

FLUID MINERALS BOND PROCESSING USER GUIDE

Table of Contents

Introduction.

I.	<u>Bonding Requirements, General</u>	1
	A. When Bond Coverage is Required...	1
	B. Bond Guarantees	3
	C. Types of Bonds.....	
	1. Corporate Surety Bonds.....	
	2. Personal Bonds.....	
	D. Minimum Bond Amounts.....	6
	E. Parties Who Can Furnish Bonds....	7
	F. Bond Forms.....	8
	G. Terminating Period of Liability..	10
	H. Related Bond References.....	10
II	<u>Acceptance of Surety Bond for an Individual Lease</u>	11
	A. General.....	11
	B. Preliminary Review of Bond by Field Office Fluid Mineral Operations.....	12
	C. Processing and Acceptance of Bond.....	13
III	<u>Acceptance of Statewide and Nationwide Bonds</u>	19
	A. General.....	19
	B. Processing and Acceptance of Statewide and Nationwide Surety Bonds.....	22
IV	<u>Acceptance of Unit Operator's Bonds</u>	27
	A. General.....	27
	B. Acceptance by Field Office Operations.....	29
	C. Acceptance by State Office Fluid Leasing Adjudication	30
V	<u>Acceptance of Personal Bonds</u>	33
	A. General.....	33
	B. Letters of Credit.....	35
	C. Certificates of Deposit.....	39
	D. Negotiable Treasury Securities.....	43
	E. Transferring Treasury Securities to Circular 154 U.S. Government Account Number 11.....	44
	F. Cash Bonds (Guaranteed Remittances).....	52
VI	<u>Bonds for Compensatory Royalty Agreements</u>	55
VII	<u>Bonds for Gas Storage Agreements</u>	57
VIII	<u>Bonds for Fluid Disposal Wells</u>	59
IX	<u>Bonds for Protective Leases</u>	61

FLUID MINERALS BOND PROCESSING USER GUIDE

Table of Contents

	<u>Page</u>
X. <u>Oil and Gas Exploration Bonds</u>	63
A. General.....	63
B. Accepting Statewide/Nationwide Exploration Bonds.....	65
C. Accepting Individual Exploration Bonds.....	67
D. Termination of Statewide/Nationwide Exploration Bonds.....	70
E. Termination of Individual Exploration Bonds.....	72
<u>Processing Riders to Bonds</u>	75
A. General.....	75
B. Processing Bond Riders.....	76
<u>Bond Coverage When Processing Record Title Assignments</u>	81
XIII. <u>Increased Bond Coverage</u>	85
A. General.....	85
B. Processing Requests for Increased Bond Coverage.....	87
<u>Replacement of Bond</u>	91
A. General.....	91
B. Processing Replacement Bonds.....	94
XV. <u>Termination of Period of Liability in Part</u>	99
A. General.....	99
B. Processing of Bonds Terminated in Part.....	101
<u>Phased Release of Period of Liability on Lease Bond</u>	103
A. General.....	107
B. Processing Requests for Phased Release.....	10
XVII. <u>Termination of Period of Liability of Bond</u>	101
A. General.....	107
B. Processing Requests for Termination of Liability.....	108
XVIII. <u>Default and Collection on Bonds</u>	111
A. General.....	111
B. Collection Based on Field Office Operations/SMA/Surface Owner Request.....	113
C. Procedures for Collection on Surety Bond Based on BLM/SMA/Surface Owner Request.....	117
D. Procedures for Collection on Personal Bond Based on BLM/SMA/Surface Owner Request.....	124
E. Collection Based on MMS Request.....	130
F. Procedures for Collection Based on MMS Request.....	131
XIX. <u>Statute of Limitations</u>	137
A. Background.....	137
B. Relationship to Collections Under Bond.....	140

FLUID MINERALS BOND PROCESSING USER GUIDE

Table of Contents

XX	<u>Bankruptcy</u>	141
	A. Background.....	141
	B. Agency Procedure Regarding Discrimination Against Debtor.....	141
	C. Automatic Stays.....	144
	1. Operator in Bankruptcy.....	145
	2. Lessee is the Debtor.....	145
	D. Procedures for Collecting Prepetition Debts Under Bankruptcy..	146
	E. Procedures for Collecting Postpetition Debts Under Bankruptcy.....	148
XXI	<u>Obsolete Bonds</u>	151
	A. Mineral Claimants Bonds.....	151
	B. Agricultural Entry Land Bonds.....	152
	C. Known Geological Structure (KGS) or Competitive Lease Bonds...	153
	D. Termination of Obsolete Surface Owner and KGS Bonds Increased by Riders.....	

