

**Air, Energy, & Mining Division**

**JOINT SURETY BOND GUIDE**

INSTRUCTIONS:

* Fill out this form in its entirety (except for the DEQ Sections).
* DO NOT fill out any of the **Official Use Only** areas on the form.
* All Opencut bond forms are designed to be completed in Microsoft Word. It is recommended that the operator complete the OPERATOR sections and then email the form, in Word format, to the surety company for completion of the SURETY sections.
* Ensure that all blanks in the OPERATOR sections are consistent with the information provided in the *Opencut Mining Plan of Operation and Application*.
* **NOTE: all surety bonds must include a Power of Attorney from the surety company. This POA must include an ink stamp or an embossed stamp. The DEQ will not accept printed/scanned stamps.**
* When submitting bonds, DO NOT include the guide/instruction page.

MAILING BONDS:

* All signed, original bonds must be mailed to the Helena office ONLY. The mailing address is **DEQ Opencut Mining Section, PO Box 200901, Helena, MT 59620.**
* For those wishing to deliver the bonds in-person, the physical address is 1520 E. 6th Avenue, Helena, MT 59601.

OPERATOR SECTION – PAGE 1:

* Ensure that the OPERATOR NAME is consistent with the information provided in the *Opencut Mining Plan of Operation and Application.*
* In section C, include the bond amount written out in its entirety.

SURETY SECTION – PAGE 1:

* In section F, write out the full name of the state the surety company is incorporated in (no abbreviations).

OPERATOR SIGNATURE SECTION – PAGE 2:

* Ensure that the operator signs here and lists their title.

OPERATOR ACKNOWLEDGEMENT SECTION – PAGE 2:

* On the “By” line, note that this line is for the OPERATOR NAME, not the name of the notary.
* The date in this section MUST MATCH the date of the above OPERATOR SIGNATURE SECTION.
* For notary seals, use an ink stamp or an embossed stamp in this area.

SURETY / AGENT SIGNATURE SECTION – PAGE 3:

* This section is for the surety and/or agent to sign and include their information.
* For notary seals, use an ink stamp or an embossed stamp in this area.

SURETY / AGENT ACKNOWLEDGEMENT SECTION – PAGE 3:

* On the “By” line, note that this line is for the AGENT NAME.
* The date in this section MUST MATCH the date of the above SURETY / AGENT SIGNATURE SECTION.
* For notary seals, use an ink stamp or an embossed stamp in this area.

DEPARTMENT OF ENVIRONMENTAL QUALITY/BUREAU OF LAND MANAGEMENT SECTIONS – PAGE 4:

* DO NOT fill out any fields on this page.



DEQ# \_\_\_\_\_\_\_\_\_\_\_ - OC

 Permit # \_\_\_\_\_\_\_\_\_\_\_\_\_

 **Official Use Only**

**Air, Energy, & Mining Division**

**JOINT SURETY BOND FOR OPENCUT MINING PERMIT**

**INSTRUCTIONS**

1. This form is designed to be completed in Microsoft Word. It is recommended that the operator complete the OPERATOR SECTION and then email the form, in Word format, to the surety company for completion of the SURETY SECTION.

Ensure all blanks in the OPERATOR SECTION are consistent with the information provided in the *Opencut Mining Plan of Operation and Application*.

The **signed original** bond must be mailed to the Helena office:

**Physical address**: 1520 E 6th Avenue, Helena MT 59601

**Mailing address**: PO Box 200901, Helena MT 59620

**OPERATOR SECTION**

Whereas **Operator Name** (Operator) holds or has applied for an Opencut Mining Permit from the State of Montana Department of Environmental Quality (the State) and a plan of operations from the U.S. Department of Interior, Bureau of Land Management (the BLM) to conduct mining operations

For the site known as **Site Name**,

Covering **# of acres** bonded acres,

In the amount of **$****0.00,** **amount written out** for the payment of which sum, well and truly to be made.

