



Fire Management Handbook  
Policy 760

## Certificate of Clearance

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Guidance documents promulgated by the department are not new laws. They represent an interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

### Agency Contact

Deputy Chief, Plans

### Purpose

The **Certificate of Clearance, DL-760**, see **Attachment 1** for an example, releases the Contractor from further obligation or liability, and is an official authorization to refund slash withholding monies. It provides certification that the laws pertaining to the fire hazards have been met. Clearances are issued upon completion of the operation and are to be executed by Fire Wardens, Resource Specialists, or other authorized agents.

### Applicability

IDL and Timber Protective Association employees who perform hazard management inspections and process Certificates of Clearance.

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## 1. Associated Policies

- A. Title 38, Section 410, Idaho Code
- B. Title 38, Section 122, Idaho Code
- C. Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws, IDAPA 20.04.02.
- D. Timber Management Manual

## 2. Exception Authorization

Exceptions to this policy may be granted by the Chief, Bureau of Fire Management, or the State Forester.

## 3. Definitions

None

## 4. Policy

The Certificate of Clearance is the instrument which shall be used to certify that hazard reduction has been accomplished. Clearances can be issued upon completion of the operation once the Contractor has complied with the standards set forth in IDAPA 20.04.02.140. Rule 140 refers to applications in writing for Certificates of Clearance. Written requests provide a record of the date of request.

Once the operation has been completed an **Inspection Request Form, Attachment 2**, is sent to the Contractor for completion, prior to the inspection. The District/Association will complete the address block that pertains to the office that will be doing the inspection. The compliance agreement number and the Contractor's name may be filled in by the issuing office; however, the remainder of the Inspection Request Form must be filled in by the Contractor. Upon completion of the Inspection Request Form the Contractor will return the form to the office listed at the top of the form.

The Inspection Request Form should initiate a **Fire Hazard Management Inspection Report, Attachment 3**. The request is important to all parties and must be maintained on every Clearance inspection operation. Since many contractors make inspection requests verbally, or by telephone, the written request procedure may be waived; however, it should be noted as a verbal request in the file.

## 5. Procedures

### A. Clearance Inspections

The District/Association (D/A) will make an inspection of slash operations, prior to issuance of a Certificate of Clearance, within thirty days of request. If the fire hazard has been properly disposed of, the Fire Warden will issue a clearance.

A Fire Hazard Management Inspection Report will be completed on each operation. On every operation where the slash treatment is less than satisfactory, a duplicate copy of the report will be forwarded to the Contractor. The district will attach a copy of the inspection report to the compliance.

All Certificate of Clearances issued for the purpose of refunding slash withholding monies are subject to an assessment of three percent of the hazard reduction money, or bond, and shall be deposited in the fire suppression account. In addition, and as determined by the State Board of Land Commissioners, for harvest from private land, an additional amount, not to exceed three percent of the hazard reduction money, or bond, shall be deposited in the Forest Practices Administration Account. The remaining balance will be used as the basis for the refunds.

Refunds may not be processed until 60 days after the date of inspection to ensure all volume has been reported.

### B. Certificate of Clearance, DL-760

Refunds of slash monies are processed as follows:

1. Show full name and complete address of the Contractor. This is where and to whom the refund check will be mailed. In the case of a Contractor releasing monies to a third party,

written documentation must be attached to the Certificate of Clearance and forwarded to the Bureau of Fire Management.

2. Enter the Certificate of Compliance–Fire Hazard Management Agreement Notification of Forest Practice (Compliance) number and the landowner’s name.
3. Check the item in the terms of certification, which is applicable. Check Option 1 if a refund is due and fill in the dollar amount. This can be found using the Hazard Lookup Program. Use the amount in the column titled “Holdback”.
4. Fill in the effective date of clearance. The Fire Warden or assistant will complete the signature and forest protective district blocks.
5. Release of Cash Bond requiring a refund should have the following coding written on the lower left-hand section:

Tran Code: 287

PCA: \_\_\_\_\_ (use Area PCA)

Subsidiary: 3207000

6. A contractor can request a Release of Cash Bond when satisfactorily completing a portion of hazard abatement (i.e., paying the contractor on an extended or greater than two-year operation). The amount of refund will be determined by the Fire Warden or authorized agent.

