

**PROSPECT MINING AND DEVELOPMENT COMPANY, LLC
CARBON HILL MINE, P-3919, R-12**

PROSPECT MINING AND DEVELOPMENT COMPANY, LLC

CARBON HILL MINE, P-3919, R-12

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

PART I

Prepared By:

SIMMONS-JOHNSEY ENGINEERING, LLC
405 9th Ave.
Jasper, Alabama 35501
Telephone: (205) 522-2057

**PROSPECT MINING AND DEVELOPMENT COMPANY, LLC
CARBON HILL MINE, P-3919, R-12**

ASMC USE ONLY

Fee: _____

Bond Required: _____

Date Approved: _____

APPLICATION FOR PERMIT REVISION

Name of Permittee: Prospect Mining and Development Company, LLC

License Number: L-0788 Complete Permit Number: P-3919-64-29-U

Expiration Date of Permit: January 25, 2029 Revision Number: R-12

Mine Name: Carbon Hill Mine

Nature of Proposed Revision R-12:

1. Delete Slurry Impoundment No. 1, No. 3, and access (4 acres) from Increment No. 1 as undisturbed.
2. Delete Sediment Basin 011, 012, and access (3 acres) from Increment No. 1 as undisturbed.
3. Delete 11 incidental acres (borrow areas) from Increment No. 1 as undisturbed.
4. Delete 2 incidental acres (injection wells and access) from Increment No. 1 as undisturbed.
5. Modify the General Plan.
6. Request an exemption of Rule 880-X-10D-.36(3)(e) to reduce the amount of cover material required from 4 feet to 2 feet for Coarse Refuse Disposal Area No. 1.

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

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

Note: ASMC will calculate additional reclamation bond required.

**PROSPECT MINING AND DEVELOPMENT COMPANY, LLC
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**STATE OF ALABAMA
SURFACE MINING COMMISSION**

- ☐ Revision Application for a Surface Coal Mine
☒ Revision Application for an Underground Coal Mine
☐ Revision Application for a Preparation Facility

A. IDENTIFICATION

1. PERMIT APPLICANT

Name: Prospect Mining and Development Company, LLC
Street Address: 1799 Elliot Blvd.
City: Jasper State: AL Zip: 35501
Mailing Address: 1799 Elliot Blvd.
City: Jasper State: AL Zip: 35501
Telephone Number: (205) 221-2900
Social Security Number: _____
Employer Identification Number: 82-3017197
ASMC License Number: L-788

2. ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINELAND RECLAMATION FEES

Name: Prospect Mining and Development Company, LLC
Street Address: 1799 Elliot Blvd.
City: Jasper State: AL Zip: 35501
Mailing Address: 1799 Elliot Blvd.
City: Jasper State: AL Zip: 35501
Telephone Number: (205) 221-2900
Social Security Number: _____
Employer Identification Number: 82-3017197
ASMC License Number: L-788

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: _____
Employer Identification Number: _____
ASMC License Number: _____

4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE

Name: Simmons-Johnsey Engineering, LLC c/o Bradley Simmons, P.E.
Mailing Address: PO Box 1471
City: Jasper State: AL Zip: 35502
Telephone Number: (205)-275-0689
Email Address: jared@simmonsjohnsey.com

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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 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 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.

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

Page 1 of 1

Name: Prospect Mining and Development Company, LLC

Street Address: 1799 Elliot Blvd.

City: Jasper State: AL Zip: 35501

Mailing Address: 2002 2nd Avenue

City: Jasper State: AL Zip: 35501

Telephone Number: (205) 221-2900

Social Security Number: _____

Employer Identification Number: 82-3017197

ASMC License Number: L-788

**PROSPECT MINING AND DEVELOPMENT COMPANY, LLC
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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: **S-1 or F-1**

Surface/Mineral/or Fee Simple (both): **SURFACE & FEE SIMPLE (SEE PERMIT MAP)**

Legal owner(s) of interest: **TERRY R. DOUGLAS, RONALD S. BRYANT, & RHETT A. BRYANT**

Address: **46 RIDGELAND** City: **TUSCALOOSA** State: **AL** Zip: **35406**

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	PROSPECT MINING & DEVELOPMENT COMPANY, LLC	TERRY R. DOUGLAS, RONALD S. BRYANT, & RHETT A.	3/20/2023	NO
ACCESS & USE EASEMENT	TERRY R. DOUGLAS, RONALD S. BRYANT, & RHETT A.	PROSPECT MINING & DEVELOPMENT COMPANY, LLC	3/20/2023	NO

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Legal description of property or permit map symbol: S-2

Surface/Mineral/or Fee Simple (both): SURFACE (SEE PERMIT MAP)