Effective date of bond: **Date**

**SURETY SECTION**

1. We, **Surety Company** (Surety), NAIC Number **NAIC#**,
2. A corporation organized and existing under the laws of The State of **State Incorporated In** and duly authorized to transact business in the State of Montana are held and firmly bound to the State and the United States through the Bureau of Land Management (BLM).
3. For bond number **surety bond number** bind ourselves, and each of our legal representatives, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

NOW, THEREFORE, the conditions of this obligation are such that if the above bonded Operator shall, in conducting such mining operations, faithfully perform the requirements of the permit, Title 82, Chapter 4, Part 4, MCA, and the rules adopted pursuant thereto, the Plan of Operations from the BLM and 43 CFR subpart 3809 or 43 CFR part 3600 related to mining, then this obligation shall be exonerated and discharged and become null and void; otherwise this obligation shall remain in full force and effect. The requirements assured by this bond include those requirements imposed on Operator as a result of those activities that occurred prior to issuance of this bond and before the date the bond is canceled or released or substitute bond is approved. If this bond is forfeited, the State and the BLM shall be entitled to the entire amount of this bond without regard to actual damages. Reasonable attorney’s fees and costs shall be awarded to the prevailing party in an action to enforce the terms of the bond, including the actual costs incurred for time spent by salaried staff attorney(s) of the prevailing party. This bond may be released only upon consent by both the State and the BLM.

This surety shall be held by the State. If the Operator fails or refuses to fulfill its obligations pursuant to any section of its Opencut permit, Title 82, chapter 4, part 4, MCA, the rules adopted pursuant thereto, or Plan of Operations from the BLM, the State and/or the BLM shall declare this surety bond to be forfeited and the bond proceeds shall be made payable to the agencies, whether the forfeiture was ordered by both agencies or by one agency without the concurrence of the other. All bond proceeds shall be the sole and exclusive property of the State and the BLM and shall not be refunded to the surety.

Line items prepared by the State and the BLM to determine the total amount of the surety bond required are not limitations on how the State and the BLM may spend any of the bond proceeds paid by the surety.

PROVIDED, however, in no event shall the liability of the Surety to the Obligee (s), or any of them, in the aggregate, exceed the penal sum designated in the first paragraph hereof, and shall not be liable with respect to any obligation related to mining operations performed after the expiration of thirty (30) days from the date of the mailing by the Surety of a cancellation notice directed to the Operator and the State, Helena, Montana and the local BLM office. The bond shall remain in full force and effect as respects any obligations related to mining operations performed prior to the effective date of such cancellation unless the Operator files a substitute bond, approved by the State and the BLM, or unless the State, and the BLM shall otherwise release the Surety.

**OPERATOR SIGNATURE SECTION**

Dated this  day of  **,** .

OPERATOR Signature Title

**OPERATOR ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of

This instrument was signed or acknowledged before me on day of ,

 By .

 **Operator Name**

 Notary Signature

 (Notary Seal) Notary Public for the State of

 Residing at

 My Commission expires

**For Official Use Only**

Bond Number: **surety bond number**

**SURETY / AGENT SIGNATURE SECTION**

Dated this day of , .

SURETY / AGENT Signature Title

Agency Name:

 (Surety Seal)

Full Mailing Address:

Telephone Number:

**SURETY / AGENT ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This instrument was signed or acknowledged before me on day of  , .

 By .

 **Agent Name**

 Notary Signature

 (Notary Seal) Notary Public for the State of

 Residing at

 My Commission expires .

**For Official Use Only**

Bond Number: **surety bond number**

**ACCEPTANCE SECTION**

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY SECTION**

Approved by State of Montana Department of Environmental Quality

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Mining Bureau Signature Title Date

**U.S. DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT SECTION**

Approved by U.S. Department of Interior, Bureau of Land Management Section

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BLM Signature Title Date

**AUTHORIZATION FOR RELEASE**

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY SECTION**

The above assignment of Surety Bond is hereby released. The authorized signature below shall witness the termination of the State’s interest in the surety.

Authorized by State of Montana Department of Environmental Quality

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Mining Bureau Signature Title Date

**U.S. DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT SECTION**

The above assignment of Surety bond is hereby released. The authorized signature below shall witness the termination of the U.S. Department of Interior, Bureau of Land Management Sections interest in the surety.

Authorized by U.S. Department of Interior, Bureau of Land Management Section

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BLM Signature Title Date

**For Official Use Only**

Bond Number: **surety bond number**