

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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1991 APR 22 PM 3:48

OFFICE OF THE SECRETARY OF STATE
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: W. Va. Division of Energy TITLE NUMBER: 38

RULE TYPE: Procedural; CITE AUTHORITY 22-1-15 Code of West Virginia

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2E

TITLE OF RULE BEING AMENDED: Division of Energy, Article 3 Forms

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: N/A

TITLE OF RULE BEING PROPOSED: N/A

DATE OF PUBLIC HEARING: May 29, 1991 TIME: 10:00 a.m.

LOCATION OF PUBLIC HEARING: W. Va. Division of Energy

1615 Washington Street, East

Charleston, West Virginia 25311

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

WV Division of Energy

1615 Washington St., East

Charleston, WV 25311

Attn: Roger T. Hall

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Roger T. Hall

Roger T. Hall
Energy Administrator III

11.00



STATE OF WEST VIRGINIA

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DIVISION OF ENERGY

1991 JUN 27 AM 9:43

DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES

1615 WASHINGTON STREET, EAST • CHARLESTON, WEST VIRGINIA 25311 • TELEPHONE: (304) 348 3500

OFFICE OF WEST VIRGINIA

SECRETARY OF STATE

GASTON CAPERTON
GOVERNOR

E. W. "WOODY" WAYLAND
COMMISSIONER

June 24, 1991

The Honorable Ken Hechler
Secretary of State
Capitol Complex
Charleston, West Virginia 25305

Dear Secretary Hechler:

This is in regard to procedural regulations (CSR 38-2E, Division of Energy Article 3 Forms) filed with your office April 22, 1991, for public review and comment.

During the course of the public comment period and the public hearing procedure, it was determined that substantive amendments to the subject regulations are required in a number of areas. Therefore, the Division of Energy has decided that it is in the best interest of the State to withdraw these regulations.

Over the next several days the regulations will be appropriately amended to address the issues raised during the public comment period. The amended regulations will then be filed with your office and again subjected to public review and comment.

I request that this notice be appropriately published in the State Register and that this request for withdrawal of the regulations be granted.

Thank you very much for your cooperation in this matter.

Sincerely yours,

Roger T. Hall
Energy Administrator III

RTH:cc

FISCAL NOTE FOR PROPOSED RULES

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1991 APR 22 PM 3:48

Rule Title: Division of Energy Article 3, Forms

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Type of Rule: Legislative Interpretive Procedural

Agency WV Division of Energy Address 1615 Washington Street, East
Charleston, WV 25311

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

The proposed rule will not result in any increase or decrease in revenues to the state.

3. Objectives of these rules:

To amend existing forms in order that they conform to recent statutory and regulatory amendments.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date April 23, 1991

Signature of Agency Head or Authorized Representative



Roger T. Hall
Roger T. Hall
Energy Administrator III

WEST VIRGINIA DIVISION OF ENERGY
PROPOSED RULE
DIVISION OF ENERGY ARTICLE 3, FORMS

SUMMARY

The proposed procedural rule modifies existing permitting forms in order that they conform to recent statutory and regulatory amendments.

TITLE 38
PROCEDURAL RULES
DEPARTMENT OF ENERGY
SERIES 2E
DEPARTMENT OF ENERGY ARTICLE 3 FORMS

FILED
1991 APR 22 PM 3:48
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§38-2E-1. General.

1.1 Scope. -- This regulation is for the purpose of filing all forms required by Chapter 22A, Article 3 of the West Virginia Code.

1.2 Authority. -- W. Va. Code §22-1-15.

1.3 Filing Date. -- April 22, 1991

1.4 Effective Date. -- _____

§38-5E-2. Forms.

2.1 All current forms and copies of any forms currently used under or required by Chapter 22A, Article 3 of the West Virginia Code are included with this series.

TABLE OF CONTENTS

SURFACE MINING APPLICATION

	Pages *
SECTION A: Administrative Information	_____
SECTION B: Property Information	_____
SECTION C: Areas Prohibited: Request for Variances	_____
SECTION D: Fish and Wildlife Resource Information	_____
SECTION E: Parks and Historic Lands	_____
SECTION F: Mining Information	_____
SECTION G: Underground Mine (Including Auger) Supplement	_____
SECTION H: Site Specific Backfilling and Grading Plan	_____
SECTION I: Drainage and Sediment Control Systems	_____
SECTION J: Transportation Plan	_____
SECTION K: Blasting	_____
SECTION L: Disposal of Excess Materials	_____
SECTION M: Coal Processing Refuse Disposal	_____
SECTION N: Revegetation Plan	_____
SECTION O: Reclamation Plan	_____
SECTION P: Geologic Information	_____
SECTION Q: Hydrologic Data	_____
SECTION R: NPDES Application	_____
SECTION S: Maps, Cross-Sections, and Plans	_____
SECTION T: Financial and Insurance Requirements	_____
SECTION U: Certification and Statements	_____
SECTION V: Confidential Information	_____

