

**COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR NATURAL RESOURCES
DIVISION OF MINE RECLAMATION AND ENFORCEMENT
FRANKFORT, KENTUCKY 40601**

PERFORMANCE BOND

APPLICATION (PERMIT) NUMBER _____

INCREMENT NUMBER (IF ANY) _____

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) _____

- 1. CASH BOND _____
- 2. SURETY BOND NUMBER _____
- 3. CERTIFICATE OF DEPOSIT NUMBER _____
- 4. LETTER OF CREDIT NUMBER _____
- 5. BOND SUBSTITUTION _____
- 6. BOND POOL: PERMIT SPECIFIC BOND, BOND POOL ID NO. _____

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned _____
as Principal and _____ as Surety is/are held and firmly bound unto the
Energy and Environment Cabinet in the penal sum of _____
Dollars (_____).

- 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- 2. For the payment of which sum is to be well and truly made
- 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
by and through its Escrow Agent _____
- 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department
for Natural Resources
- 5. Which sum is hereby substituted for the existing bond

as a guarantee that the provisions of the permit issued pursuant to Application Number _____,
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department for
Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in the
Commonwealth of Kentucky; that in said application the Principal estimates that
_____ acres of land situated in _____ County will be affected by surface coal
mining and reclamation operations authorized by the permit issued pursuant to the aforesaid application requiring
this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said _____, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. If the permit issued pursuant to the aforementioned application number is covered under the Kentucky Bond Pool Program, then the Cabinet, pursuant to KRS 350.735(3), shall release this bond obligation, held by the Surety, in its entirety upon the successful completion of Phase I reclamation as defined in 405 KAR 10:040, Section 2(4)(a), and the subsequent approval by the Cabinet of the Phase I release pursuant to 405 KAR 10:040, Section 1. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: _____ BY: _____
(PERMITTEE)

DATE: _____ OFFICIAL POSITION: _____

SIGNATURE: _____

Subscribed and sworn to before me by _____ this the _____ day of _____, _____.

NOTARY PUBLIC: _____ MY COMMISSION EXPIRES: _____

COMPLETE FOR SURETY BOND:

SURETY: _____

ADDRESS: _____

LOCAL AGENCY ISSUING BOND: _____

ADDRESS: _____

BY: _____ OFFICIAL POSITION: _____

SIGNATURE: _____ DATE: _____

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.