

**ASMC Use Only:**

Fee: \_\_\_\_\_  
Bond Required: \_\_\_\_\_  
Date Approved: \_\_\_\_\_

APPLICATION FOR PERMIT REVISION

Name of Permittee: C & H Mining Company, Inc.

License Number: L-410 Permit Number: P-3765-01-16-S

Permit Expiration Date: 09-03-16 Mine Name: Lindbergh Mine No. 2

Revision Number: Revision R-20

Nature of Proposed Revision:

- 1) Add 76 mining acres to Increment No. 2.
- 2) Add 9 mining acres to Increment No. 4.
- 3) Add 0 (less than 1 acre) incidental acres to Increment No. 6 for Primary Road 14P.
- 4) Update the General Plan through the re-evaluation of Basins 001E, 001AE, 001BE, 001CP and 010E, and update the General Plan with regard to the construction timetable of Basin 001CP.
- 5) Update the Operations Plan.
- 6) Extend the topsoil variance to include the area added by R-20.
- 7) Update the Reclamation Plan to add cross-section D-D'.
- 8) Request to remove the permit condition for the maximum ungraded acres for Increment No. 2.
- 9) Submit the detailed design plans for Primary Road 14P.

Attach Detailed estimate of effect of proposed revision on reclamation costs.

Applicant: C & H Mining Company, Inc.  
Mine Name: Lindbergh Mine No. 2  
Permit Number: P-3765 Revision R-20

# STATE OF ALABAMA

## SURFACE MINING COMMISSION

- ( X ) Permit Application for a Surface Coal Mine  
( ) Permit Application for an Underground Coal Mine  
( ) Permit Application for a Preparation Facility

### PART I A. IDENTIFICATION

#### 1. PERMIT APPLICANT

Name: C & H Mining Company, Inc.  
Street Address: P.O. Box 2328  
City: Jasper State: AL Zip: 35502  
Mailing Address: P.O. Box 2328  
City: Jasper State: AL Zip: 35502  
Telephone Number: ( 205 ) 295-2224  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: \_\_\_\_\_  
ASMC License#: L-410

#### 2. ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINE LAND RECLAMATION FEES

Name: Applicant  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone Number: ( \_\_\_\_\_ ) \_\_\_\_\_  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: \_\_\_\_\_  
ASMC License#: \_\_\_\_\_

#### 3. IDENTIFY THE OPERATOR FOR THIS MINE IF DIFFERENT FROM THE PERMITTEE

Name: Applicant  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone Number: ( \_\_\_\_\_ ) \_\_\_\_\_  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: \_\_\_\_\_  
ASMC License#: \_\_\_\_\_

#### 4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE

Name: Stephen Miles c/o PERC Engineering Co., Inc.  
Mailing Address: Post Office Box 1712  
City: Jasper State: AL Zip: 35502  
Telephone Number: ( 205 ) 384-5553

ALSO PLEASE COPY: Donnie Franklin  
C & H Mining Company, Inc.  
P.O. Box 2328  
Jasper, AL 35502  
Telephone: (205)295-2224

Applicant: C & H Mining Company, Inc.  
 Mine Name: Lindbergh Mine No. 2  
 Permit Number: P-3765 Revision R-20

**PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS**

**1. OWNERSHIP OF PROPERTY TO BE MINED AND RIGHT OF ENTRY.**

INSTRUCTIONS: Show the property ownership boundaries of each parcel of land in the permit area on the permit map or an overlay of the same scale as the permit map. If the surface estate is severed from the mineral estate, show and describe the ownership of each estate separately. In the spaces below, identify:

1. Every current legal or equitable owner(s) of record (as found in a standard search of title) of the property;
2. The holders of record of any leasehold interest in the property; and,
3. Any purchaser of record under a real estate contract of the property.

Describe the basis of the applicant's legal right to enter and mine on all properties contained in the permit application. If the mineral estate has been severed from the surface estate, describe the basis of the legal right to enter and mine both the surface and mineral separately. Give the nature of such right (i.e. lease, deed, contract, etc.), where recorded, describe from whom, to whom, and the date executed, and whether that right is the subject of pending litigation.

**USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY**

Page 1 of 4

Legal description of property or permit map symbol: Palos LLC (FEE) and (M)

Surface/Mineral/or Fee Simple (both): Fee Simple and Mineral

Legal owner(s) of record: Palos LLC

Address: 3600 Woodruff Mills Road City: Adamsville State: AL Zip: 35005

Holders of leasehold interest:

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Palos LLC	C & H Mining Company, Inc.	09-06-96	No

Applicant: C & H Mining Company, Inc.  
 Mine Name: Lindbergh Mine No. 2  
 Permit Number: P-3765 Revision R-20

PART I C.1. (CONTINUED)

Legal description of property or permit map symbol: \_\_\_\_\_

Alabama Power Company (Fee)

Surface/Mineral/or Fee Simple (both): Fee Simple

Legal owner(s) of record: Alabama Power Company

Address: P. O. Box 2641 City: Birmingham State: AL Zip: 35291

Holder(s) of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Alabama Power Company	C & H Mining Company, Inc.		No

Legal description of property or permit map symbol: \_\_\_\_\_

John J. Buckelew, Jr. (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: John J. Buckelew, Jr.