Legal owner(s) of interest: ROBERT WAYNE & JAN SMITH

Address: 340 COUNTY RD. 1635 City: CULLMAN State: AL Zip: 35508

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	ROBERT WAYNE & JAN SMITH	PROSPECT MINING & DEVELOPMENT COMPANY, LLC	PENDING	NO

**PROSPECT MINING AND DEVELOPMENT COMPANY, LLC
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Legal description of property or permit map symbol: S-3

Surface/Mineral/or Fee Simple (both): SURFACE (SEE PERMIT MAP)

Legal owner(s) of interest: RACCOON MTN MLT, LLC

Address: 2361 Cumberland Lake Dr. City: Pinson State: AL Zip: 35126

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	RACCOON MTN MLT, LLC	PROSPECT MINING & DEVELOPMENT COMPANY, LLC	06/07/2023	NO
R-10 LEASE	RACCOON MTN MLT, LLC	PROSPECT MINING & DEVELOPMENT COMPANY, LLC	10/31/2023	NO

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Legal description of property or permit map symbol: M-2

Surface/Mineral/or Fee Simple (both): MINERAL (SEE PERMIT MAP)

Legal owner(s) of interest: CYNTHIA F. MIMS & KENNETH B. FILES

Address: 3536 TANGLEBROOK CIR. N. City: BIRMINGHAM State: AL Zip: 35234

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	CYNTHIA F. MIMS & KENNETH B. FILES	PROSPECT MINING & DEVELOPMENT COMPANY, LLC	02/28/2009	NO

C. PROPERTY OWNERSHIP , INTERESTS AND RIGHTS (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

Page 1 of 1

Name: **ROBERT WAYNE & JAN SMITH**
Address: **46 RIDGELAND**
City: **TUSCALOOSA** State: **AL** Zip: **35406**
Interest owned (Surface, Coal or Fee Simple): **SURFACE & FEE**
Type of Interest (Owner, Lease, or Other): **OWNER**

Name: **ROBERT WAYNE & JAN SMITH**
Address: **340 COUNTY ROAD 1635**
City: **CULLMAN** State: **AL** Zip: **35508**
Interest owned (Surface, Coal or Fee Simple): **SURFACE**
Type of Interest (Owner, Lease, or Other): **OWNER**

Name: **RACCOON MTN MLT, LLC**
Address: **2361 CUMBERLAND LAKE DR.**
City: **PINSON** State: **AL** Zip: **35126**
Interest owned (Surface, Coal or Fee Simple): **SURFACE**
Type of Interest (Owner, Lease, or Other): **OWNER**

Name: **CYNTHIA F. MIMS & KENNETH B. FILES**
Address: **3536 TANGLECREEK CIR. N.**
City: **BIRMINGHAM** State: **AL** Zip: **35243**
Interest owned (Surface, Coal or Fee Simple): **MINERAL**
Type of Interest (Owner, Lease, or Other): **OWNER**

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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/SW of Section 30, NW/NE, NE/NW, SW/NE, NE/SW, NW/SW, SW/SW, SE/SW, NW/SE, NW/NW, SE/NW of Section 31, Township 13 South, Range 9 West, SE/SE of Section 25, NE/NE, NE/SE, NW/SE, SW/SE, SE/SE, SE/SW, SW/SW of Section 36, Township 13 South, Range 10 West, Walker County, Alabama, NE/NE, NW/NE, SW/NE, NE/NW, NW/NW of Section 1, Township 14 South, Range 10 West, Fayette County, Alabama.

3. Give the acreage of the permit, each increment and the type of bonding.

(a) Total permit acreage: 110.0 acres

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

Increment	Acres	Type of Bond Proposed
1	110.0	Certificate of Deposit

(c) Identify the increment(s) on which mining will initially begin upon issuance of this permit:

Increment No. 1

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 attached Revision R-10 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)

Permit	Acres	Status
P-3512	63.0	Phase III Bond Release

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5. Is disturbance to be conducted within 300 feet, measured horizontally, from an occupied dwelling?

Yes: ☐ 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: ☐ 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
MSHA ID	01-03389	MSHA	*	05/09/2008
NPDES	AL0079553	ADEM	**	10/01/2008

* 1030 London Dr., Ste. 400, Birmingham, AL 35211

** 1400 Coliseum Blvd, Montgomery, AL 36130

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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 land use 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.

Not applicable.

9. Describe access to the proposed mine from a known point on the nearest public highway:

From intersection of Yellow Jacket Road & AL 118 travel south on Yellow Jacket Road 0.2 miles to Co. Road 63. Turn right on Co. Road 63 and travel 1.2 miles. Mine entrance will be on the left.

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: N/A

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

See ASMC Master File.

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:

N/A