

**BEST COAL, INC.  
FLAT TOP MINE, P-3882**

**BEST COAL, INC.**

**FLAT TOP MINE, P-3882**

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



**BEST COAL, INC.  
FLAT TOP MINE, P-3882**

**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: **Best Coal, Inc.**

Street Address: **9865 Highway 269**

City: **Parrish** State: **AL** Zip: **35580**

Mailing Address: **9865 Highway 269**

City: **Parrish** State: **AL** Zip: **35580**

Telephone Number: **(205)-686-0055**

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

Employer Identification Number:

ASMC License#: **L-0568**

**BEST COAL, INC.  
FLAT TOP MINE, P-3882**

**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**

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

**(SEE PERMIT MAP)**

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

Legal owner(s) of record: VALLEY CREEK LAND & TIMBER, LLC

Address: 1300 MEADOWBROOK ROAD, SUITE 202 City: JACKSON State: MS Zip: 39211

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	U.S. STEEL CORPORATION	WALTER MINERALS, INC.	OCT. 18, 2006	NO
DEED	U.S. STEEL CORPORATION	VALLEY CREEK LAND & TIMBER, LLC	AUG. 27, 2014	NO
Lease	VALLEY CREEK LAND & TIMBER, LLC	Cane Creek, LLC.	June 9, 2015	No
Assignment	Cane Creek, LLC.	Best Coal, Inc.	March 15, 2021	No

**BEST COAL, INC.  
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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 20<sup>TH</sup> 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	
Assignment	Cane Creek, LLC.	Best Coal, Inc.	March 15, 2021	No

**BEST COAL, INC.  
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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
Lease	CANE CREEK, LLC.	Best Coal, Inc.	March 15, 2021	No

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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
Assignment	Cane Creek, LLC.	Best Coal, Inc.	March 15, 2021	No

**BEST COAL, INC.  
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**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): MINERAL

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 L.P., LTD	CANE CREEK, LLC	6-24-15	NO
Assignment	Cane Creek, LLC.	Best Coal, Inc.	March 15, 2021	No



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

Legal description of property or permit map symbol: F-1

(SEE PERMIT MAP)

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

Legal owner(s) of record: WARRIOR MET COAL LAND, LLC

Address: PO BOX 133 City: BROOKWOOD State: AL Zip: 35444

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	Warrior Met Coal Land, LLC	Cane Creek, LLC	12-16-2015	No
Mineral Lease	Warrior Met Coal Land, LLC	Cane Creek, LLC	03-03-2021	No
Assignment	Cane Creek, LLC.	Best Coal, Inc.	March 15, 2021	No

**BEST COAL, INC.  
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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**

=====  
**Page 1 of 1**  
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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 20<sup>TH</sup> 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: 2361 CUMBERLAND DRIVE  
City: PINSON State: AL Zip: 35126  
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

**BEST COAL, INC.  
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**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**  
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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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BEST COAL, INC.**  
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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.  
SE/SE & SW/SE of Section 18, NE/NE, NW/NE, NE/NW, SW/NW, SE/NW, SW/NE, SE/NE, NE/SE, NW/SE, NE/SW, NW/SW, SW/SW, SE/SW & SW/SE of Section 19, NW/NW & SW/NW of Section 20, NW/NW of Section 30, Township 16 South, Range 4 West. SE/NE, SE/SE, SW/SE, SE/SW, NE/SW, NW/SE and NE/SE of Section 24, Township 16 South, Range 5 West. 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: 613.0 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.	606.0	Certificate of Deposit
7.	7.0	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:

<b>Permit</b>	<b>ID or Permit Number</b>	<b>Issuing Authority</b>	<b>Address</b>	<b>Status or date of issuance</b>
<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.

<b>Jurisdictional Authority</b>	<b>Zoning Classification</b>	<b>Allows mining? Yes or No</b>
<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

**BEST COAL, INC.  
FLAT TOP MINE, P-3882**

**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, Best Coal, Inc., 9865 Highway 269, Parrish, AL 35580 hereby gives notice that it has filed application to succeed by transfer to the rights granted under ASMC Coal Mining Permit P-3882 currently held by Cane Creek, LLC, 9865 Highway 269, Parrish, AL 35580. The operation is known as Flat Top Mine.

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.

SW/SE of Section 18, NE/NE, NW/NE, NE/NW, SW/NW, SE/NW, SW/NE, SE/NE, NE/SE, NW/SE, NE/SW, NW/SW, SW/SW, SE/SW & SW/SE of Section 19, NW/NW & SW/NW of Section 20, NW/NW of Section 30, Township 16 South, Range 4 West. SE/NE, SE/SE, SW/SE, SE/SW, NE/SW, NW/SE & NE/SE of Section 24, Township 16 South, Range 5 West. All being located in Jefferson 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.

**TO THE BIRMINGHAM NEWS:**

Please run this notice one time as soon as possible.

Best Coal, Inc.  
9865 Highway 269  
Parrish, Alabama 35580  
Telephone (205) 686-0055

Also, please send a 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