

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
3809 (933) P

February 18, 2003

EMS
Instruction Memorandum No. ID-2003-035
Expires: 09/30/2004

To: Idaho Field Offices
Attn: Geologists and Mining Engineers

From: Chief, Branch of Lands and Minerals

Subject: 3809 Surface Management Surety and Personal Bond Forms

Program Area: Surface Management Plans and Notices

Purpose: This Instruction Memo (IM) changes the Idaho policy on bond forms to be used for 3802/3809 surface management bonds filed with BLM in Idaho.

Policy/Action: IM No. ID-2002-014 dated January 9, 2002, transmitted two bond contract forms for surface management bonds filed with BLM in Idaho. These bond forms were to be used until such time as Bureau forms were issued. WO IM No. 2003-062 dated January 6, 2003, copy attached, includes information on new Bureau surface management bond forms.

Effective immediately you should discontinue use of the following Idaho Forms:

- Form ID-3809-4, Surface Management Surety Bond
- Form ID-3809-5, Surface Management Personal Bond

Use the following Bureau forms which were included with WO IM No. ID-2003-062:

- Form 3809-1, Surface Management Surety Bond
- Form 3809-2, Surface Management Personal Bond
- Form 3809-4, Form for Bond Rider Extending Coverage of Bond to Assume Liabilities for Operations Conducted by Parties Other Than the Principal (Consent of Surety) RIDER

You should continue to instruct operators to file their bonds and financial guarantees with the Idaho State Office. Send copies of determination letters, wherein the Field Office Manager approves the bond amount required, to Judy Phelps, Land Law Examiner, at the Idaho State Office.

Timeframe: This IM is effective upon receipt.

Background: In accordance with the Paperwork Reduction Act, the OMB has approved the above listed forms as a new information collection under revisions to the BLM regulations at 43 CFR Part 3809, which govern locatable mineral exploration and development on the public lands and Federal interests in lands. The above forms are used by the BLM to collect information in managing surface disturbing activities carried out during exploration or mining authorized by the Mining Law.

Manual/Handbook Sections Affected: None.

Coordination: This IM was coordinated with Linda Matthews, Idaho State Office.

Contact: If you have any questions regarding this IM, contact Karen Shilling at (208) 373-3884 or Judy Phelps at (208) 373-3883.

Lower Snake River District with Union: No Union notification or negotiation is required.

Signed by
Jimmie Buxton

Authenticated by
Sandra Frymire
Lands Records Clerk (ID-933)

Attachment (5pp)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

January 6, 2003

In Reply Refer To:
3809 (WO-320)P

EMS TRANSMISSION 01/15/2003
Instruction Memorandum No. 2003-062
Expires: 09/30/2004

To: All Washington Offices and Field Officials
From: Assistant Director, Minerals, Realty and Resource Protection
Subject: Availability of New Bureau Forms 3809-1, 3809-2, 3809-4

Program Area: Mining Law Administration, Surface Management, Financial Guarantees.

Purpose: This instruction memorandum identifies the availability of forms that have recently been printed.

Policy/Action: The Bureau of Land Management (BLM) forms listed below, that relate to surface management activities under the General Mining Law (43 CFR 3809), have received approval from the Office of Management and Budget (OMB) and should be available in the near future from the Printed Materials Distribution (PMDS). Please note the August 2002 revision date on the forms.

Form No.	Title	OMB No.	Expiration Date
3809-1	Surface Management Surety Bond	1004-0194	Nov. 30, 2003
3809-2	Surface Management Personal Bond	1004-0194	Nov. 30, 2003
3809-4	Form for Bond Rider Extending Coverage Of Bond to Assume Liabilities for Operations Conducted by Parties Other Than the Principal (Consent of Surety) RIDER	1004-0194	Nov. 30, 2003

Effective Date: The new forms should be available from the PMDS in about 10 weeks. Please order your forms via fax or regular mail. The PMDS cannot accommodate telephone orders. If you have questions about publication ordering procedures, please contact your forms/publications ordering personnel or see the PMDS web site at: <http://ncweb.sc.blm.gov/pmds/>. The forms will also be available from the Internal and External Forms Web Pages at: <http://ncweb.sc.blm.gov/blmforms/> and <http://www.nc.blm.gov/blmforms/>.