Glossary of Terms (See Handbook 3100-1)

Illustrations

1. Oil and Gas or Geothermal Lease Bond, Form 3000-4
2. Oil and Gas or Geothermal Exploration Bond, Form 3000-4a
3. Format for Sample Information Letter on Oil and Gas Bonds
4. Format for Operator Rider on Oil and Gas Bonds
5. Format for Bond Rider Extending Coverage of Bond to Assume Liabilities for Operations Conducted by Parties Other Than the Principal (Consent of Surety)
6. Example of Acceptable Power of Attorney of Surety for Bonds
7. Format for Decision Accepting Individual Lease Surety Bond
8. Format for Bond Rider to Extend Statewide/Nationwide Bond to More Than a Single Leasing Authority (For Statewide/Nationwide Bonds Filed on Bond Forms Predating August 1984)
9. Format for Decision Accepting Nationwide Bond and Rider to Add Limited Partnerships
10. Format for Memorandum Forwarding Bond to Appropriate BLM State Office
11. Format for Decision Accepting Statewide/Nationwide Surety Bond
12. Format for Bond Rider Extending Coverage of Statewide/Nationwide Bond to Cover a Unit Agreement (For Statewide/Nationwide Bond Forms Predating June 1987)
13. Format for Decision Accepting Unit Operator's Bond
14. Format for Sample of Acceptable Irrevocable Letter of Credit
15. Example of Decision for a Letter of Credit with a Drop Dead Clause (Wyoming State Office, Cockerill Decision)
16. Format for Decision Returning Unacceptable Letter of Credit
17. Format for Decision Accepting Individual Personal Bond Secured by Letter of Credit
18. Format for Decision Accepting Statewide/Nationwide Personal Bond Secured by Letter of Credit

FLUID MINERALS BOND PROCESSING USER GUIDE

Table of Contents

19. Format for Decision Requesting Replacement Security When Financial Institution Elects Not to Renew Existing Letter of Credit
20. Format for Decision Demanding Payment of Letter of Credit Proceeds
21. Format for Payment Draft to Accompany Decision Demanding Payment of Letter of Credit
22. Format for Decision Rescinding Demand for Payment Under Letter of Credit
23. Format for Decision Accepting Substitute Negotiable Security for Individual/Statewide/Nationwide Bond
24. Format for Decision Returning Unacceptable Certificate of Deposit
25. Format for Decision Accepting Individual Lease Bond Secured by Certificate of Deposit
26. Format for Decision Accepting Statewide/Nationwide Personal Bond Secured by Certificate of Deposit
27. Information on Bonds Secured by U.S. Treasury Securities
28. Format for Decision Accepting Individual Lease Bond Secured by Negotiable Treasury Securities
29. Format for Decision Accepting Statewide/Nationwide Personal Bond Secured by Negotiable Treasury Securities
30. Notification to Obligor of Maturing Treasury Security
31. Format for Memorandum to Negotiable Securities Custodian to Direct Federal Reserve Bank to Return Matured Treasury Security to Obligor
32. Format for Memorandum to Negotiable Securities Custodian Transmitting Information for Return of Proceeds from Matured Security to Obligor via Electronic Funds Transfer
33. Format for Decision Accepting Individual Personal Cash Bond
34. Format for Decision Accepting Statewide/Nationwide Personal Cash Bond
35. Format for Bond Covering Gas Storage Agreement
36. Format for Decision Accepting Bond for Gas Storage Agreement
37. Format for Bond Rider Extending Coverage of Statewide/Nationwide Bond to Include Oil and Gas Geophysical Exploration Operations Under Regulations at 43 CFR 3154.1
38. Format for Decision Accepting Statewide/Nationwide Surety Exploration Bond
39. Format for Decision Accepting Individual Surety Exploration Bond
40. Format for Decision Accepting Personal Individual Exploration Bond
41. Format for Memorandum from Field Office Fluid Mineral Operations to State Office Fluid Leasing Adjudication Requesting Secure Storage of Bond or Transfer of Negotiable Security to Business Center Negotiable Securities Custodian
42. Format for Notice Providing Status of Request by Principal/Obligor/Surety to Terminate Period of Liability of Bond
43. Format for Memorandum Requesting Report to Terminate Bond Liability from Field Offices
44. Format for Decision Terminating Period of Liability Under Bond
45. Format for Decision Denying Termination of Period of Liability Under Bond
46. Format for Decision Terminating Period of Liability of Individual Exploration Bond Released
47. Format for Decision Terminating Period of Liability of Personal Individual Exploration Bond

