required to perform the work in such a manner as to not damage improvements. Should any damage occur the contractor is required to repair the damage to a like or better condition. If the contractor needs to remove and replace a portion of a fence for access, the arborist, contractor, and owner will discuss the access need with the property owner and agree on the access locations and methods prior to work starting.

13. Q. *How far is the County going to enter onto the property?*

A. Given the variation in terrain, the access will be evaluated for each property; however the access impacts are intended to minimize damage to the property.

The arborist will need access to evaluate any tree that could impact the County Road Right-of-Way. Existing driveways or gates will be used when available.

The staff from Tetra Tech and the tree removal contractor will coordinate with the property owner to access the property in such a manner to safely remove the hazardous trees and minimize the impact to the property. There are areas where it may be safer to access the hazardous trees on private property from another area (e.g. top of a slope, existing gate, or driveway). The tree removal contractor will engage the property owner to determine the most suitable location to complete the work.

Staff from Tetra Tech will be in contact with property owners to make arrangements for access when needed and handle any special circumstances that affect access to the property.

Also, please see question # 12 for more information.

14. Q. What will County do with trees that are cut down? Will they be totally removed from property or left laying or be cut up and stacked?

A. The hazardous trees will be removed and disposed of in a manner that is consistent with the FEMA guidelines. This may include chipping, grinding, firewood, waste to energy use, or sale for commercial forest product use. (Note: If there are any proceeds from the sale of tree material, the County is required to reimburse FEMA).

15. Q. Will County have oversight over contractors who will be removing the trees?

A. The County has a contract with Tetra Tech Inc. to monitor the removal of the hazardous trees and County staff will provide independent quality assurance of the work by Tetra Tech and the tree removal contractor.

16. Q. How far have the trees been marked on Rail Road Flat Road? There are not any marked trees on one side of the road in my area.

A. Please contact the Hazardous Tree Removal Hotline to discuss any concerns at (209) 754-6767.

17. Q. Will tree removal contractor take the trees that are already down that PG&E wouldn't take away?

A. Fallen trees by others that are no longer hazardous and are located on private property will not be removed as a part of this program. PG&E can be contacted at (800) 743-5000.

18. Q. The hammer over the head of the home owner is that they will be liable if they do not allow County to access and remove trees. Given several years may pass and a tree falls how is the actual tree traced back to the tree in question years earlier?

- A. The liability for the tree located on private property with the property owner regardless of the hazardous tree removal program. This program is intended to reduce the liability to the property owner and the County by removing identified hazards.

19. Q. How long will the ROE be in effect?

- A. The ROE states that this expires upon completion of the work. Once the hazardous trees are removed and the final verification is completed the ROE will expire.

20. Q. Will there be flexibility in scheduling the work with the arborist and the tree removal work?

- A. The property owner will be notified in advance of the evaluation by the arborist and the tree removal contractor. Flexibility will be allowed to the greatest extent possible within the limits of the program.