Background: In accordance with the Paperwork Reduction Act, the OMB has approved the above listed forms as a new information collection under revisions to the BLM regulations at 43 CFR Part 3809, which govern locatable mineral exploration and development on the public lands and Federal interests in lands. The above forms are used by the BLM to collect information in managing surface disturbing activities carried out during exploration or mining authorized by the Mining Law.

Manual/Handbook Sections Affected: None

Coordination: Form updating, submission for approval to OMB and printing were coordinated among Karen Wrenn (BC-652), Mary Linda Ponticelli (WO-320) and Shirlean Beshir (WO-630).

Contact: Questions regarding use of forms 3809-1, 3809-2 and 3809-4 should be addressed to Rick Deery of the Solid Minerals Group (WO-320) at 202-452- 0351. Questions regarding form ordering and shipment should be directed to Bob Stahl at the PMDS at 303-236-1975.

Signed by:
John W. Broderick
Acting, Assistant Director
Minerals, Realty and Resource Protection

Authenticated by:
Robert M. Williams
Policy and Records Group, WO-560

3 Attachments

- 1 - Form 3809-1 Surface Management Surety Bond (2 pp)
- 2 - Form 3809-2 Surface Management Personal Bond (2 pp)
- 3 - Form 3809-4 Bond Rider Extending Coverage of Bond to Assume Liabilities for Operations Conducted by Parties Other Than the Principal (1p)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0194
Expires: November 30, 2003

**Form for Bond Rider Extending Coverage of Bond to Assume Liabilities for
Operations Conducted by Parties Other Than the Principal
(Consent of Surety)
RIDER**

BLM Bond Number
Surety Bond Number
Plan/Notice Serial Number

The principal and surety (or principal/obligor, if a personal bond) hereby agree to extend the coverage of the bond referenced above to include liabilities for operations conducted by _____ on _____

plan/notice serial number _____ in which the principal holds interest or in the State of _____ (Statewide bond) or nationwide (nationwide bond).

Coverage includes the faithful performance of all plan of operations or notice level operations, both past and future, including the responsibility for all surface reclamation, as filed or approved by the Bureau of Land Management (BLM).

This coverage of plan of operations or notice level operations, will continue whether or not the plan(s) and/or notice(s) subsequently expire, terminate, are canceled, or relinquished; provided however, that this rider will not act to increase the actual cumulative or potential liability for the surety above the face amount of the bond (penal sum).

Signed this _____ day of _____, 20____ .

(Principal)

(Surety)

(Principal--(EIN or SSN No.))

(Surety--EIN or SSN No.)

(By) (Title)

(Attorney-in-fact)

(Address)

(Address)

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 22 et seq.; 43 U.S.C. 1732[b] and 1782[c]; 31 U.S.C. 9301 et seq.; 43 CFR 3802 and 3809.

PRINCIPAL PURPOSE: Information is being used to establish financial responsibility for surface disturbance on public lands.

ROUTINE USES: BLM will only disclose the information according to the regulations at 43 CFR 2.56 (d).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is necessary to receive a benefit. Failure to disclose this information may result in BLM's rejection of your application.

The Paperwork Reduction Act of 1995 requires us to inform you that:

BLM collects this information to grant the right to conduct exploration and mining activities on public lands.

Response to this request is required to obtain a benefit.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB Control Number.

BURDEN HOURS STATEMENT

Public reporting burden for this form is estimated to average 8 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management (1004-0194), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Washington, D.C. 20240

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.,

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SURFACE MANAGEMENT PERSONAL BOND
Act of May 10, 1872, as amended (30 U.S.C. 22-54)
Act of October 21, 1976, as amended (43 U.S.C. 1732-35, 1782)
Act of September, 13, 1982 (31 U.S.C. 9301 et seq.)
Act of September 27, 1988 (102 Stat. 1776)
(Act of April 16, 1993, 43 U.S.C. 299)

FORM APPROVED
OMB NO. 1004-0194
Expires: November 30, 2003

Plan of Operations/Notice _____ Statewide _____ Nationwide _____
(Name of State, if applicable) ("Yes" - if applicable)

KNOW ALL MEN BY THESE PRESENTS, THAT _____
(name)

of _____
(address)

as principal; is held firmly bound unto the United States of America in the sum of _____

_____ dollars (\$ _____).
lawful money of the United States, which may be increased or decreased by a rider hereto executed in the same manner as this bond.