*NOTE: Pages shall be numbered with the section number, a hyphen and then the sequential number, example: A-6. Pages shall be in the upper right corner of each sheet. All pages that have been corrected or revised shall have the correction or revision date under the page number. After the SMA number is issued for the application, all corrected or revised pages shall be of a definite color to indicate the number of correction or revision, example First time corrections are on yellow colored pages, second time corrections are on orange colored pages, third time corrections are on red colored pages, fourth time corrections are on green pages, etc.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY
DIVISION OF MINES AND MINERALS

DMM-4
2-86 Revised 4/18/91

Surface Mine
Application No. _____
Date Submitted _____
SMA Approval Date _____
SHPO No. _____
NPDES No. _____
MSHA No. _____

SECTION A: ADMINISTRATIVE INFORMATION
Page A-1

SURFACE MINING APPLICATION
(SMA)

1. Applicant: _____ SS#/FEIN#: _____
Street Address or Route #: _____ Telephone: _____
Mailing Address: _____
Resident Agent: _____ SS#: _____
Mailing Address: _____ Telephone: _____
Payer of AML Fees: _____ SS/FEIN# _____
Mailing Address: _____ Telephone: _____

() Partnership () Association
() Sole Proprietorship () Other _____
() Corporation ; List state of incorporation _____

2. Name of proposed mine or facility: _____

3. Is operator different from applicant? () Yes () No
--If Yes, Name of Operator _____
and complete Form DMM-19 and submit as a separate application.

4. Location of operation:
County: _____ District _____ Nearest PO _____
Longitude: _____ " _____ Latitude: _____ " _____
USGS Quadrangle (Name and Number) _____
Nearest Public Road (Route No.) _____

5. Drainage Pattern:

(RECEIVING STREAM) (TRIBUTARY OF) (MAJOR WATERSHED)

6. Coal seam(s) to be mined: _____
(GEOLOGIC NAME AND THICKNESS)

7. Indicate by county and district the total surface acres proposed to be permitted by this operation:

COUNTY	DISTRICT	SURFACE ACRES
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL SURFACE ACRES PERMITTED _____

NOTE: Questions 8 - 17 -- Ownership and control relationships are defined according to the West Virginia (WV) Surface Mining and Reclamation Act and the West Virginia (WV) Surface Mining and Reclamation Regulations. All names must be printed or typed in full (no abbreviations or initials), with any applicable prefixes or suffixes, exactly as listed with the Social Security Office. Submit attachment, if needed, and identify as attachments A-8, etc.

8. List name, title, ownership or control relationship to applicant, address and social security number (or Federal Employer Identification Number, "FEIN") of every person who owns or controls the applicant, including every officer, partner, resident agent, director, or any other person who has the ability to commit the financial or real property assets or working resources of the applicant, and every person who performs a function similar to a director, and the date of assuming that position:

(NAME)	(TITLE)	(RELATIONSHIP)	(SS#/FEIN#)	(ADDRESS)	(DATE)

9. List name, address, social security number (or Federal Employer Identification Number), ownership or control relationship to applicant, percent of ownership, and location in organizational structure of each person who, based on instrument of ownership or voting securities, owns a ten percent (10%) or greater interest in the permit applicant:

(NAME)	(ADDRESS)	(SS#/FEIN#)	(RELATIONSHIP)	(PERCENT)	(LOCATION)

10. List name, address and social security number (or Federal Employer Identification Number), of each person owning or controlling coal to be mined by the applicant under a lease, sublease or other contract AND having the right to receive such coal after mining or having authority to determine the manner in which the applicant conducts the surface mining operation:

(NAME)	(SS #/FEIN#)	(ADDRESS)

11. Include the names of contract, subcontract, lessee, or sublessee operations, if such operations were conducted under the control of the applicant or persons who own or control or owned or controlled the applicant. Include all names, MSHA identification numbers and date of issuance, and permit numbers of such operations if the surface coal mining and reclamation permit for the operation was held in the name of the operator, contractor, subcontractor, lessee, or sublessee. Further, in any instance where the applicant or an owner or controller of the applicant retain the permit, but the operation was conducted by an operator, contractor, subcontractor, lessee, or sublessee on behalf of the permittee, include the operator's name if: (a) the operator held any surface coal mining and reclamation or environmental permits

