



Fire Management Handbook
Policy 761

Release of Cash Bond

In accordance with [Executive Order 2020-02, Transparency in Agency Guidance Documents](#), 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

To allow contractors to release slash holdback monies to the Idaho Department of Lands. It also releases residual or unreported monies to the contractor.

Applicability

Idaho Department of Lands (IDL or Department) and Timber Protective Associations (TPA) employees administering Release of Cash Bond.

1. Associated Policies

- A. Title 38, Section 122, Idaho Code
- B. Rules Pertaining to Idaho Forestry Act and Fire Hazard Reduction Laws, IDAPA 20.04.02, 070

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 Release of Cash Bond, Withheld to Assure Slash Disposal, is intended to allow contractors who have hazard reduction money withheld, but who do not intend to dispose of the hazard themselves, to release the withheld monies to the Department of Lands.

5. Procedures

- A. **Option 1:** The **Release of Cash Bond Withheld to Assure Slash Disposal, DL 761, Attachment 1**, will allow the contractor to release monies to the district in the event of a buy-out. Clearances will be issued in conjunction with Release of Cash Bond when the contractor releases, to the Idaho Department of Lands, cash bonds on the condition that agents of the IDL manages the slash. This option can be used to transfer monies on an addendum for burning slash on an ongoing operation. While a Clearance would accomplish the same purpose, the Release of Cash Bond does not remove liability if the operation is not completed.

In addition, this option can be used to transfer funds for negligent fire suppression bills. It can also be used to transfer funds to the Bureau of Forest Management on state timber sales.

When Option 1 is chosen, the Release of Cash Bond will be forwarded to the Bureau of Fire Management for processing. Monies will be transferred from slash holdback to the Forest Management Account.

If the contractor should decide not to treat the slash and is accepting the liability, do not execute the Release of Cash Bond. Allow the money to go forfeit at the expiration date of the agreement.

- B. **Option 2:** The **Release of Cash Bond Withheld to Assure Slash Disposal, DL 761, Attachment 2**, can refund a portion of the total slash money withheld on an operation under certain specific conditions:
1. 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.
 2. The Release of Cash Bond will refund residual or unreported monies in the account to the contractor after a Clearance has been issued.
 3. 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. Use of the Release of Cash Bond form is self-explanatory. Read carefully as to who (Contractor or Fire Warden) signs for the district's application of the form. Make sure the names and addresses are correct.

Do not send copies to Boise. Contractor and Landowner copies will be mailed directly to them. All other copies will be sent to the Bureau of Fire Management for processing. If using the electronic version, the original must come to the Bureau of Fire Management for processing.

STATE OF IDAHO
DEPARTMENT OF LANDS

CBR # 00002 -A

RELEASE OF CASH BOND

Contractor Winton Lumber Company Address 1020 Front Street

City Rose Lake State ID Zip Code 83621

AGREEMENT NO. 60002E Landowner Winton Lumber Company

DISTRICT NO. 990

(Check the option which applies)

X 1. The **Contractor** (named above) releases to the Director, Department of Lands, cash bonds in the amount of \$ 140.00, on the condition that agents for the Director manage the slash as outlined in the Rules and Regulations Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Law.

 2. The **Director**, Department of Lands, releases to the Contractor (named above) cash bonds in the amount of \$. This refund does not replace a Certificate of Clearance nor does it clear the Contractor for any liability for costs of suppressing fires, as specified by Idaho Code Section 38-122.

Signed XXXXX

Date February 22, 2009

The Contractor must sign for #1 above; the Fire Warden must sign for #2 above.

Original Copy (White) – CONTRACTOR
Green Copy – DIRECTOR'S FILE
Canary Copy – DISTRICT FILE
Pink Copy – BOISE
Gold – LANDOWNER

STATE OF IDAHO
DEPARTMENT OF LANDS

CBR # 00003 -A

RELEASE OF CASH BOND

Contractor Harry's Horse Logging Address PO Box 7

City Medimont State ID Zip Code 83842

AGREEMENT NO. 60003E Landowner Rutledge Lumber Company

DISTRICT NO. 990

(Check the option which applies)

 1. The **Contractor** (named above) releases to the Director, Department of Lands, cash bonds in the amount of \$, on the condition that agents for the Director manage the slash as outlined in the Rules and Regulations Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Law.

X 2. The **Director**, Department of Lands, releases to the Contractor (named above) cash bonds in the amount of \$ 253.95. This refund does not replace a Certificate of Clearance nor does it clear the Contractor for any liability for costs of suppressing fires, as specified by Idaho Code Section 38-122.

Signed XXXXX

Date February 23, 2009

The Contractor must sign for #1 above; the Fire Warden must sign for #2 above.

Original Copy (White) – CONTRACTOR
Green Copy – DIRECTOR'S FILE
Canary Copy – DISTRICT FILE
Pink Copy – BOISE
Gold Copy – LANDOWNER