



United States Department of the Interior  
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT  
Western Regional Coordinating Center

**COLLATERAL BOND AND INDEMNITY AGREEMENT**

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED

\_\_\_\_\_  
(Corporation/Permittee/Obligor)

(Street Address) (City) (State) (ZIP)

a corporation organized and existing under the laws of the State of \_\_\_\_\_, as Obligor, is hereby held and firmly bound unto the United States Office of Surface Mining Reclamation and Enforcement (OSM) in the sum of \_\_\_\_\_ (\$ \_\_\_\_\_).

Contemporaneously with the execution and delivery of this Bond, the Obligor gives OSM a \_\_\_\_\_ numbered: \_\_\_\_\_, as collateral, pursuant to 30 CFR § 800.5(b),  
(kind of instrument) (instrument ID number)  
in the amount specified above, and attached as Exhibit 1.

THE CONDITION OF THIS OBLIGATION is such, that:

Whereas, the above named Obligor has submitted an application for surface coal mining and reclamation operations, Permit Application No. \_\_\_\_\_, including a mining and reclamation plan, to conduct and reclaim the mining operation, as defined pursuant to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C, § 1201 *et seq.*, (the Act) and its attendant regulations; and

Whereas, pursuant to 30 CFR § 800.5(b) the Obligor has chosen to post a collateral bond and indemnity agreement (Bond) as a guarantee that the reclamation of the land disturbed during this surface coal mining operation will be completed as required by the Act and 30 CFR Chapter VII, and as specified in the Permit as issued; and

Whereas, the Obligor agrees to guarantee the obligation and to indemnify, defend, and hold harmless the United States Office of Surface Mining Reclamation and Enforcement (OSM) from any and all losses and expenses which OSM may sustain as a result of the Obligor's failure to comply with the conditions of the obligation; and

Whereas obligations guaranteed by this bond shall be in effect for the following described lands approved as the permit area or increment upon which initial or succeeding operations will be conducted: . . . . (If additional space is needed, use an attachment signed by the Obligor)

---

---

Now therefore, if the Obligor faithfully completes all reclamation and abatement requirements set forth in the Act, in 30 CFR Chapter VII, and in its Permit, including the mining and reclamation plans, then this obligation shall be void; otherwise, it shall remain in full force and effect:

- (a) beginning on the date of the approval and issuance of Permit No. \_\_\_\_\_ and extending until all reclamation, restoration, and abatement work pursuant to the Act, 30 CFR Chapter VII, and the permit has been completed to the satisfaction of the Office of Surface Mining Reclamation and Enforcement; and,
- (b) until the bond is released pursuant to 30 CFR § 800.40, replaced in accordance with 30 CFR § 800.30, or until the permit has been sold, reassigned or otherwise transferred in accordance with 30 CFR § 774.17; and
- (c) for a minimum period of \_\_\_\_\_ years, notwithstanding the requirements of sub-paragraphs (a) and (b) above, it being further understood that if the Principal performs any augmented seeding, fertilization or other supplemental reclamation work on the site prior to bond release, the period of liability under this bond shall begin again subject to the exception found in 30 CFR § 816.116(c)(4) or 30 CFR § 817.116(c)(4).

The failure of the Obligor to fulfill the obligations specified by the Act, 30 CFR Chapter VII, and its permit, shall result in a forfeiture of this performance bond according to the procedures described in 30 CFR § 800.50.

IN WITNESS WHEREOF, the Obligor has hereunto set its signature and seal this \_\_\_\_\_ day of \_\_\_\_\_,

Date \_\_\_\_\_

\_\_\_\_\_  
(Corporation/Permittee)

(Affix Seal)

By: \_\_\_\_\_

<sup>1</sup> (Corporate Officer)

---

<sup>1</sup>Where one signs by virtue of Power of Attorney or Corporate Resolution for a corporate Principal, such certified Power of Attorney or Corporate Resolution must be filed with this collateral bond.

**ACKNOWLEDGMENT OF CORPORATION - OBLIGOR**

On this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public in and for the County of \_\_\_\_\_, in the State of \_\_\_\_\_, appeared \_\_\_\_\_ to me personally known who, being by me fully sworn, did say that he/she is \_\_\_\_\_ of \_\_\_\_\_, the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed, sealed and delivered in behalf of said corporation by authority of its Board of Directors, and he/she, as such officer, acknowledged said instrument to be the free act and deed of said corporation for the uses and purposes of said instrument as therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day, month, and year aforesaid.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for said County and State