11. (Continued)

in their name, or the operator held a distinct and separate SMA number from that of the permittee; or (b) the operator held no permits, but under the SMCRA-based program in the state where the operation was conducted, violations or other actions or transactions were issued against or recorded by the regulatory authority in the name of the operator;

(NAME)	(PERMIT NO.)	(MSHA NO./DATE)	(COMMENTS)

12. List each name (including that of any subsidiary), State or Federal permit number, MSHA identification number and issuance date, social security number (or Federal Employer Identification Number), SMA number issuance and date of SMA number, and regulatory authority issuance under which the applicant and each person who owns or controls the applicant, owns or controls, or previously owned or controlled a surface coal mining and reclamation operation in the United States within the five (5) years preceding the date of application:

(NAME)	(PERMIT #)	(MSHA#/DATE)	(SS#/FEIN#)	(SMA #/DATE)	(REGULATORY AUTHORITY)

13. List all pending surface mining applications and current surface mining permits held by the APPLICANT in the United States. Provide each name, permit or application numbers or other identifiers, including SMA number and date of SMA number issuance, MSHA identification numbers and issuance date, and the identity of the state or federal regulatory authority for each permit or application listed:

(NAME)	(PERMIT #)	(SMA#/DATE)	(MSHA#/DATE)	(STATE)	(REGULATORY AUTHORITY)

14. List all pending surface coal mining and reclamation operation permit applications in the United States and all current coal mining permits in the United States held during the five (5) years preceding the date of this application by any person who owns or controls the applicant, or owned or controlled the applicant. Provide each name, permit or application numbers or

14. (Continued)

other identifiers, including SMA number and date of SMA number issuance, MSHA identification number and issuance date, and the identity of the state or federal regulatory authority for each permit or application listed:

(NAME)	(PERMIT #)	(SMA#/ DATE)	(MSHA #/ DATE)	(STATE)	(REGULATORY AUTHORITY)

15. Has the applicant or any officer, partner, director, principal shareholder of the applicant, or any subsidiary, affiliate, or person owned or controlled by or under control or ownership with the applicant had a Federal or State mining permit permanently suspended or revoked in the past five (5) years preceding the date of submission of the application; or had a performance bond or similar security deposited in lieu of bond forfeited? ()Yes ()No

If Yes, attach the information requested below and identify as A-15.

- A. identification number and date of issuance of the permit, MSHA identification number, and the date and amount of bond or similar security;
- B. identification of the authority that suspended or revoked the permit or forfeited the bond and the stated reasons for the action;
- C. the current status of the permit and bond, or similar security involved;
- D. the date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and
- E. the current status of any administrative or judicial proceedings.

16. List on a separate attachment any violation of a provision of the WV Surface Coal Mining and Reclamation Act or the WV Surface Mining and Reclamation Regulations and any other federal or state laws, rules and regulations pertaining to air or water environmental protection incurred in connection with any surface mining operation received by the APPLICANT during the three (3) year period preceding the application date. For each violation notice or cessation order reported, the lists shall include the following information as applicable: ()Not Applicable ()Attached and identified as A-16.

- A. identifying numbers for the operation including federal or state permit number and SMA number, and MSHA identification number;
- B. the dates of issuance of violation notice and SMA number;
- C. the name of the person to whom the violation notice was issued;
- D. the regulatory authority, department or agency;
- E. a brief description of the violation alleged in the notice;
- F. the date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including but not limited to, proceedings initiated by any person to obtain administrative or judicial review of the violation;
- G. the current status of both the proceeding and the violation notice; and
- H. the action, if any, taken by any person to abate the violation.

17. List on a separate attachment all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each unabated violation notice or cessation order reported, the lists shall include the following information as applicable:
() Not Applicable () Attached and identified as A-17.
- A. identifying numbers for operation including federal or state permit number and SMA number, and MSHA identification number;
 - B. the date of issuance;
 - C. the name of the person to whom the violation notice was issued;
 - D. the regulatory authority, department or agency;
 - E. a brief description of the violation alleged in the notice;
 - F. the date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including but not limited to, proceedings initiated by any person to obtain administrative or judicial review of the violation;
 - G. the current status of both the proceeding and the violation notice; and
 - H. the action, if any, taken by any person to abate the violation.
18. Is the proposed permit area located within boundaries for which a governmental planning agency has jurisdiction to act with regard to land use, air, or water quality planning?
() Yes () No
If Yes, provide the agency name and correct mailing address and identify as attachment A-18.
19. Is the proposed permit area located within boundaries of any sewage and/or water treatment authorities, water companies which provide sewage or water service to residents or owners in the area of the proposed permit, or have water sources, collections, treatment, or distribution facilities located in the area of the proposed permit?
() Yes () No
If Yes, provide the name and correct mailing address of the authority or company and a description of the type of facility and its location in the proposed permit area. Identify as attachment A-19.
20. Provide a sample copy of the surface mine application or combined SMA/NPDES advertisement in accordance with the WV Surface Coal Mining and Reclamation Act and the WV Surface Mining and Reclamation Regulations and identify as attachment A-20.

