

**CANE CREEK, LLC.
FLAT TOP MINE, P-3882, R-5**

CANE CREEK, LLC.

FLAT TOP MINE, P-3882, R-5

**ALABAMA SURFACE MINING COMMISSION
SURFACE MINING PERMIT APPLICATION**

P A R T I

Prepared by:

MCGEHEE ENGINEERING CORP.

P. O. Box 3431
450 19th Street West
Jasper, Alabama 35502-3431
Telephone: (205) 221-0686
Fax: (205) 221-7721
Email: staff's first name@mcgehee.org

**CANE CREEK, LLC.
FLAT TOP MINE, P-3882, R-5**

ASMC USE ONLY

Fee: _____

Bond Required: _____

Date Approved: _____

APPLICATION FOR PERMIT REVISION

Name of Permittee: **Cane Creek, LLC.**

License Number: L-793 Complete Permit Number: P-3882-01-21-S

Expiration Date of Permit: October 23, 2021 Revision Number: R-5

Mine Name: Flat Top Mine

The nature of Revision R-5 is as follows:

- 1) Modify the reclamation plan to add the Forestry Reclamation Approach.
- 2) Modify the topsoil waiver.

Identify any conditions placed on this permit, which would relate to the proposed revision being requested: None

STATE OF ALABAMA SURFACE MINING COMMISSION

- (XX) 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: Cane Creek, LLC.
Street Address: 7802 Highway 78
City: Cordova State: AL Zip: 35550
Mailing Address: Same as Above
City: _____ State: _____ Zip: _____
Telephone Number: (205) 590-4245
Social Security Number (Voluntary): - -
Employer Identification Number: _____
ASMC License#: L-0793

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

Name: Cane Creek, LLC.
Street Address: 7802 Highway 78
City: Cordova State: AL Zip: 35550
Mailing Address: Same as Above
City: _____ State: _____ Zip: _____
Telephone Number: (205) 590-4245
Social Security Number (Voluntary): - -
Employer Identification Number: _____
ASMC License#: L-0793

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

Name: SAME AS PERMITTEE
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: McGehee Engineering, Corp.
Mailing Address: P. O. Box 3431, 450 19th Street West
City: Jasper State: AL Zip: 35502
Telephone Number: (205) 221-0686
Email Address: cw@mcgehee.org

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PART I B. OWNERSHIP AND CONTROL

1. PERMIT APPLICANT OWNERSHIP AND CONTROL.

At the time of filing of this application provide an update of all information contained in the applicant's license file or certify that the information contained in the license is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

A license update is included.

Information contained in the license file is accurate and complete at the time of filing of this application.
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

2. OPERATOR OWNERSHIP AND CONTROL.

If someone other than the permittee has been identified as the operator under this permit, an update of the ownership and control information contained in the operator's license file must be provided or certify that the information contained in the license file is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

A license update is included.

Information contained in the license file is accurate and complete at the time of filing of this application.
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

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PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: S-4

(SEE PERMIT MAP)

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

Legal owner(s) of record: SOLID WASTE DISPOSAL AUTHORITY

Address: 505 20TH STREET N STE 950 City: BIRMINGHAM State: AL Zip: 35203

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL 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.
RIGHT OF ENTRY THROUGH DEED	SOLID WASTE DISPOSAL AUTHORITY	WALTER MINERALS, INC.	August 15, 2007	NO
Agreement for Sale	Walter Minerals, Inc.	Cane Creek, LLC.	August 15, 2007	

**CANE CREEK, LLC.
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PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: F-2 and M-3
(SEE PERMIT MAP)

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

Legal owner(s) of record: CANE CREEK LLC

Address: 7802 Highway 78 City: Cordova State: AL Zip: 35550

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL 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.
DEED	WALTER MINERALS, INC.	CANE CREEK, LLC.	December 31, 2014	NO

**CANE CREEK, LLC.
FLAT TOP MINE, P-3882, R-5**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: M-2
(SEE PERMIT MAP)

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

Legal owner(s) of record: RGGS LAND & MINERAL, L.P., LTD.

Address: PO BOX 4667 City: HOUSTON State: TX Zip: 77210

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL 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	RGGS LAND & MINERAL	CANE CREEK, LLC	6-24-15	NO

**CANE CREEK, LLC.
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PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: S-5
(SEE PERMIT MAP)

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

Legal owner(s) of record: COAL HOLDINGS USA, LLC

Address: PO BOX 278 City: PELHAM State: AL Zip: 35124

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL 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.
SURFACE USE AGREEMENT	COAL HOLDINGS USA, LLC	CANE CREEK, LLC	3-3-15	NO

CANE CREEK, LLC.
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PART I C. (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED.
INSTRUCTIONS:

Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

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Name VALLEY CREEK LAND & TIMBER, LLC
Address: 1300 MEADOWBROOK ROAD, SUITE 202
City: JACKSON State: MS Zip: 39211
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: WALTER MINERALS, INC.
Address: 3000 GALLERIA BLVD., SUITE 1700
City: BIRMINGHAM State: AL. Zip: 35244
Interest owned (Surface, Coal or Fee Simple): SURFACE, MINERAL & FEE
Type of Interest (Owner, Lease, or Other): OWNER

Name: DRUMMOND COMPANY INC.
Address: P.O. BOX 1549
City: JASPER State: AL. Zip: 35502
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: SOLID WASTE DISPOSAL AUTHORITY
Address: 505 20TH STREET N STE 950
City: BIRMINGHAM State: AL. Zip: 35203
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name RGGS LAND & MINERALS, LTD.
Address: P.O. BOX 4667
City: HOUSTON State: TX Zip: 77210
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest (Owner, Lease, or Other): OWNER

