

KODIAK MINING COMPANY, LLC

COKE MINE NO. 1, P-3887

ALABAMA SURFACE MINING COMMISSION

SURFACE MINING PERMIT APPLICATION

P A R T I

Prepared by:

MCGEHEE ENGINEERING CORP.

P. O. Box 3431
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Email: staff@mcgehee.org

STATE OF ALABAMA SURFACE MINING COMMISSION

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

PART I A. IDENTIFICATION

1. PERMIT APPLICANT

Name: Kodiak Mining Company, LLC
Street Address: Suite 23, 513 Hay Street
City: Subiaco State: Western Australia Zip: 6008
Mailing Address: Suite 23, 513 Hay Street
City: Subiaco State: Western Australia Zip: 6008
Telephone Number: 8 93888812
Social Security Number(Voluntary): - - -
Employer Identification Number: 203186047
ASMC License#: L-765

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

Name: Kodiak Mining Company, LLC
Street Address: Suite 23, 513 Hay Street
City: Subiaco State: Western Australia Zip: 6008
Mailing Address: Suite 23, 513 Hay Street
City: Subiaco State: Western Australia Zip: 6008
Telephone Number: 8 93888812
Social Security Number(Voluntary): - - -
Employer Identification Number: 203186047
ASMC License#: L-765

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 Fax: (205) 221-7721

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.

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.

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.

3. CONTROL OF MINING OPERATION THROUGH CONTROL OF COAL TO BE MINED.

Provide the information below for any person or entity who owns or controls the coal to be mined under this permit and who, by lease, sublease, or other contract:

A. has the right to receive the coal after mining, or,

B. has the authority to determine the manner in which the operator or permittee conducts surface coal mining operations.

(USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY)

Name: **Kodiak Mining Company, LLC**

Street Address: **Suite 23, 513 Hay Street**

City: **Subiaco** State: **Western Australia** Zip: **6008**

Mailing Address: **Suite 23, 513 Hay Street**

City: **Subiaco** State: **Western Australia** Zip: **6008**

Telephone Number: **8 93888812**

Social Security Number(Voluntary): - - -

Employer Identification Number: **203186047**

ASMC License#: **L-765**

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: KODIAK MINING CO., LLC
 Address: SUITE 23, 513 HAY STREET City: SUBIACO State: WESTERN AUSTRALIA Zip: 6008
 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
DEED	TACOA MINERALS, LLC	KODIAK MINING CO., LLC	OCT. 26, 2005	NO

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): _____ MINERAL _____

Legal owner(s) of record: _____ THE WESTERVELT COMPANY _____

Address: P.O. BOX 48999 City: JASPER State: AL Zip: 35404

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	THE WESTERVELT CO.	KODIAK MINING CO., LLC	PENDING	NO

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

Legal description of property or permit map symbol: _____ **S-6** _____

(SEE PERMIT MAP)

Surface/Mineral/or Fee Simple (both): _____ **MINERAL** _____

Legal owner(s) of record: _____ **JESSE CREEK MINING, LLC** _____

Address: **1615 KENT DAIRY ROAD** City: **ALABASTER** State: **AL** Zip: **35007**

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	R.G.G.S CORP.	KODIAK MINING CO., LLC	10/30/2005	NO
DEED	R.G.G.S CORP.	TACOA MINERALS, LLC	12/7/2012	NO
DEED	TACOA MINERALS	JESSE CREEK MINING, LLC	2/4/2013	NO

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

Legal description of property or permit map symbol: _____ **S-8** _____

(SEE PERMIT MAP)

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

Legal owner(s) of record: **SWF BIRMINGHAM, LLC C/O BOB LYLE MOLPUS WOODLANDS GROUP**

Address: **654 NORTH STATE STREET** City: **JACKSON** State: **MS** Zip: **39202**

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	U.S.X. CORPORATION	KODIAK MINING CO., LLC	10/30/2005	NO
DEED	U.S.X. CORPORATION	VALLEY CREEK LAND & TIMBER	9/8/2014	NO
DEED	U.S.X. CORPORATION	SWF BIRMINGHAM, LLC.	9/8/2014	NO

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

Legal description of property or permit map symbol: M-1
(SEE PERMIT MAP)

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

Legal owner(s) of record: R. G. G. S. LAND & MINERALS, LTD. ATTN: TOM SPECK

Address: P.O. 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: _____ 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	R.G.G.S CORP.	KODIAK MINING CO., LLC	OCT. 30, 2005	NO

