

BUREAU OF FIRE MANAGEMENT

3284 W. Industrial Loop
Coeur d'Alene, ID 83815
Phone (208) 769-1525
Fax (208) 769-1524



Logging and Idaho Law – Know the Facts

A Certificate of Compliance-Fire Hazard Management Agreement (Compliance) must be obtained by anyone who conducts an operation involving the harvesting of forest products, or potential forest products, on State and private ground. This document is an agreement between the state of Idaho and the Contractor to abate the resulting fire hazard using methods described in Idaho Code, Title 38, Chapters 1 & 4, and to comply with rules pertaining to the Forest Practices Act, Title 38, Chapter 13, Idaho Code.

The Contractor named on the Compliance is the person responsible for disposal of the slash generated by the logging operation by the end of the contract period. This may or may not be the actual Landowner. A portion of the monies from the sale of logs, is withheld by the mills and forwarded to the state of Idaho to be held as a bond to ensure that the slash generated by the logging is treated to the minimum standard by the expiration date as described in Idaho Code.

If the Contractor or Operator does not own real property in Idaho, they will be required to furnish a bond to the state of Idaho in the amount of \$5000-\$15000 until the project has been completed and has passed inspection. ***This inspection must be requested in writing.***

NOTE: The logging operation must be completed and the slash disposed of by the expiration date on the contract prior to final inspection. If it is not going to be ready for inspection, contact the office listed above before the expiration date or the bond may be forfeited, and additional fire suppression liability incurred.

MORE FACTS ON COMPLIANCES

- An Option 1 Certificate of Compliance is for low volume operations of 5 MBF or less (approximately 1 load) and the amount of timber cut will not be sufficient to create a fire hazard. Although there is not a slash bond withheld, and no slash inspection is required, the slash must be treated to alleviate liability. All Forest Practices Rules and Regulations must be adhered to as well.
- Operations removing more than 5 MBF are Option 2 Compliances on which a bond is withheld. An inspection by the State is required in order to receive a portion of the bond following completion of slash disposal. A Transfer of Liability may be done at any time prior to the expiration date of the compliance.
- Request for inspection to obtain a **Certificate of Clearance** is the responsibility of the **Contractor**, and **must be in writing**. No exceptions. Failure to obtain a Clearance results in the following actions by the State:
 - Permanent forfeiture of the bond to the State.

- The named Contractor will be assigned suppression liability, up to \$250,000, for a period of five years or until a Clearance is granted, for all fires that originate on or pass through the parcel described on the Compliance (IDAPA 20.04.02 –130.02, Contractor Liability).

“If the same wildfire occurs on or passes through several areas covered by separate Agreements, or if several Agreements cover the same area, the contractor shall be liable for the actual cost of suppression up to one million dollars (\$1,000,000).” (IDAPA 20.04.02 130.03, Failure to Treat)

- If slash is **piled**, it needs to be burned before it is eligible for final inspection.
- A burn permit is required for all open burning between May 10 and October 20 each year. Burn permits may be obtained at burnpermits.idaho.gov. There is no charge for burn permits. Be aware that large pile burning is usually restricted in the hot summer months and plan accordingly. Large pile burning is traditionally done in the wetter months of fall or spring. Slash piles can retain heat all through the winter and wet springs and need to be checked frequently to ensure they do not escape during the summer or into the early fall.
- A Letter of Intent to Forfeit will be sent out before the expiration of the compliance. This letter will include directions on how to request an inspection. Early snow may prevent access to job sites in the fall, these inspections will be completed when conditions allow in the spring.
- Detailed directions and gate combinations or keys, are helpful to ensure a speedy inspection. If inspectors cannot find the job sites, delays can be expected.
- The Release of Cash Bond is based on:
 - All work has been completed satisfactorily,
 - The date the last load of logs was hauled to a mill,
 - The mill’s Hazard Reduction Payment Records to the state of Idaho.

Depending on the mill’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.

- The IDL Fire Protective District or Association(s) should be notified of any changes to compliance. Examples are:
 - Address and phone (land line/cell) numbers.
 - If the decision is made to haul more than 5 MBF (1 load) on an Option 1 Compliance.
 - If you leave a logging job before it is complete and someone else is going to finish it. (Requires additional paperwork.)

Questions?

Call the office of the Idaho Department of Lands: (208) 769-1525.