

603 AFFIDAVIT UNITS AND NON-FOREST LAND CONTRACTS

A. AFFIDAVIT UNITS

1. **Description of an Affidavit Unit**

An affidavit unit is an area of classified forest land with a definable boundary and the services of a recognized protection agency available. The landowners may receive protection by filing an affidavit with the Forestry Division (see **Assessment Roll Manual for procedures**). The affidavits may also be used to serve as an indication when a wildland fire protection district might reasonably be formed.

Upon receipt of the affidavit, the proper protection agency will be notified and will provide fire protection. The landowner pays for the services via the assessment rolls.

Affidavit units are provided the highest level of forest fire protection available, and are comparable to the level of wildland fire protection district protection.

2. **Listing of Affidavit Units**

Listed below are areas which do not have a wildland fire protection district, but a recognized fire protection agency is available and willing to accept affidavit requests for fire protection within the boundaries.

<u>Symbol</u>	<u>Designation</u>
AU	Anaconda Affidavit Unit
BF	Beaverhead National Forest Affidavit Unit
CF	Custer National Forest Affidavit Unit
CMR	C. M. Russell NWR Affidavit Unit
DF	Deer Lodge National Forest Affidavit Unit
DU	Dillon Affidavit Unit
GF	Gallatin National Forest Affidavit Unit
HF	Helena National Forest Affidavit Unit
HU	Helena Affidavit Unit
LCF Unit	Lewis & Clark National Forest Affidavit Unit
MB	BLM Billings Affidavit Unit
ML	BLM Lewistown Affidavit Unit
MM	BLM Miles City Affidavit Unit

3. **Means of Securing an Affidavit**

The State has recognized the interest of private landowners that wish to secure adequate fire protection without formation of a wildland fire protection district. There are areas of the State within which various

recognized forest fire protection agencies will accept fire protection of private lands on an individual basis. These areas are called affidavit units.

Within an affidavit unit, the forest landowner can secure adequate fire protection on the same level as that provided a wildland fire protection district by simply signing a forest fire affidavit.

Once the affidavit is processed, the protection agency proceeds with protection measures, and is reimbursed the same way as if under a wildland fire protection district. **(See the Forest Fire Assessment Manual for details on classification of land, completion of the affidavit, etc.)**

To obtain an affidavit, the forest landowner must only contact a field office of one of the recognized forest fire protection agencies. That agency should then secure the owner's legal description of the property in such a manner that the DNRC office is able to locate the property on a map. This description should then be forwarded to the Forestry Division office, and an affidavit will be processed.

Maps of the official boundaries of the affidavit units are on file in the Forestry Division office.

4. **Mandatory Membership in an Affidavit Unit**

A forest landowner, without a valid affidavit, may be placed on the assessment lists and forest fire protection provided if he does not provide adequate protection himself. **(see Attorney General's opinion dated April 11, 1969.)** If a fire occurs on unprotected land within an affidavit unit, and not within a cooperating county:

- a. Make a reasonable effort to inform the landowner that there is a fire burning on his land, giving him the location. If contact is made, the landowner will be informed that, under State law, he is responsible to take immediate action to suppress the fire. The landowner has the option at this time of requesting suppression action by the protection agency, with suppression costs to be billed to him.
- b. If the landowner does not take immediate, effective action, or cannot be reached to inform him of the fire, then the agency has the option of
 - 1) taking suppression action based on a judgment that the circumstances constitute a threat to agency protected lands, or
 - 2) waiting for landowner action.

- c. Suppression costs accrued by the agency are recoverable only if the landowner can be proven negligent or the landowner requests suppression action be taken.
- d. If agency suppression action is taken, the need for such action is to be considered prima facie evidence under Montana law that the landowner has not provided adequate fire protection.
- e. A description of the forest land involved is then submitted to the Forestry Division for inclusion on current forest protection assessment listings. The landowner is also informed by letter from the Forestry Division that this action has been taken.

B. NON-FOREST CONTRACTS

1. **Description of Non-Forest Land Contract Unit**

This type of unit has a definable boundary and a recognized protection agency available. The landowners may request protection of non-forest lands and improvements and sign a contract obligating payment of fees for that service (**76-13-105 MCA**). The protection agency and the landowner must agree on the fee schedule.

Non-forest land contracts provide the same level of wildfire protection as wildland fire protection districts.

2. **Listing of Non-Forest Contract Units**

Contracts for protection of non-forest lands have been accepted by recognized protection agencies in the following Districts or Units:

- APD Anaconda Protection District
- AU Anaconda Affidavit Unit
- B Blackfoot Protection District
- CF Custer National Forest Affidavit Unit
- DU Dillon Affidavit Unit
- EU Eureka Protection District
- HD Helena Protection District
- HU Helena Affidavit Unit
- MM BLM Miles City Affidavit Unit
- SCD State Continental Divide Protection District

3. **Means of Securing a Contract**

A landowner may secure a contract by contacting the protection agency or a DNRC office. Once the agency and landowner agree upon the rate and upon the area to be protected, the information is forwarded to the Forestry Division office, and a contract is drafted for signature.