The surface mine application advertisement shall be placed in a newspaper of general circulation in the locality of the proposed permit area. The notice is to start after the applicant has obtained an surface mine application (SMA) file number, after the contiguous residents have been notified by certified mail, and after a copy of the complete surface mine application is placed on file at the regional office in which a permit is filed and at the Office of the Clerk of the County in which the proposed permit area is located.

21. Provide a certificate of publication for the surface mine application or combined SMA/NPDES advertisement no later than four (4) weeks after the last date of publication. Identify this information as attachment A-21.

NOTE: Readvertisement of this application may be necessary if minor changes, additions to, or deletions of application information occur after the initial advertisement. If the application is significantly revised after initial advertisement, it must be readvertised. (Reference: CSR 38-2-3.2(e))

22. Provide the following information pertaining to the approved person(s) that prepared this application, and/or who provided professional certification of any portion thereof:

- A. Approved Person's Name _____
- B. Engineer's Registration Number _____
- C. Licensed Land Surveyor Number _____
- D. Professional Geologist Number _____
- E. Organization associated with _____
- F. Mailing Address _____
- G. Telephone Number _____

23. AFTER THE APPLICANT HAS BEEN NOTIFIED THAT THE APPLICATION IS APPROVED, BUT BEFORE THE PERMIT IS ISSUED, THE APPLICANT SHALL UPDATE AND CORRECT THE INFORMATION PREVIOUSLY SUBMITTED IN SECTION A, OR INDICATE THAT NO CHANGE IN THIS INFORMATION HAS OCCURRED.

Date of Application Approval (DOE): _____

A. Date of Application Update/Correction after Approval: _____

Update/Corrections in the application were made by: _____
(Print or Type Name and Title)

Signature Date

(SEAL)

B. No update/corrections were required after approval of the application:

(Print or Type Name and Title)

Signature Date

(SEAL)

NOTE: Submit attachment, if needed, and identify as attachment B-1.

1. List all legal or equitable owner(s) of record of the property to be mined:

A. Surface (NAME) (ADDRESS)

B. Mineral (NAME) (ADDRESS)

C. List all holders of record (lessees) of any leasehold interest in the property to be mined:

(NAME) (ADDRESS)

D. List any purchaser of record of the property under a real estate contract:

(NAME) (ADDRESS)

E. If the surface owner, mineral owner, leasehold owner or purchaser of record of the property under a real estate contract are business entities other than single proprietor, list the names and addresses of the principals, officers and resident agent (identify each set):

Principals: (NAME) (ADDRESS)

Officers:

Resident Agent:

2. List the lands contiguous to the area described in the permit application in which the applicant has interests, options on such interests, or pending bids on interest. (NOTE: If requested by the applicant, any information required by this item which is not on public file pursuant to the Act shall be held in confidence).

Not Applicable Information attached and identified as B-2.

3. List the names and addresses of each owners of record of all property (surface and subsurface) within one hundred feet (100') of any part of the proposed permit area, and/or residents thereon.

Not Applicable Information attached and identified as B-3.

NOTE: Include a sample of the letter of notification to all residents living on property contiguous to and/or within 100' of the proposed permit area and identify as B-3. Notification by certified mail must occur on or before the first day of publication of the advertisement. SMA Number must be referenced.

4. A. Provide the following and identify as attachments B-4.
- 1) A description of the type of legal documents (deed, leases, etc.) upon which the applicant bases his legal right to enter and conduct surface mining operations on the proposed permit area;
 - 2) The names of the individuals or parties granting such right to applicant;
 - 3) The date of execution of each document; and
 - 4) Where the document is recorded.

B. Is this right subject to pending court litigation? Yes No

C. Has the private mineral estate been severed from the private surface estate? Yes No
If Yes, address the provisions of Chapter 22A, Article 3, Section 18(b)(5) Attach this information and identify as B-4.C.