Address: 4097 Porter Road City: Adamsville State: AL Zip: 35005

Holder(s) of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	John J. Buckelew, Jr.	C & H Mining Company, Inc.		No

Applicant: C & H Mining Company, Inc.  
 Mine Name: Lindbergh Mine No. 2  
 Permit Number: P-3765 Revision R-20

PART I C.1. (CONTINUED)

Legal description of property or permit map symbol: \_\_\_\_\_

RWM, LLC (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: RWM, LLC

Address: 758 Lake Colony Trail City: Birmingham State: AL Zip: 35242

Holder(s) of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	RWM, LLC.	C & H Mining Company, Inc.		No

Legal description of property or permit map symbol: \_\_\_\_\_

Reed Energy, LLC (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: Reed Energy, LLC.

Address: 3699 Industrial Parkway City: Jasper State: AL Zip: 35551

Holder(s) of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Reed Energy, LLC.	C & H Mining Company, Inc.		No

Applicant: C & H Mining Company, Inc.  
 Mine Name: Lindbergh Mine No. 2  
 Permit Number: P-3765 Revision R-20

PART I C.1. (CONTINUED)

Legal description of property or permit map symbol: \_\_\_\_\_

Alawest-AL, LLC

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: Alawest-AL, LLC.

Address: P.O. Box 412 City: Northport State: AL Zip: 35476

Holder(s) of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Alawest-AL, LLC	C & H Mining Company, Inc.		No

Legal description of property or permit map symbol: \_\_\_\_\_

C&H Mining Company, Inc. (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: C&H Mining Company, Inc. (S)

Address: PO Box 2328 City: Jasper State: AL Zip: 35502

Holder(s) of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	C & H Mining Company, Inc.	C & H Mining Company, Inc.		No





Applicant: <u>C &amp; H Mining Company, Inc.</u> Mine Name: <u>Lindbergh Mine No. 2</u> Permit Number: <u>P-3765 Revision R-20</u>
--

**PART I D. PERMIT AREA INFORMATION**

1. Give the requested term of this permit: 5 years.
2. Give the legal description of the land upon which the applicant proposes to conduct surface coal mining operations. List each quarter-quarter section, section, township, range, and county.  
SW/SE, SE/SW, NE/SW, NW/SW, SW/SW of Section 26; NE/SE, SE/SE, SW/SE, SE/SW of Section 27, NE/NW, NW/NE, NE/NE, SE/NE, SW/NE, SE/NW, NW/SE, SW/SE, NE/SE, SE/SE of Section 34; NW/NW, NE/NW, NW/NE, NE/NE, SE/NE, SW/NE, SE/NW, SW/NW, NW/SW, NE/SW, NW/SE, NE/SE, SE/SE, SW/SE, SE/SW, SW/SW of Section 35; NW/SW, SW/NW, NW/NW, SE/NW of Section 36, all in Township 16 South, Range 5 West, NW/NW, NE/NW of Section 2, Township 17 South, Range 5 West Jefferson County, Alabama.

3. Give the acreage of the permit, each increment and the type of bonding.
  - a. Total revision acreage: 85 acres

b. Give the acreage and type of bond for each mining increment:

<u>Increment</u>	<u>Acres</u>	<u>Type Bond Proposed</u>
1.	<u>148</u>	<u>Surety</u>
2.	<u>426</u>	<u>Surety</u>
3.	<u>4</u>	<u>Phase III Bond Release</u>
4.	<u>97</u>	<u>Surety</u>
5.	<u>88</u>	<u>Phase III Bond Release</u>
6.	<u>62</u>	<u>Surety</u>
7.	<u>149</u>	<u>Surety</u>

c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Increment No. 2

4. Has any acreage in the proposed permit area been previously disturbed by mining? ( )YES ( )NO N/A

If yes, supply the following for any and all previously disturbed areas:

- a. Show the boundaries of the previously disturbed area(s) on the permit map and identify with an appropriate symbol.
- b. List, for each area, the permit number under which it was disturbed and the number of acres. Indicate the status of each permit as Unreleased, Grading released, or 100% released. (If no permit, indicate as such.)
- c. For each area which has not been reclaimed or received a 100% release, indicate whether you intend to assume responsibility for reclamation of the area under this permit and its performance bond(s).

5. Is disturbance to be conducted within 300 feet, measured horizontally from an occupied dwelling? ( )YES (XXX)NO. N/A

If YES, attach a signed waiver from the owner of the dwelling indicating the minimum distance disturbance will be allowed by the owner.