The principal, pursuant to the authority conferred by Section 1 of the Act of September 13, 1982 (31 U.S.C. 9303), does hereby constitute and appoint the Secretary of the Interior to act as his attorney-in-fact for the purpose of negotiating the cash, letters of credit, savings accounts, certificates of deposit, or securities. The interest accruing on the United States securities, cash, or other instruments given above, in the absence of any default in the performance of any of the conditions, or stipulations set forth in this bond, the plan of operations/notice, must be paid to the principal. The principal hereby, for any heirs, executors, administrators, successors, and assignees, jointly and severally, ratifies and confirms whatever the Secretary will do by virtue of these presents.

The Secretary will transfer this deposit for the faithful performance of any and all of the conditions and stipulations as set forth in this bond, the plan of operations/notice cited above, and the regulations at 43 CFR Subpart 3809 and Subpart 3802. In the case of any default in the performance of the conditions and stipulations of such undertaking, it is agreed that the Secretary will have full power to assign, appropriate, apply, or transfer the deposit, or any portion thereof, to the satisfaction of any damages, reclamation, assessments, penalties, or deficiencies arising by reason of such default.

BOND CONDITIONS

1. WHEREAS the principal has an interest in a mining claim(s), millsite(s), or tunnel site(s) and/or responsibility for operations and/or reclamation on the mining claim(s), millsite(s), tunnel site(s) or public lands under the Acts cited in the bond; and
2. WHEREAS the principal has filed an acceptable notice with the United States Department of the Interior and/or received approval from the United States Department of the Interior of the plan of operations cited above and said plan of operations/notice contains certain stipulations and conditions; and
3. WHEREAS the principal hereby waives any right to notice of, and agrees that this bond will remain in full force and effect notwithstanding:
 - a. Any transfer(s) in whole or in part, of any or all of the land covered by the plan of operations/notice further agrees to remain bound under this bond as to the interests in the plan of operations/notice retained by the principal; and
 - b. Any modification of the plan of operations/notice or obligations thereunder; and
4. WHEREAS the principal hereby agrees that notwithstanding the cancellation or relinquishment of any mining claim(s), millsite(s), or tunnelsite(s) covered by this plan of operations/notice, whether by operation of law or otherwise, the bond will remain in full force and effect as to the terms and conditions of the plan of operations/notice, and obligations covered by this bond; and
5. WHEREAS the principal agrees that in the event of any default under the plan of operations/notice and/or reclamation plan the bond may be forfeited and, the United States, through the Bureau of Land Management, may commence and prosecute any claim, suit, or other proceeding against the principal without the necessity of joining the owner(s) of the mining claim(s), millsite(s), or tunnelsite(s) covered by the plan of operations/notice; and
6. WHEREAS if the principal fails to comply with the provisions of 43 CFR 3809.595, the principal will also be subject to the applicable provisions and penalties of Sections 303 and 305 of the Federal Land Policy and Management Act of 1976, *as amended* (43 U.S.C. 1733 and 1735). This provision will not be construed to prevent the exercise by the United States of any other legal and equitable remedy, including waiver of the default; and

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on reverse)

BOND CONDITIONS (Continued)

- 7. WHEREAS, on the faith of the foregoing promises, representations, and appointments, and in consideration of this bond, the United States has accepted the plan of operations/notice referenced herein.
- 8. NOW, THEREFORE, the condition of this obligation is such that if said principal(s), heirs, executors, administrators, successors, or assignees will, in all respects, faithfully comply with all of the provisions of the plan of operations/notice referenced herein, any amendments thereto, and the rules and regulations contained in 43 CFR Subpart 3809 or Subpart 3802, as applicable, then this obligation will be null and void; otherwise it will remain in full force and effect.

