

## Attachment 1 Excerpts from 43 CFR § 3809

### **Pertinent 43 CFR regulations:**

§ 3809.200 To prevent unnecessary administrative delay and to avoid duplication of administration and enforcement, BLM and a State may make the following kinds of agreements: (a) An agreement to provide for a joint Federal/State program.

§ 3809.551 You may provide evidence of an existing financial guarantee under State law or regulations. See §§ 3809.570 through 3809.573 for more information.

§ 3809.570 When you provide evidence of an existing financial guarantee under State law or regulations that covers your operations, you are not required to provide a separate financial guarantee under this subpart if — (a) The existing financial guarantee is redeemable by the Secretary, acting by and through BLM; (b) It is held or approved by a State agency for the same operations covered by your notice(s) or plan(s) of operations; and (c) It provides at least the same amount of financial guarantee as required by this subpart.

§ 3809.571 You may provide a State-approved financial guarantee in any of the following forms, subject to the conditions in §§ 3809.570 and 3809.574: (b) Participation in a State bond pool, if— (1) The State agrees that, upon BLM's request, the State will use part of the pool to meet reclamation obligations on public lands; and (2) The BLM State Director determines that the State bond pool provides the equivalent level of protection as that required by this subpart.

§ 3809.572 If BLM rejects a submitted financial instrument in an existing State-approved financial guarantee, BLM will notify you and the State in writing, with a complete explanation of the reasons for the rejection within 30 calendar days of BLM's receipt of the evidence of State-approved financial guarantee. You must provide BLM with a financial guarantee acceptable under this subpart at least equal to the amount of the rejected financial instrument.

§ 3809.573 When the State makes a demand against your financial guarantee, thereby reducing the available balance, you must do both of the following: (a) Notify BLM within 15 calendar days; and (b) Replace or augment the financial guarantee within 30 calendar days if the available balance is insufficient to cover the remaining reclamation cost.