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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Page 1 of 1
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Name: U. S. X. CORPORATION ATTN: GENERAL MANAGER-SOUTHEAST
Address: P.O. BOX 599, SUITE 183-C
City: FAIRFIELD State: AL. Zip: 35064
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): OWNER

Name: KODIAK MINING COMPANY, LLC
Address: SUITE 23, 513 HAY STREET
City: SUBIACO State: WESTERN AUSTRALIA Zip: 6008
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): OWNER

Name: THE WESTERVELT COMPANY
Address: P. O. BOX 48999
City: TUSCALOOSA State: AL Zip: 35404
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): OWNER

Name: JESSE CREEK MINING, LLC
Address: 1615 KENT DAIRY RD
City: ALABASTER State: AL Zip: 35007
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): OWNER

Name: SWF BIRMINGHAM, LLC
Address: 654 NORTH STATE STREET
City: JACKSON State: MS Zip: 39202
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): OWNER

Name: R. G. G. S. LAND & MINERALS, LTD. ATTN: TOM SPECK
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

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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Page 1 of _
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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: _____

=====
Legal description: _____

Describe the nature of the interest: _____

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.

SE/NE, SW/NE, NW/NE, NE/SE, SE/SE, SW/SE, NW/SE, NE/SW & SE/SW of Section 20, SW/SW, NW/SW, SE/NW & SW/NW of Section 21, SW/NE, SE/NW & NE/SW of Section 28, NE/NE, SE/NE, SW/NE, NW/NE, NW/SE, NE/SW, SE/SW, SW/SW, NW/SW, NE/NW, SE/NW, SW/NW & NW/NW of Section 29, NE/SE & SE/SE of Section 33, NE/SW, NW/SW & SE/NW of Section 34, SW/SW, NW/SW, SW/NW & NW/NW of Section 35, Township 21 South, Range 4 West. SW/NE & NW/SE of Section 3, Township 22 South, Range 4 West. All being located in Shelby County, Alabama.

3. Give the acreage of the permit, each increment and the type of bonding.
 - a. Total permit acreage: 710.0 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	159.0	Certificate of Deposit
2	59.0	Certificate of Deposit
3	424.0	Certificate of Deposit
4	28.0	Certificate of Deposit
5	40.0	Certificate of Deposit

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

4. Has any acreage in the proposed permit area been previously disturbed by mining? (XX) 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>
=====	=====	=====

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.

6. Is disturbance proposed within 100 feet of a public road right-of-way or will a public road be closed or relocated?
() YES (XX) 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.

**KODIAK MINING COMPANY, LLC
COKE MINE NO. 1, P-3887, R-6
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, Kodiak Mining, LLC., Suite 23, 513 Hay Street, Subiaco, Western Australia 6008 is filing an application to renew its Coke Mine No. 1 (P-3887), Underground Mine. Access to the mine is as follows:

From the intersection of Shelby County roads 10 and 270, travel northeasterly on Shelby County Road 270 for approximately 0.7 miles to the mine entrance.

SE/NE, SW/NE, NW/NE, NE/SE, SE/SE, SW/SE, NW/SE, NE/SW, SE/SW, SW/SW & SE/NW of Section 20, SW/SW, NW/SW, SE/NW & SW/NW of Section 21, SW/NE, SE/NW, NW/NW, SW/NW, NW/SW & NE/SW of Section 28, NE/NE, SE/NE, SW/NE, NW/NE, NE/SE, SE/SE, SW/SE, NW/SE, NE/SW, SE/SW, SW/SW, NW/SW, NE/NW, SE/NW, SW/NW & NW/NW of Section 29, NE/SE & SE/SE of Section 33, NE/SW, NW/SW & SE/NW of Section 34, SW/SW, NW/SW, SW/NW & NW/NW of Section 35, Township 21 South, Range 4 West. SW/NE & NW/SE of Section 3, Township 22 South, Range 4 West. All being located in Shelby County, Alabama.

A copy of the permit revision 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 revision 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 Shelby County Reporter Newspaper.

TO THE SHELBY COUNTY REPORTER:

Please run this notice once a week for four (4) consecutive weeks starting June 8th, June 15th, June 22nd, and ending June 29th. Please send invoice and notarized proof of publication to:

McGehee Engineering Corp.

P. O. Box 3431

Jasper, AL 35502-3431

Telephone (205) 221-0686

If you should have any questions or need additional information, please call: (205) 221-0686.