Signed this _____ day of _____, 20 ____ :

ACKNOWLEDGEMENT:

By _____

Subscribed and sworn to before me this _____ day

Title _____

of _____, 20 ____.

Business Address _____

(Notary Public)

(Date Commission Expires)

(Principal EIN or SSN No.)

[SEAL]

[SEAL]

If this bond is signed by a corporation, it must bear the seal of the corporation

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 22 et seq.; 43 U.S.C. 1732[b] and 1782[c]; 31 U.S.C. 9301 et seq.; 43 CFR 3802 and 3809.

PRINCIPAL PURPOSE: Information is being used to establish financial responsibility for surface disturbance on public lands.

ROUTINE USES: BLM will only disclose the information according to the regulations at 43 CFR 2.56 (d).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is necessary to receive a benefit. Failure to disclose this information may result in BLM's rejection of your application.

The Paperwork Reduction Act of 1995 requires us to inform you that:

BLM collects this information to grant the right to conduct exploration and mining activities on public lands.

Response to this request is required to obtain a benefit.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0194
Expires: November 30, 2003

SURFACE MANAGEMENT SURETY BOND

Act of May 10, 1872, as amended (30 U.S.C. 22-54)
Act of October 21, 1976, as amended (43 U.S.C.1732-35, 1782)
Act of September, 13, 1982 (31 U.S.C. 9301 et seq.)
Act of September 27, 1988 (102 Stat. 1776)
(Act of April 16, 1993), 43 U.S.C. 299)

Surety Bond Number _____

Plan of Operations/Notice _____ Statewide _____ Nationwide _____
(Name of State, if applicable) ("Yes" - if applicable)

KNOW ALL BY THESE PRESENTS, THAT: _____
(name)

of _____
(address)

as principal; and _____ of _____
(name) (address)

_____ as surety; are held firmly bound unto the United States of America in the
sum of _____ dollars (\$ _____) ,
lawful money of the United States, which may be increased or decreased by a rider hereto executed in the same manner as this bond, for the payment of
which sum the principal and surety bind themselves successors, and assigns, jointly and severally, by these presents.

The principal/surety will apply this bond for the faithful performance of any and all of the conditions and stipulations as set forth in this bond, the plan of operations/notice cited above, and the regulations cited at 43 CFR Subparts 3809 and 3802. In the case of any default in the performance of the conditions and stipulations of such undertaking, it is agreed that surety/principal will apply the bond or any portion thereof, to the satisfaction of any damages, reclamation, assessments, penalties, or deficiencies arising by reason of such default.

BOND CONDITIONS

1. WHEREAS the principal has an interest in a mining claim(s), millsite(s), or tunnel site(s) and/or responsibility for operations on those mining claim(s), millsite(s), tunnel site(s) or public lands under the Acts cited in this bond; and
2. WHEREAS the principal has filed an acceptable notice with the United States Department of Interior and/or received approval from the United States Department of the Interior of the plan of operations cited above, and said plan of operations/notice contains certain stipulations and conditions; and
3. WHEREAS the principal has promised to deliver to the United States a bond substantially in the form hereof upon the approval and/or acceptance of the above referenced plan of operations and/or notice by the United States Department of the Interior, Bureau of Land Management to secure the performance of the terms and conditions contained in said plan of operations/notice and/or associated reclamation plan.
4. WHEREAS the principal and surety agree that, with notice to the surety, the coverage of this bond, in addition to the present holdings of and/or authorization(s) granted to the principal, shall extend to and include:
 - a. Any transfer of operating rights under the plan of operations and/or notice hereafter entered into or acquired by the principal affecting mining claim(s), millsite(s), tunnel site(s), or public lands; and
 - b. Any activity subsequent hereto of the principal as operator under a plan of operations and/or notice issued pursuant to the Acts cited in this bond;

