

**HIGHLAND ENERGY, INC.  
NO. 5 MINE, P-3957**

**HIGHLAND ENERGY, INC.**

**NO. 5 MINE, P-3957**

ALABAMA SURFACE MINING COMMISSION  
SURFACE MINING PERMIT APPLICATION

**P A R T I**

Prepared by:

**Simmons-Johnsey Engineering, LLC**

P. O. Box 1471

Jasper, Alabama 35502

Telephone: (205) 275-0689



**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.

**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: **HIGHLAND ENERGY, INC.**

Street Address: **7802 Highway 78**

City: **Cordova** State: **AL** Zip: **35550**

Mailing Address: **7802 Highway 78**

City: **Cordova** State: **AL** Zip: **35550**

Telephone Number: **(205) 590-4245**

Social Security Number (Voluntary): **- -**

Employer Identification Number: **204936132** ASMC

License#: **L-863**

**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**

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**Page 1 of 2**  
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Legal description of property or permit map symbol: S-1 (See Permit Map)

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

Legal owner(s) of record: J & JA Properties, LLC

Address: P.O. Box 130 City: Jasper State: AL Zip: 35502 Holders of leasehold interest: \_\_\_\_\_

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

Purchaser under 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):	Grant ed From :	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
Lease/Right of Entry	J & JA Properties	Mays Mining, Inc.	6/22/2018	No
ASSIGNMENT	MAYS MINING, INC.	HIGHLAND ENERGY, INC.	3/5/24	NO

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

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**Page 2 of 2**  
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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: Cordova Industrial Development Board

Address: 154 Main St (City Hall) City: Cordova State: AL Zip: 35550 Holders of leasehold interest: \_\_\_\_\_

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

Purchaser under 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	Cordova Industrial Development Board	Reed Minerals, Inc.	02/01/2008	No
Assignment	Reed Minerals, Inc.	Centennial Natural Resources, LLC	12/31/2014	No
Assignment	Centennial Natural Resources, LLC	Mays Mining, Inc.	06/25/2018	No
ASSIGNMENT	MAYS MINING, INC.	HIGHLAND ENERGY, INC.	3/5/24	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: J & JA Properties, LLC  
Address: P. O. Box 130  
City: Jasper State: AL Zip: 35502  
Interest owned (Surface, Coal or Fee Simple): Surface  
Type of Interest (Owner, Lease, or Other): Owner

Name: ALAWEST  
Address: P. O. Box 412  
City: Northport State: AL Zip: 35476  
Interest owned (Surface, Coal or Fee Simple): Surface  
Type of Interest (Owner, Lease, or Other): Owner

Name: Cordova Industrial Development Board  
Address: 154 Main St (City Hall)  
City: Cordova State: AL Zip: 35550  
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 1 Not Applicable**  
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Legal description: \_\_\_\_\_

Describe the nature of the interest: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Legal description: \_\_\_\_\_

Describe the nature of the interest: \_\_\_\_\_  
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Legal description: \_\_\_\_\_

Describe the nature of the interest: \_\_\_\_\_  
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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/SE, SW/SE of Section 10, NW/NW, SW/NW of Section 14, NE/NE, SE/NE, SW/NE, NW/NE of Section 15, Township 15 South, Range 6 West, all in Walker County, Alabama.

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

a. Total permit acreage:  93.0  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.	51.0	Certificate of Deposit
2.	37.0	Certificate of Deposit
6.	5.0	Cash

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 ( XX ) 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.
- 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>
_____	_____	_____
_____	_____	_____

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 ( 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.

**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 (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.

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 Number	ID or Permit	Issuing Authority	Address	Status or date of issuance
<u>MSHA ID</u>	<u>01-03456</u>	<u>MSHA</u>	<u>*</u>	<u>10/22/2012</u>
<u>NPDES</u>	<u>AL0079936</u>	<u>ADEM</u>	<u>**</u>	<u>10/10/2012</u>

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

\*\* 1400 Coliseum Blvd., Montgomery, AL 36130

8. Is the property in the permit covered by zoning or other land use restrictions? ( ) YES ( XX ) 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
_____	_____	_____

9. Describe access to the proposed mine from a known point on the nearest public highway:  
From the intersection of Cordova-Gorgas Road and Plywood Plant Road, travel easterly along Plywood Plant Road approximately 1.5 miles to the mine entrance.

10. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application?  
( ) YES (XX) NO  
If YES, list SOAP I.D. Number: \_\_\_\_\_

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

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, Highland Energy, Inc. 7802 Highway 78 Cordova, Alabama 35550 hereby gives notice that it has filed application to succeed by transfer the rights granted under Surface Coal Mining Permit P-3957, currently held by Mays Mining, Inc. 18164 Highway 269 Quinton, AL 35130. The operation is known as No. 5 Mine. Access to the mine is as follows:

From the intersection of Cordova-Gorgas Road and Plywood Plant Road, travel easterly along Plywood Plant Road approximately 1.5 miles to the mine entrance.

SE/SE, SW/SE of Section 10, NW/NW, SW/NW of Section 14, NE/NE, SE/NE, SW/NE, NW/NE of Section 15, Township 15 South, Range 6 West, all in Walker County, Alabama.

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 Daily Mountain Eagle.

**TO THE DAILY MOUNTAIN EAGLE:**

Please run this notice once on May 11<sup>th</sup>. Please send invoice and notarized proof of publication to:

Simmons-Johnsey Engineering, LLC  
P. O. Box 1471  
Jasper, AL 35502  
Telephone (205) 275-0689

If you should have any questions or need additional information, please call. Also send a notarized proof of publication to:

Simmons-Johnsey Engineering, LLC  
P. O. Box 1471  
Jasper, AL 35502  
Telephone (205) 275-0689