



Fire Management Handbook
Policy 760

Certificate of Clearance

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

Fire Planning Program Manager

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.

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.

B. Certificate of Clearance, DL-760

Refunds of slash monies are processed as follows:

1. The Warden is responsible for the accuracy of all clearances sent to CDA.
2. Clearance documents are sent to CDA on February 15th (Volumes and Dollar amounts on this date). Exceptions can be made *for customers who are adamant about receiving a refund*

sooner, require the customer to give an accurate date that the last load was hauled and Warden to confirm that the mill has reported the volume. This should be the exception and not the rule.

- a. Compliances that were not inspected in the fall due to snow and receive an inspection during the spring, or had piles burned in the spring and are just now requesting an inspection. Utilize 60 days after inspection request as timeline guidance for submitting clearance to CDA.
3. CDA will process refunds immediately after February 15.
4. Show full name and complete address of the Contractor. 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.
5. Enter the Certificate of Compliance–Fire Hazard Management Agreement Notification of Forest Practice (Compliance) number and the landowner’s name.
6. 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”.
7. Fill in the effective date of clearance. The Fire Warden or assistant will complete the signature and forest protective district blocks.
8. 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

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

If using the carbon copy forms: Three copies (pink, canary and blue) of the Certificate of Clearance will be submitted to the Bureau of Fire Management (with the fee payment if applicable). The canary copy will be returned to the D/A after the Certificate of Clearance has been processed at the Bureau of Fire Management and will be retained in the D/A file. The white copy will be mailed to the Landowner and the goldenrod copy to the Contractor. The copy of the Certificate of Clearance also serves as a receipt for the additional fee.

If using the electronic version, the original should be submitted to the Bureau of Fire Management for processing. No copies will be returned to the D/A.

Areas to send clearance documents to Contractors March 1.

- a. Compliances that were not inspected in the fall due to snow and receive an inspection during the spring, or had piles burned in the spring and are just now requesting an inspection. Utilize 30 days after Clearance is sent to CDA as timeline guidance for submitting clearance to Contractor.

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