

(D) THE BOND SHALL BE EXECUTED BY THE OPERATOR AND CORPORATE SURETY LICENSED TO DO BUSINESS IN THE STATE. IN LIEU OF A CORPORATE SURETY, EITHER OF THE FOLLOWING SHALL BE ACCEPTABLE:

(1) DEPOSITS OF CASH OR NEGOTIABLE BONDS OF THE UNITED STATES GOVERNMENT. THE CASH DEPOSIT OR MARKET VALUE OF THE SECURITIES SHALL BE EQUAL AT LEAST TO THE REQUIRED SUM OF THE BOND. THE DEPARTMENT, ON RECEIPT OF ANY DEPOSIT OF CASH OR SECURITIES, IMMEDIATELY SHALL FORWARD IT TO THE STATE TREASURER, WHO SHALL RECEIVE AND HOLD THE BOND IN THE NAME OF THE STATE, IN TRUST, FOR THE PURPOSES FOR WHICH THE DEPOSIT IS MADE. THE STATE TREASURER AT ALL TIMES IS RESPONSIBLE FOR THE CUSTODY AND SAFEKEEPING OF THESE DEPOSITS. THE OPERATOR MAKING THE DEPOSIT MAY DEMAND AND RECEIVE FROM THE STATE TREASURER THE WHOLE OR ANY PORTION OF ANY SECURITIES SO DEPOSITED, ON DEPOSITING WITH THE STATE TREASURER OTHER NEGOTIABLE SECURITIES OF THE CLASSES SPECIFIED IN THIS SECTION HAVING A MARKET VALUE AT LEAST EQUAL TO THE SUM OF THE BOND; OR

(2) A CERTIFICATE OF DEPOSIT IF IT IS EQUIVALENT TO THE REQUIRED BOND, ISSUED BY A BANK WITHIN THE STATE, AND ACCOMPANIED BY WRITTEN AGREEMENT OF THE BANK TO PAY ON DEMAND TO THE STATE IN EVENT OF FORFEIT.

[[7-7B21]] 7-6A21. RELEASE OF BOND.

(A) FULL RELEASE.

ON COMPLETION OF THE MINING OPERATIONS, AND AFTER THE REQUIREMENTS OF THE PERMIT HAVE BEEN FULLY COMPLIED WITH, THE DEPARTMENT SHALL RELEASE THE BOND.

(B) PARTIAL RELEASE.

AN AMOUNT OF THE BOND OR CASH DEPOSIT, PROPORTIONED TO THE RESTORED PORTION OF THE AFFECTED LAND IN RATIO TO ALL OF THE AFFECTED LAND COVERED BY THE PERMIT, MAY BE RELEASED ON APPLICATION BY THE OPERATOR AND INSPECTION AND APPROVAL BY THE DEPARTMENT.

[[7-7B22]] 7-6A22. FORFEITURE OF BOND.

(A) THE PERFORMANCE BOND OR CASH DEPOSIT IN LIEU OF A BOND SHALL BE FORFEITED ON FAILURE OF THE OPERATOR TO PERFORM IN THE MANNER SET FORTH IN THE AUTHORIZED MINING AND RECLAMATION PLAN AND TO RECLAIM THE LAND AS PROVIDED FOR IN THE PERMIT OR UPON REVOCATION OF THE PERMIT. THE DEPARTMENT SHALL NOTIFY THE OPERATOR BY REGISTERED MAIL OF ITS INTENTION TO INITIATE FORFEITURE PROCEEDINGS. THE OPERATOR HAS 30 DAYS TO SHOW CAUSE WHY THE BOND OR CASH DEPOSIT SHOULD NOT BE FORFEITED.