**Fire Wardens are reminded, in the case of an agreement written for two years, the contractor should expect the State to hold the bond for the full term.**

### **C. No Refund Clearance**

Complete the form as stated above, choose Option 1, and enter either “No Refund”, or “Bond” (whichever applies) in the space provided for the money amount.

### **D. State Sale Clearances**

Process State Sale Clearances as follows:

1. When slash work on a State timber sale has been completed, the Fire Warden will issue a Certificate of Clearance.
2. Option 2 of the certification statement will apply.
3. On State timber sales, the D/A will distribute copies per instructions in the Timber Management Manual.

### **E. Other Contracts**

Any owner or operator who has entered into a contract with the State for the management and reduction of slash may be granted a clearance upon completion of payment of monies at the agreed upon rate on any operation covered under the terms of the agreement. Check Option 2 on the Certificate of Clearance.

## **F. Additional Fee to Transfer Liability**

In those cases where the Contractor chooses not to treat the fire hazard on a contract area but does not want a liability for fire suppression for five years, Idaho Code, Title 38, Section 122, makes provisions for the Contractor to pay an additional fee to transfer liability. In addition to the fee, the Contractor forfeits all bonds held to ensure slash cleanup. Upon payment of the additional fee (by check payable to "Treasurer, State of Idaho"), the Department shall issue a Certificate of Clearance.

The formula for the additional fees is based upon the hazard points on the contract area after the harvest is complete. The formula can be found in the Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws, IDAPA 20.04.02.05. The same rule also provides for the payment of an additional fee when the Contractor has done some hazard reduction work but has not done enough to meet the standards required for a Certificate of Clearance.

The rule gives a formula to calculate the amount of the bond to forfeit plus the (full) fee to transfer liability. The formula is reduced to tabular format by using the **Computation Table for Buy Out by Untreated Hazard Points, Attachment 4**.

1. Enter the full name and address of the Contactor.
2. Enter the Compliance number.
3. Check Option 3. Type in the amount of the additional fee. Do not include any bond monies forfeited.
4. Fill in the effective date of the clearance. Fire Warden or Assistant will complete Signature and Protective District lines.

## **G. Distribution**

The original should be submitted to the Bureau of Fire Management for processing. No copies will be returned to the D/A.

Clearance refunds returned to Idaho Department of Lands that are undeliverable through the U.S. Postal Service shall be sent to Unclaimed Property.

STATE OF IDAHO  
DEPARTMENT OF LANDS

**CERTIFICATE OF CLEARANCE**

**No. N – 45351**

NAME Harry's Horse Logging ADDRESS PO Box 7

CITY Medimont STATE ID ZIP CODE 83843

This is to notify you that the terms of your Fire Hazard Management Agreement with the State have been met. In accordance with Idaho Code Section 38-122, you are hereby relieved from further liability and responsibility under the following Agreement No. 60003E.

Landowner Rutledge Lumber Company

The terms have been met by (check the option which applies):

1. Hazard reduction has been accomplished in accordance with Idaho Code Section 38-122. If a refund is appropriate, the Idaho Dept. of Lands will pay the contractor (*named above*) the sum of \$ 302.91 which constitutes the release of slash monies withheld.
2. A contract has been entered into in accordance with Idaho Code Section 38-404.
3. An additional fee has been paid in accordance with Idaho Code Section 38-122.

This Certificate of Clearance releases the contractor from all liability for costs of suppressing fires, except those which involve contractor negligence, which may originate on or pass through the contract area. This clearance applies only to the Agreement listed above.

The effective date of this Clearance is February 1, 20 21.