Provided, that for Statewide and Nationwide bonds only, the surety may elect to terminate the additional coverage authorized under this paragraph. Such termination will become effective 30 days after the Bureau of Land Management receives notice of the election to terminate. After the termination becomes effective, the additional interests identified in this paragraph will not be covered by this bond; and
5. WHEREAS the principal and surety agree that with notice to the surety this bond shall remain in full force and effect notwithstanding: Any assignment(s) of an undivided interest in any part or all of the mining claim(s) millsite(s), tunnel site(s), or public lands covered by the the plan of operations/notice in which event the assignee(s) shall be considered to be coprincipal(s) on this bond as fully and to the same extent as though their duly authenticated signatures appeared thereon; and
6. WHEREAS the principal/surety hereby waives any right to notice of, and agrees that this bond will remain in full force and effect notwithstanding:
 - a. Any transfer(s) in whole or in part, of any or all of the land covered by the plan of operations and/or notice and further agrees to remain bound under this bond as to the interests in the plan of operations and/or notice retained by the principal; and
 - b. Any modification of the plan of operations/notice or obligations thereunder as provided in paragraph 4 herein; and
7. WHEREAS the principal and surety hereby agree that notwithstanding the cancellation or relinquishment of any mining claim(s) millsite(s), or tunnelsite(s) covered by this plan of operations and/or notice, whether by operation of law or otherwise, the bond will remain in full force and effect as to the terms and conditions of the plan of operations and/or notice and obligations covered by this bond; and

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on reverse)

BOND CONDITIONS (Continued)

- 8. WHEREAS should the surety elect to cancel this bond, the surety agrees to give the principal and the Bureau of Land Management 90 days written notice by certified mail, return receipt requested, at their respective addresses as stated herein. The address for service to BLM concerning this bond is BLM _____ State Office located at _____. The surety further agrees that in the event of such cancellation this bond will remain in full force and effect as to all areas within the plan of operations/notice disturbed prior to the effective date of such cancellation, unless and until the principal should file a substitute bond or other acceptable instrument to protect the interests of the Bureau of Land Management and such bond or instrument is accepted by the Bureau of Land Management; and
- 9. WHEREAS the principal and surety agree that in the event of any default under the plan of operations and/or notice, the bond may be forfeited and, the United States, through the Bureau of Land Management, may commence and prosecute any claim, suit, or other proceeding against the surety and principal, or either of them, without the necessity of joining the owner(s) of the mining claim(s), millsite(s), or tunnelsite(s) covered by the plan of operations and/or notice; and
- 10. WHEREAS if the principal fails to comply with the provisions of 43 CFR 3809.595, the principal will be subject to the applicable provisions and penalties of Sections 303 and 305 of the Federal Land Policy and Management Act of 1976, *as amended*, (43 U.S.C. 1733 and 1735). This provision should not be construed to prevent the exercise by the United States of any other legal and equitable remedy, including waiver of the default; and
- 11. WHEREAS, on the faith of the foregoing promises, representations, and appointments and in consideration of this bond, the United States has received a notice or approved the plan of operations referenced herein.
- 12. NOW, THEREFORE, the condition of this obligation is that if said principal, heirs, executors, administrators, successors, or assignees will, in all respects, faithfully comply with all of the provisions of the plan of operations and/or notice, and any amendments thereto, and the rules and regulations contained in 43 CFR Subpart 3809 or Subpart 3802, then this obligation will be null and void; otherwise it will remain in full force and effect.

Signed this _____ day of _____, 20 _____ :

By _____
(Principal)

Title _____

Business Address _____

(Principal EIN or SSN)

[Seal]

By _____
(Surety)

Attorney-in-Fact _____

Business Address _____

(Surety EIN or SSN)

[Seal]

This bond must bear the seal of the surety company.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 22 et seq.; 43 U.S.C. 1732[b] and 1782[c]; 31 U.S.C. 9301 et seq.; 43 CFR 3802 and 3809.

PRINCIPAL PURPOSE: Information is being used to establish financial responsibility for surface disturbance on public lands.

ROUTINE USES: BLM will only disclose the information according to the regulations at 43 CFR 2.56 (d).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is necessary to receive a benefit. Failure to disclose this information may result in BLM's rejection of your application.

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