The Calfauna Foundation

Gordon Long <glong@calfauna.org>

FW: Tree Service

1 message

Dana Simpson <dsimpsonrcd@outlook.com> Wed, Jun 22, 2022 at 2:18 PM
To: "glong@calaverasrcd.org" <glong@calaverasrcd.org>

Response from Hal re C61/D19

Thank you,

Dana Simpson

Calaveras County RCD

(209) 304-8774

From: Clay, Hal@CSLB <Hal.Clay@cslb.ca.gov> **On Behalf Of** CSLB Classifications Deputy@CSLB
Sent: Tuesday, June 21, 2022 8:23 AM
To: Dana Simpson <dsimpsonrcd@outlook.com>
Subject: RE: Tree Service

Good morning,

The D19-Land Clearing license classification is obsolete and no longer available. The work that D19 contractors performed now falls under the C12-Earthwork and Paving classification or A-General Engineering. The D19 or C12 classification is acceptable for clearing the land when the method alters the grade. It is not acceptable for C12 contractors to perform the work of D49-Tree Service contractors.

Hal Clay

Special Investigator

Licensing Classification Deputy

Contractors State License Board

916 255-6333 fax

This determination is not a formal declaratory decision under the comprehensive process in the Administrative Procedures Act. I trust that the foregoing information has been of assistance to you.

From: Dana Simpson <dsimpsonrcd@outlook.com>
Sent: Monday, June 20, 2022 11:34 AM
To: CSLB Classifications Deputy@CSLB <Classifications@cslb.ca.gov>
Subject: RE: Tree Service

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Hi Hal,

Once again, I appreciate the information and the fast response.

We are located in Calaveras County and that meets all the requirements for being a rural county. This would mean that we could contract with an unlicensed contractor to complete fire prevention projects.

One of our contractors (who is currently taking steps to become a licensed C61/D49 contractor) contacted us and asked if a C61/D19 land clearing license would be acceptable too. I read through what was online and didn't really see anything that would allow us to allow this license, but I wasn't sure if there was anything else in the language that I was missing. Would that license apply to tree work for fire prevention?

Thank you,

Dana Simpson

Calaveras County RCD

(209) 304-8774

From: Clay, Hal@CSLB <Hal.Clay@cslb.ca.gov> **On Behalf Of** CSLB Classifications Deputy@CSLB
Sent: Thursday, June 9, 2022 10:49 AM
To: Dana Simpson <dsimpsonrcd@outlook.com>
Subject: RE: Tree Service

Good morning,

It is not acceptable for a CAL Fire LTO to perform the work of a CSLB D49-Tree Service contractor. They are distinctly different licenses issued by separate agencies and are limited to working within what those licenses allow. Yes, B&P 7049 is the license exemption that allows clearing for fire prevention purposes in rural districts without a contractors license. The CSLB does not define a rural district. That is determined by the county or local fire agency and is based, I believe, on the population of the county.

§ 7049. Ditch work and agricultural or fire prevention work

This chapter does not apply to any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising, or clearing or other work upon the land in rural districts for fire prevention purposes, except when performed by a licensee under this chapter.

The provisions of this chapter do apply to the business of drilling, digging, boring, or otherwise constructing, deepening, repairing, reperforating, or abandoning water wells.

Added Stats 1939 ch 37 § 1. Amended 1959 ch 1691 § 2.

Hal Clay

Special Investigator

Licensing Classification Deputy

Contractors State License Board

916 255-6333 fax

This determination is not a formal declaratory decision under the comprehensive process in the Administrative Procedures Act. I trust that the foregoing information has been of assistance to you.

From: Dana Simpson <dsimpsonrcd@outlook.com>
Sent: Thursday, June 9, 2022 10:09 AM
To: CSLB Classifications Deputy@CSLB <Classifications@cslb.ca.gov>
Subject: RE: Tree Service

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Hal,

Thank you so much for the response and additional information. Just to make sure I am undertaking this correctly – can an LTO-A or LTO-B (without a c61/D49 license) bid on a project that is not a commercial timber operation? Most of our projects do not include the sale or removal of any material from the site, so I would not classify them as licensed timber operations.

We also received information that there may have been an exemption for wildfire safety fuel work done in rural communities. Is this exemption still in effect?

I appreciate your time helping us with this matter.

Thank you,

Dana Simpson

Calaveras County RCD

(209) 304-8774

From: Clay, Hal@CSLB <Hal.Clay@cslb.ca.gov> **On Behalf Of** CSLB Classifications Deputy@CSLB
Sent: Wednesday, June 1, 2022 10:53 AM
To: Dana Simpson <dsimpsonrcd@outlook.com>
Subject: RE: Tree Service

Good morning,

A Cal Fire Licensed Timber Operator (LTO) does not take the place of a CSLB licensed contractor on tree service projects. The most appropriate CSLB license classification for stand-alone tree service projects is either C27-Landscaping or D49-Tree Service. A-General Engineering contractors have historically been allowed to perform large scale tree removal projects for utility companies, such as PG&E, but without any project information, that is about all I can tell you. I have included some LTO information above. One thing I do know about LTO's is that a timber harvest plan is required for their projects.

Hal Clay

Special Investigator

Licensing Classification Deputy

Contractors State License Board

916 255-6333 fax

This determination is not a formal declaratory decision under the comprehensive process in the Administrative Procedures Act. I trust that the foregoing information has been of assistance to you.

From: Dana Simpson <dsimpsonrcd@outlook.com>
Sent: Wednesday, June 1, 2022 10:09 AM
To: CSLB Classifications Deputy@CSLB <Classifications@cslb.ca.gov>
Subject: Tree Service

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Hello,

I would like some clarification on which license is required for the contractors that we hire. I work for a Resource Conservation District and we have been awarded grants to do fuels reduction projects (mastication with heavy equipment as well as handwork - tree cutting/limbing). We are hiring contractors to do this work and would like to have clarification on what license is required to do this work in CA. Some of our contractors have a Licensed Timber Operators (LTO) license and some have a General Engineering License, General Building License, and/or a D-49 Contractors license. Does having an LTO license meet the requirements to work in CA or does the contractor need a contractor's license in addition to the LTO?

Any clarification on the required license(s) would be greatly appreciated.

Thank you,

Dana Simpson

Calaveras County RCD

(209) 304-8774