\_\_\_\_\_  
FIRE WARDEN

by \_\_\_\_\_  
AUTHORIZED AGENT

Bear Creek (990)  
PROTECTIVE DISTRICT

Tran Code – 287  
Subsidiary - 3207000

PCA \_\_\_\_\_

- FIRE BUREAU – Original Copy (sign in blue ink)
- LANDOWNER
- DISTRICT FILE
- OPERATOR
- CONTRACTOR



**DISTRICT/ASSOCIATION NAME**

Address, City, State Zip  
Phone # Fax #

**INSPECTION REQUEST FORM**

Compliance Agreement # \_\_\_\_\_

Contractor \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Landowner \_\_\_\_\_

Date Last Load Hauled \_\_\_\_\_ Total Volume Harvested \_\_\_\_\_

Locked gates or special instructions for access (animals, road closures, etc): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I request an inspection of the hazard abatement accomplished on this operation.

Printed Name \_\_\_\_\_

Signed Name \_\_\_\_\_ Date \_\_\_\_\_

All inspection requests **must** be in writing, no exceptions will be allowed.

*If slash will not be treated by the expiration date contact the Fire Warden as soon as possible to make alternate arrangements. If you do not, the monies may be forfeited and liability assumed.*

**Note:** Within thirty days of receipt of an inspection request, an attempt will be made to make a field inspection. If weather conditions make inspections impossible, you will be notified. If more hazard abatement work is required, you will receive a copy of the Fire Hazard Management Inspection Report. After the operation passes inspection, the Release of Cash Bond is based on the date the last load of logs was hauled to a sawmill and the sawmill's annual slash reporting schedule to the state of Idaho. **Depending on the sawmill's reporting schedule some bonds may take more than 90 days to release. Knowing the date of the last load of logs hauled to the mill and total volume will assist with processing.**



**COMPUTATION TABLE FOR BUY OUT BY UNTREATED HAZARD POINTS**

**$[1 - (5/u)] * B * V + [A * V] =$  Formula to transfer liability for a partially completed job.**

Where:

- U** = Untreated or residual hazard points.
- B** = Bond rate (usually \$4.00 MBF), Reference IDAPA 20.04.02, Table I.
- A** = Additional fee to transfer liability by hazard points, IDAPA 20.04.02, Table III.
- V** = Total volume removed from the contract areas.

<b>U</b>	<b><math>[1 - (5/U)]</math></b>	<b>B</b>	<b><math>[1 - (5/U)] * B</math></b>	<b><math>[1 - (5/U)] * B + A</math> <u>1/</u></b>
6	0.16667	\$4.00	0.67	1.67
7	0.28571	\$4.00	1.14	2.14
8	0.37500	\$4.00	1.50	2.50
9	0.44444	\$4.00	1.78	2.78
10	0.50000	\$4.00	2.00	3.00
11	0.54545	\$4.00	2.18	4.18
12	0.58333	\$4.00	2.33	4.33
13	0.61538	\$4.00	2.46	4.46
14	0.64286	\$4.00	2.57	4.57
15	0.66667	\$4.00	2.67	4.67
16	0.68750	\$4.00	2.75	4.75
17	0.70588	\$4.00	2.82	4.82
18	0.72222	\$4.00	2.89	4.89
19	0.73684	\$4.00	2.95	4.95
20	0.75000	\$4.00	3.00	5.00
21	0.76190	\$4.00	3.05	6.05
22	0.77273	\$4.00	3.09	6.09
23	0.78261	\$4.00	3.13	6.13
24	0.79167	\$4.00	3.17	6.17
25	0.80000	\$4.00	3.20	6.20
26	0.80769	\$4.00	3.23	6.23
27	0.81481	\$4.00	3.26	6.26
28	0.82143	\$4.00	3.29	6.29
29	0.82759	\$4.00	3.31	6.31
30	0.83333	\$4.00	3.33	6.33
31	0.83871	\$4.00	3.35	7.35

1/ If this figure is multiplied by sale volume, you will get the total amount needed to transfer liability.