

MEMORANDUM

DATE: January 12, 2016
TO: All Licensees and Interested Parties
FROM: Alabama Surface Mining Commission
SUBJECT: Bond Release Request

Attached, you will find a packet containing instructions to be used in filing a Bond Release Request.

Please destroy all previous samples and use these new ones in preparing future requests.

If you should have any questions, you may contact Sabrina King of this office.

/ml

Attachment

INSTRUCTIONS FOR PREPARING BOND RELEASE REQUEST

Attached are sample letter and notices which you can use in preparing your Bond Release Request. You can also refer to Section 880-X-9D of The Rules of the Alabama Surface Mining Commission for other references.

All of these letters and notices can be sent via regular mail. No certified mail is required.

Due to several errors observed in prior Bond Release Request, we ask that you carefully check that your legal notice contains the type, percentage and amount of release that you are requesting. Also, the final comment date must be thirty (30) days after the final publication date.

The correct steps to follow in filing a Request are as follows:

- Step 1: Mail noticed to property owners, adjoining property owners and governmental agencies.
- Step 2: File application with the Alabama Surface Mining Commission, include copies of all letters and notices. State legal notice at this time.
- Step 3: File proof of publication from legal notice with the Alabama Surface Mining Commission.

INSTRUCTIONS FOR LETTERS TO LANDOWNERS AND SURFACE OWNERS

These letters must be sent prior to filing the Application with ASMC. These letters may be sent via regular mail.

Copies of these letters must be submitted with the Application to ASMC.

**Sample Letters to Surface
Owners, Agent or Lessee**

Dear _____:

Pursuant to Section 9-16-70, 1975 Alabama Code, (Name of Permittee) is filing with the Alabama Surface Mining Commission an Application for release of _____% of performance bond on P-0000-00-00-S. The area of land to be affected by the release consists of _____ acres located in:

(Legal Description to ¼ -1/4 Section, Township, Range, County)

Our records indicate that the area to be affected by the release includes property owned or controlled by you as a surface owner, agent or lessee.

The Alabama Surface Mining Commission will conduct an inspection of the area to determine if the bond release can be granted. The Alabama Surface Mining Commission will notify you of the time and date of the inspection so that you may have the opportunity to attend if you desire.

Sincerely,

**Sample Notice of
Adjoining Property Owners**

Dear _____:

Pursuant to Section 9-16-70, 1975 Alabama Code, (Name of Permittee) is filing with the Alabama Surface Mining Commission an Application for release of _____% of performance bond on P-0000-00-00-S. The area of land to be affected by the release consists of _____ acres located in:

(Legal Description to ¼ -1/4 Section, Township, Range, County)

Our records indicate that you are an owner of property adjoining the area for which release is sought. Any objections to the release or request for informal conference must be sent in writing to:

Alabama Surface Mining Commission
Post Office Box 2390
Jasper, AL 35502-2390

Such requests must be received no later than _____, 20____
(same date as final comment date in legal notice).

Sincerely,

INSTRUCTIONS FOR NOTICE TO GOVERNMENTAL AGENCIES

These notices must be sent to the appropriate county or municipal governing authority prior to the time the Application is filed. Include copies of the notices with your Application.

**Sample Notice to
Governmental Agencies**

Dear _____:

Pursuant to Section 9-16-70, 1975 Alabama Code, (Name of Permittee) is filing with the Alabama Surface Mining Commission an Application for release of _____ % of performance bond on P-0000-00-00-S. The area of land to be affected by the release consists of _____ acres located in:

(Legal Description to ¼ -1/4 Section, Township, Range, County)

Any objections to the release or request for informal conference must be sent in writing to:

Alabama Surface Mining Commission
Post Office Box 2390
Jasper, AL 35502-2390

Such requests must be received no later than _____, 20____
(same date as final comment date in legal notice).

Sincerely,

INSTRUCTIONS FOR NEWSPAPER NOTICE

Notice must be advertised once a week for four (4) consecutive weeks in a newspaper of general circulation.

The deadline specified in the notice for requesting conferences must be thirty (30) days after the last date of publication of the notice.

Once the ad had been run, a certified proof of publication must be submitted to ASMC. This must be submitted within thirty (30) days of filing the application with ASMC. The application will not be considered complete until the proof of publication is submitted.

INSTRUCTIONS FOR COMPLETING ATTACHED SAMPLE LEGAL NOTICE

1. Name of Permittee- Full name of Permittee as reflected on permit document or in accordance with most recent update.
2. Type of Release- Phase I (60%); Phase II (25%); Phase III (100%)
3. Permit Number- Use complete permit number as reflected on original permit document or most current renewal document.
4. Date permit was issued or most current renewal date.
5. Number of acres associated with the release.
6. Legal description to reflect the nearest ¼ - ¼ Section, Township, Range and County.
7. Date of completion of that phase of reclamation for with release is requested.
8. Description of Reclamation- Use the following:
 - 60%- all backfilling, regrading and drainage control of the area.
 - 25%- all topsoil has been replaced and re-vegetation of the area.
 - 100%- all the requirements involving regrading, planting and growing times.

9. Amount (\$) of release- percentage as reflected above in #2. **NOTE: To figure the amount of release on a Phase II you take 25% of the bond amount on which you received a Phase I release – i.e.:**

Amount of bond outstanding at time of Phase I		\$80,000.00
Phase I (60% x 80,000)	-	\$48,000.00
Phase II (25% x 80,000)	-	<u>\$20,000.00</u>
Balance after Phase II		\$12,000.00
Phase III (100%)	-	<u>\$12,000.00</u>
Balance after Phase III		-0-

10. Total (\$) bond amount outstanding at time of release.
11. Date must be thirty (30) days from last publication of notice.

SAMPLE

LEGAL NOTICE

Pursuant to Section 9-16-70 et seq. Alabama Code, 1975, (Name of Permittee) hereby gives notice that is has filed a (Type of Release) Bond Release Application with the Alabama Surface Mining Commission for release of performance bon for (Permit Number P-0000-00-00-S) issued/renewed on (Date Issued or Renewed). The area of land for which bond release is requested consists of _____ acres in Increment _____ located in:

(Legal Description to Nearest $\frac{1}{4}$ - $\frac{1}{4}$ Section, Township, Range, County)

The Permittee maintains that as of (Date), (Description of Reclamation) has been completed in compliance with State Law and regulations and the approved Reclamation Plan. The Permittee therefore, is requesting a release of (Amount of Release) of the performance bond (Total bond amount outstanding at time of release).

Any objections to the release or request for informal conference must be sent in writing to:

Alabama Surface Mining Commission
Post Office Box 2390
Jasper, AL 35502-2390

Such requests must be received no later than _____, 20_____.

Sample

Reclamation Certification

Permit #: _____

Increment(s) #: _____

I, (Officer's Name) hereby certify that as of (Date) all applicable reclamation requirements for a (Type of Release) including (Choose Below) has been completed in compliance with State Law and regulations and the approved Reclamation Plan.

(Officer's Signature)

(PLEASE INCLUDE THIS STANDARD NOTARY STATEMENT)

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE _____ DAY OF _____,
20_____.

(NOTARY SIGNATURE)

TYPES OF RELEASES:

- | | |
|------------|---|
| Phase I: | All backfilling, regrading and drainage control of area. |
| Phase II: | Replacing all topsoil or its approved substitute and re-vegetation of the area. |
| Phase III: | All the requirements involving regrading, planting and growing times. |