Applicant: <u>C &amp; H Mining Company, Inc.</u> Mine Name: <u>Lindbergh Mine No. 2</u> Permit Number: <u>P-3765 Revision R-20</u>
--

**PART I D. (CONTINUED)**

6. Is disturbance proposed within 100 feet of a public road right-of-way or will a public road be closed or relocated? (XX) YES ( ) NO.  
 If YES, enclose a copy of the approval granted by the government entity which has jurisdiction over the road. The approval must state the minimum distance disturbance will be allowed to the road or road right-of-way.

See attachment I-D-6, Waiver from Jefferson County.

7. List all other licenses and permits required to conduct mining operations including, but not limited to, MSHA I.D. and NPDES. Give the identification or permit number, the name and address of the issuing authority, and the status or date of approval or issuance of each:

Permit	ID or Permit Number	Issuing Authority	Address	Status or of issuance
<u>MSHA ID</u>	<u>01-02354</u>	<u>MSHA</u>	<u>*</u>	<u>08/03/91</u>
<u>NPDES</u>	<u>AL0070211</u>	<u>ADEM</u>	<u>**</u>	<u>07/12/96</u>

\* 135 Gemini Circle, Suite 213, Birmingham, AL 35209

\*\* 1751 Congressman W.L. Dickinson Drive, Montgomery, AL 36130

8. Is the property in the permit covered by zoning or other land use restrictions?  
 ( ) YES (XXX) NO.  
 If yes, indicate the jurisdictional authority and zoning or land use area. If more than one zoning classification exists for the permit area, identify the boundaries of each the permit map.

Jurisdictional Authority	Zoning Classification	Allows mining? Yes or No
_____	_____	_____
_____	_____	_____

9. Describe access to the proposed mine from a known point on the nearest public highway:  
From Birmingham travel west on Alabama Highway 69, 1/4 of a mile past the 7 mile marker turn right on Shady Grove Road and travel approximately 5.3 miles. At the intersection of Shady Grove Road and Woodruff Mill Road travel approximately 4 miles to the mine entrance on the left. The boundaries of the permit area will be marked and signs will be posted.

10. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application?

( ) YES (XXX) NO

If YES, list SOAP I.D. Number: \_\_\_\_\_

11. Submit a certificate of proof of Liability Insurance with this application. See AMC Master File

**PART I E. PUBLIC NOTICE AND AVAILABILITY FOR INSPECTION**

12. Give the name of the approved public office in which a copy of this application will be filed for public inspection following notification of completeness: \_\_\_\_\_  
ASMC website <http://surface-mining.alabama.gov/PermitApplications.html>.

13. Enclose a copy of the notice of filing of this application which will appear in a newspaper of general circulation in the vicinity of the mine and identify the name of the newspaper: The Birmingham News

Applicant: C & H Mining Company, Inc.  
Mine Name: Lindbergh Mine No. 2  
Permit Number: P-3765 Revision R-20

Attachment I-E-13

PUBLIC NOTICE OF FILING OF PERMIT APPLICATION

In accordance with the provisions of Act No.81-435 of the State of Alabama and the regulations promulgated under this act, C & H Mining Company, Inc., P. O. Box 2328, Jasper, Alabama 35502, hereby gives notice that it has filed an application to revise permit P-3765-01-16-S for its Lindbergh Mine No. 2 located in the SW/SE, SE/SW, NE/SW, NW/SW, SW/SW of Section 26; NE/SE, SE/SE, SW/SE, SE/SW of Section 27, NE/NW, NW/NE, NE/NE, SE/NE, SW/NE, SE/NW, NW/SE, SW/SE, NE/SE, SE/SE of Section 34; NW/NW, NE/NW, NW/NE, NE/NE, SE/NE, SW/NE, SE/NW, SW/NW, NW/SW, NE/SW, NW/SE, NE/SE, SE/SE, SW/SE, SE/SW, SW/SW of Section 35; NW/SW, SW/NW, NW/NW, SE/NW of Section 36, all in Township 16 South, Range 5 West, NW/NW, NE/NW of Section 2, Township 17 South, Range 5 West Jefferson County, Alabama.

Revision R-20 consists of the following: 1)Add 76 mining acres to Increment No. 2, 2)Add 9 mining acres to Increment No. 4, 3)Add 0 (less than 1 acre) incidental acres to Increment No. 6 for Primary Road 14P, 4)Update the General Plan through the re-evaluation of Basins 001E, 001AE,001BE, 001CP and 010E, and update the General Plan with regard to the construction timetable of Basin 001CP, 5)Update the Operations Plan, 6)Extend the topsoil variance to include the area added by R-20, 7)Update the Reclamation Plan to add cross-section D-D', 8)Request to remove the permit condition for the maximum ungraded acres for Increment No. 2 and 9)Submit the detailed design plans for Primary Road 14P.

A copy of the permit revision application is available for public inspection at the Alabama Surface Mining Commission website <http://surface-mining.alabama.gov/PermitApplications.html> Written comments, objections, or requests for informal conferences should be submitted to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, within 30 days from the last publication of this notice.