

California Mine ID No. _____

Reclamation Bond Sole Proprietorship

Bond No. _____

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Permit No. _____

Reclamation Plan Name/No. _____

**DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
and**

(Name of LEAD AGENCY)

SURETY BOND (SOLE PROPRIETORSHIP)

(Public Resources Code §2773.1)

Bond No. _____

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED

_____ d/b/a

(Name of Individual)

(Name of Company - Permittee and Principal, whose address for service is:)

(Street Address) (City) (State) (Zip)

a sole proprietorship, as Principal, and _____

(Name of Surety Company, whose address for service is:)

(Street Address)

(City)

(State)

(Zip)

organized and existing under the laws of the State of _____ and licensed to do business in the State of California, as Surety, are held and firmly bound unto _____ and the Department of Conservation, Division of Mine

(Name of LEAD AGENCY)

Reclamation in the penal sum of _____ DOLLARS (\$ _____), for the payment of which sum we hereby jointly and severally bind ourselves, our successors, and assigns. In the event of forfeiture by the Principal, the Obligees agree that, in the aggregate, they shall not demand in excess of the penal sum of this bond.

THE CONDITION OF THE ABOVE OBLIGATION is such that:

Whereas, the above-named Principal has an approved permit, number _____ and/or claims a vested right, including an approved reclamation plan, number _____, to reclaim mined lands, as defined pursuant to the Surface Mining and Reclamation Act, Public Resources Code, Division 2, Chapter 9, §2710 et seq. (the Act), and its attendant regulations (California Code of Regulations, Title 14, §3500 et seq.); and

Whereas, a demand has been made upon Principal for security under Public Resources Code §2773.1, to insure compliance with the Act; and this bond is executed and tendered in accordance therewith;

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Whereas, the Principal has chosen to file this performance bond as a guarantee that the reclamation of the mined lands disturbed during this surface mining operation will be completed as required by the Act and regulations, and as specified in the reclamation plan and any applicable permit as approved by _____;
(Name of LEAD AGENCY)

Whereas, the Surety and their successors and assigns agree to guarantee the obligation and to indemnify the _____ and the Department of Conservation, Division of Mine Reclamation from the failure of the Principal to complete the reclamation of the mined lands disturbed during the surface mining operation in conformity with the Act and regulations, and as specified in the reclamation plan and any applicable permit as approved by _____, subject to the penal sum of this bond;
(Name of LEAD AGENCY)

Whereas, the surety, as part of the obligation secured by this bond, and in addition to the penal sum specified in this bond, agrees there shall be included costs and reasonable expenses and fees, including reasonable attorney fees, incurred by the _____,
(Name of LEAD AGENCY)

or in the alternative, the Department of Conservation, Division of Mine Reclamation, in successfully enforcing such obligation against the surety, all to be taxed as costs and included in any judgment rendered;

Whereas, obligations guaranteed by this performance bond shall be in effect for the following described lands which are subject to the approved reclamation plan or increment upon which initial or succeeding operations by the principal will be conducted:

(Insert legal description or Assessor's Parcel Number)

Now, if the Principal completes all reclamation requirements set forth in the Act, the regulations, and all conditions of the permit related to reclamation, including the reclamation plan, then this obligation shall be void; otherwise, it shall remain in full force and effect:

- (a) beginning on the date of the approval of the reclamation plan and any applicable permit, or prior to commencement of disturbance of mined lands, and extending until all reclamation work pursuant to the Act, the regulations, and all conditions of the permit related to reclamation, including the reclamation plan, has been completed to the satisfaction of _____ and
(Name of LEAD AGENCY)
the Department of Conservation, Division of Mine Reclamation; and
- (b) until the bond is released or replaced in accordance with the Act and its attendant regulations with the written concurrence of _____ and the Department of Conservation,
(Name of LEAD AGENCY)
Division of Mine Reclamation.

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The failure of the Principal to fulfill mined land reclamation obligations specified by the Act, the regulations, and all conditions of the permit related to reclamation, including the reclamation plan, shall result in a forfeiture of this performance bond according to the procedures described in the Act.

The amount of the Surety's liability may only be reduced by the _____ and the Department of Conservation, Division of Mine Reclamation pursuant to the Act for lands covered by this bond which have been disturbed by the Principal. If the penal sum of this bond requires adjustment, it shall be by use of an Increase/Decrease Rider.

(Name of LEAD AGENCY)

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the reclamation plan and/or any applicable permit, or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the reclamation plan and/or any applicable permit, or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to surety's obligations hereunder and are hereby waived by surety.

The Surety will give notice of cancellation of the bond at least 120 days prior to such cancellation and prompt notice to the Principal, _____,

(Name of LEAD AGENCY)

And the Department of Conservation, Division of Mine Reclamation of any of the following: 1) any notice received or action filed alleging the insolvency or bankruptcy of the Surety, 2) any notice received alleging any violations or regulatory requirements which could result in suspension or revocation of the Surety's license to do business, 3) the Principal has failed to renew or pay associated premiums causing the bond to lapse.

In the event the Surety becomes unable to fulfill its obligations under the bond for any reason, notice shall be given immediately to the Principal, _____,

(Name of LEAD AGENCY)

and the Department of Conservation, Division of Mine Reclamation.

Upon the incapacity of the Surety by reason of bankruptcy, insolvency, or suspension or revocation of its license, the Principal shall be deemed to be without bond coverage in violation of the Act, and subject to enforcement actions described in the Act.

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IN WITNESS THEREOF, the Principal and Surety have hereunto set their signatures and seals as of the dates set forth below.

Date: _____

(Company - Permittee [Principal])

(Seal)

By: _____

(Signature of Individual - Sole Proprietor)

Typed or Printed Name

Title: _____

I declare under penalty of perjury, under the laws of the State of California, that I have executed the foregoing bond under an unrevoked Power of Attorney.

(Surety Company)

By: _____

(Signature of Attorney-in-Fact for Surety)

(Seal)

Typed or Printed Name

Title: _____

Executed in _____ on _____
(City and State) (Date)

under the laws of the State of California.

Where one signs by virtue of a Power of Attorney for a Surety Company, such fully executed Power of Attorney must be filed with this bond.

Please identify the agent acting on behalf of the surety who will accept notices, papers, and other documents, if applicable.

Agent: _____ Title: _____

Address: _____

Phone Number: _____ Email Address: _____

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COMPLETED NOTARIZED ACKNOWLEDGMENT OF COMPANY – PERMITTEE [PRINCIPAL]

[Attach loose notarial certificate]

COMPLETED NOTARIZED ACKNOWLEDGMENT OF SURETY

[Attach loose notarial certificate]