FLUID MINERALS BOND PROCESSING USER GUIDE

Table of Contents

48. Format for Field Office Memorandum Authorizing State Office Fluid Leasing Adjudication to Request Return of Original Individual Exploration Bond Security from Negotiable Securities Custodian
49. Format for Memorandum Requesting Negotiable Securities Custodian to Return Security for Individual Exploration Bond
50. Format for Letter Returning Negotiable Security to Geophysical Operator
51. Format for Decision Accepting Bond Rider (General)
52. Format for Sample Notice Requiring Evidence of Bond Coverage to Effect Approval of Record Title Assignment
53. Format for Sample Notice Requiring Clarification of Bond Coverage to Effect Approval of Record Title Assignment
54. Format for Sample Notice Soliciting Additional Requirement
55. Format for Decision Denying Approval of Record Title Assignment Because Proof of Bond Coverage Was Not Furnished
56. Format for Field Office Memorandum Requesting Increased Bond Amount
57. Format for Notice Requesting an Additional Bond Amount
58. Format for Bond Rider to Assume Outstanding Liability on a Lease (May be Attached to an Individual, Statewide, or Nationwide Bond)
59. Format for Bond Rider Extending Coverage of a Replacement Bond to Assume Liabilities Remaining Under a Prior Bond
60. Format for Decision Accepting New Surety Bond When New Surety Refuses to Assume Liabilities Remaining Under Prior Bond
61. Format for Decision Terminating Future Liability of Bond
62. Format for Decision Reducing Lease Bond Amount
63. Format for Letter Responding to Request for Unconditional Release of Liabilities Under Bond
64. Format for Certified Letter from Authorized Officer (AO) to Lease Operator Ordering Compliance with Lease Terms
65. Format for Certified Letter Requiring Work Performance
66. Format for Requisition to Contract Reclamation
67. Format for Memorandum for Review of Liability Under Bond (SO's)
68. Format for Default Decision Payment Under Bond Required
69. Format for Letter to Department of the Treasury Notifying them of Default in Payment Required Under Surety
70. Format for Decision Notifying Payment Under Bond Not Received
71. Format for Memorandum to Regional Solicitor Requesting Judicial Action Against Surety
72. Sample Cash Receipt Document (Form 1372-4)
73. Sample Contract for Reclamation Work Under Proceeds of Bond
74. Format for Decision Bonding Requirement
75. Format for Decision Insufficient Payment Under Bond Received
76. Format for Memorandum to Solicitor's Office Requesting Judicial Action for Failure to Pay Full Amount of Default
77. Format for Decision Appropriating Personal Bond
78. Format for Memorandum Requesting MMS to Write Off Collection Under Bond
79. Format for Memorandum to Field and State Offices Requesting Review of Liability Under Bond

FLUID MINERALS BOND PROCESSING USER GUIDE

Table of Contents

- Format for Decision Demanding Payment Under Bond from Principal/Obligor/Surety for Royalty Default
 Format for Accounting Advice Transferring Monies to MMS for Royalties, Applying Reclamation Costs and Administrative Fee - OPAC Transfer
82. Format for Accounting Advice Transferring Monies to MMS for late Royalty payment - OPAC Transfer
83. Sample Telefax Message and Conversation Record for Notifying MMS of Receipt of Monies Paid for Royalty Default

Appendices

1. Oil and Gas or Geothermal Lease Bond, Form 3000-4 (June 1987 Edition)
2. State, Nationwide, or National Petroleum Reserve in Alaska Oil and Gas Bond, Form 3104-8 (July 1984 Edition)
3. State, Nationwide, or National Petroleum Reserve in Alaska Oil and Gas Bond, Form 3104-8 (November 1981 Edition)
4. State or Nationwide Oil and Gas Bond, Form 3104-8 (February 1971 Edition)
5. State or Nationwide Oil and Gas Bond, Form 3120-20 (September 1966 Edition)
6. Nationwide Personal Oil and Gas Lease Bond, Form 3106-4 (February 1987 Edition)
7. Nationwide Personal Oil and Gas Lease Bond, Form 3106-4 (September 1966 Edition)
8. Bond of Oil and Gas Lease Operator, Form 3104-2 (July 1986 Edition)
9. Bond of Oil and Gas Lease Operator, Form 3104-2 (October 1975 Edition)
10. Bond of Oil and Gas Lease Operator, Form 3104-2 (July 1974 Edition)
11. Bond of Oil and Gas Lease Operator, Form 3104-2 (January 1971 Edition)
12. Bond of Oil and Gas Lessee, Form 3104-1 (June 1984 Edition)
13. Bond of Oil and Gas Lessee, Form 3104-1 (October 1981 Edition)
14. Bond of Oil and Gas Lessee, Form 3104-1 (August 1973 Edition)
15. Bond of Oil and Gas Lessee, Form 3106-1 (June 1968 Edition)
16. Oil and Gas Exploration Bond, Form 3045-3 (May 1981 Edition)
17. Oil and Gas Exploration Bond, Form 3107-3 (December 1967 Edition)
18. Regional Solicitor's Memorandum (No. BLM.ER.0659), Dated October 26, 1989, "Federal Oil and Gas Lease Bonding - Period of Liability"
19. Regional Solicitor's Memorandum (No. BLM.23.RM.0814), Dated January 20, 1987, "Effect of Assignment Approval on Assignee's Corporate Surety"
20. Instructions for Accessing ALMRS Automated Bond Bulletin Board
21. Memorandum of April 10, 1987 Indicating Priority Collection on Oil and Gas Bonds
22. Solicitor's Memorandum (No. BLM.ER.0645), Dated May 19, 1987, "Guidance in the treatment of lessees who have filed for relief under Chapters 7 and 11 of the Bankruptcy Code 11 U.S.C. 101, et. seq."