Name CANE CREEK, LLC
Address: 7802 HIGHWAY 78
City: CORDOVA State: AL Zip: 35550
Interest owned (Surface, Coal or Fee Simple): FEE SIMPLE & MINERAL
Type of Interest (Owner, Lease, or Other): OWNER

Name: COAL HOLDINGS USA, LLC
Address: PO BOX 278
City: PELHAM State: AL Zip: 35124
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

PART I C. (CONTINUED)

3. INTERESTS OR PENDING INTERESTS IN LANDS CONTIGUOUS TO THE PERMIT AREA.
INSTRUCTIONS:

THE APPLICANT HAS NO INTEREST IN ANY LANDS OR CONTIGUOUS LAND
OTHER THAN THE PERMITTED AREA.

Give the legal description of all lands contiguous to the permit area for which the permit applicant:

1. Holds an interest,
2. Holds an option, or
3. Has made a bid for ownership, lease or other interest.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

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=====
Legal description: _____

Describe the nature of the interest: _____

=====
Legal Description: _____

Describe the nature of the interest: _____

=====
Legal description: _____

Describe the nature of the interest: _____

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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.

Township 16 South, Range 4 West:

SW/SE & SE/SE of Section 18; NE/NE, SE/NE, SW/NE, NW/NE, NE/SE, SW/SE, NW/SE, NE/SW, SE/SW, SW/SW, NW/SW, NE/NW, SE/NW & SW/NW of Section 19; SW/NW & NW/NW of Section 20; the NW/NW of Section 30.

Township 16 South, Range 5 West:

SE/NE, NE/SE, SE/SE, SW/SE, NW/SE, NE/SW & SE/SW of Section 24, all being located in Jefferson County, Alabama.

3. Give the acreage of the permit, each increment and the type of bonding.
 - a. Total permit acreage: 625 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	560	Certificate of Deposit
7	65	Certificate of Deposit

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit:
Inc. No. 1 and No. 7

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

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.
SEE PERMIT MAP
 - 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)

<u>Permit</u>	<u>Acres</u>	<u>Status</u>
<u>P-3509</u>	<u>81 Acres</u>	<u>100% Released</u>
<u>P-3665</u>	<u> </u>	<u>100% Released</u>
<u> </u>	<u> </u>	<u> </u>

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

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

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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?
 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.

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 date of issuance
<u>MSHA ID</u>	<u>01-00627</u>	<u>MSHA</u>	<u>228 West Valley Ave. Birmingham, AL 35209</u>	<u>01-26-06</u>
<u>NPDES</u>	<u>AL0077691</u>	<u>ADEM</u>	<u>1751 Federal Drive Montgomery, AL 36130</u>	<u>03-01-06</u>

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

Jurisdictional Authority	Zoning Classification	Allows mining? Yes or No
<u>City of Adamsville</u>	<u>AG,B3, M2, MR</u>	<u>YES</u>
<u>Jefferson County</u>	<u>I3-S</u>	<u>YES</u>

9. Describe access to the proposed mine from a known point on the nearest public highway: From the intersection of Highway 78 and Flat Top Road travel westerly along Flat Top Road for a distance of approximately 1 mile and the mine entrance will be on the left. The boundaries to 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 NO
 If YES, list SOAP I.D. Number: _____

11. Submit a certificate of proof of Liability Insurance with this application.

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: Alabama Surface Mining Commission and Alabama Surface Mining Commission website <http://surface-mining.alabama.gov>

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: [See Attachment I-E-13](#)

PUBLIC NOTICE
FILING OF PERMIT APPLICATION

In accordance with the provision of Act No. 81-435 of the State of Alabama and the regulations promulgated under this act, Cane Creek, LLC, 7802 Highway 78, Cordova, Alabama 35550 is filing an application to revise its Flat Top Mine permit, P-3882 Surface Mine. Access to the mine is as follows:

From the intersection of Highway 78 and Flat Top Road near Graysville travel westerly along Flat Top Road for a distance of approximately 1 mile and the mine entrance will be on the left. The boundaries to the permit area will be marked and signs will be posted.

Township 16 South, Range 4 West:
SW/SE & SE/SE of Section 18; NE/NE, SE/NE, SW/NE, NW/NE, NE/SE, SW/SE, NW/SE, NE/SW, SE/SW, SW/SW, NW/SW, NE/NW, SE/NW & SW/NW of Section 19; SW/NW & NW/NW of Section 20; the NW/NW of Section 30.

Township 16 South, Range 5 West:
SE/NE, NE/SE, SE/SE, SW/SE, NW/SE, NE/SW & SE/SW of Section 24, all being located in Jefferson County, Alabama.

The nature of the revision is as follows:

1. Modify the reclamation plan to add the forestry reclamation approach.
2. Modify the topsoil waiver.

A copy of the permit application is available for public inspection and review on the Alabama Surface Mining Commission website <http://surface-mining.alabama.gov>. A copy of the permit application is also available for public inspection and review at the office of the Alabama Surface Mining Commission located on the second floor of the Pinnacle Bank Building at 1811 2nd Avenue, Jasper, Alabama 35501. Written comments, objections, request for public hearing or request for informal conferences concerning this permit should be sent to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, no later than 30 days from the last date of publication of this notice

This notice to be published in the Birmingham News Newspaper.

Bham News: Oct. 12, 19, 26, Nov. 2, 2016