5. AFTER THE APPLICANT HAS BEEN NOTIFIED THAT THE APPLICATION IS APPROVED, BUT BEFORE THE PERMIT IS ISSUED, THE APPLICANT SHALL UPDATE AND CORRECT THE INFORMATION PREVIOUSLY SUBMITTED IN SECTION B, OR INDICATE THAT NO CHANGE IN THIS INFORMATION HAS OCCURRED.

Date of Application Approval (DOE): _____

- A. Date of Application Update/Correction after Approval: _____

Update/Corrections in the application were made by: _____
(Print or Type Name and Title)

Signature Date

(SEAL)

- B. No update/corrections were required after approval of the application:

(Print or Type Name and Title)

Signature Date

(SEAL)

NOTE: Only those waivers and variances in this section of the application will be considered for approval by the Commissioner.

1. Provide the following information pertaining to areas in which mining is prohibited, subject to valid existing rights, and variances requested, which are specifically applicable to this application:

A. Place an "X" to indicate in each of the following items whether or not any portion of the proposed permit area:

	Yes	No
1) Is within any lands under study for designation as unsuitable for surface coal mining operations?	()	()
2) Is on any lands within the boundaries of units of the National Park System?	()	()
3) Is on any lands within the boundaries of the National Wildlife Refuge System?	()	()
4) Is on any lands within the boundaries of units of the National System of Trails?	()	()
5) Is on any lands within the boundaries of units of the National Wilderness Preservation System?	()	()
6) Is on any lands within the boundaries of units of the wild and scenic rivers system, including "study" rivers?	()	()
7) Is on any lands within the boundaries of units of any National Recreation Areas?	()	()
8) Is on any federal lands within the boundaries of units of any National Forest?	()	()
9) Is on any lands where mining will adversely affect any publicly owned park or places included in, or may be eligible to be included in, the National Register of Historic Sites, or National Register of Natural Landmarks?	()	()
10) Is within 100 feet of the right-of-way of any public road, except where mine haulage or access roads joins such right-of-way line?	()	()
If Yes, insert proof of valid existing rights or include sample of public notice as per 22A-3-22(d)(3).		
11) Is within 300 feet of any occupied dwelling?	()	()
A) If Yes, list by number, corresponding to the proposal map, the dwelling(s) for which written waivers have been obtained and include the notarized, written waivers.		
B) Valid existing rights are being claimed for dwelling number(s) _____		
12) Is within 300 feet of any public building?	()	()
13) Is within 300 feet of any school?	()	()
14) Is within 300 feet of any church?	()	()
15) Is within 300 feet of any community or institutional building?	()	()
16) Is within 300 feet of any public park?	()	()
17) Is within 100 feet of a cemetery?	()	()
18) Is within 100 feet of a perennial or intermittent stream?	()	()

- 19) Is within 500 feet of known abandoned underground mine works? () ()
- 20) Is within 500 feet of active underground mine works? () ()
- B. If valid existing rights are being claimed for any portion of the proposed permit area, submit documented evidence that substantiates this claim in accordance with the definition of the term "valid existing rights". Also, provide written waivers pursuant to item 11 above. Include "valid existing rights" documentation and waivers, if applicable, and identify as attachment C-1.B.
- C. If applicable, indicate below all variances being requested for this operation. (Place an "X" for all appropriate variance subjects.) Documentation for approval of each variance subject indicated must be submitted in other appropriate sections of this application, the location of which is to be indicated in the blank spaces provided following each variance subject. (DOE must include the initials of the reviewer and date)

	DOE
	*SECTION APPROVAL AND DATE
() No variance requested	_____
() 100 feet of public road right-of-way (Include sample copy of advertisement for operations)	_____
() Stream buffer zone	_____
() Subsidence Control Plan	_____
() From contemporaneous reclamation	_____
() Postmining land use change (Include sample copy of advertisement for alternate postmining land use)	_____
() Alternate topsoil material	_____
() Permanent impoundment	_____
() Approximate Original Contour (AOC) variance - remaining	_____
() AOC variance - steep slope mining	_____
() During mining groundwater monitoring variance	_____
() Premising overburden analysis	_____
() Co-mingling of waters	_____
() Permanent road	_____
() Prime farmland (negative determination)	_____
() Other variance request - Describe briefly	_____

*"Section" is the application section which contains the detailed variance request. Include signature line for all variance requests.

-
-
1. Submit fish and wildlife resource information for the permit area and adjacent area according to the WV Surface Coal Mining Reclamation Regulations and identify as attachment D-1.
 2. Are there listed or proposed endangered or threatened species of plants or animals or the critical habitat of such species identified which may be affected by this operation?
() Yes () No Attachment to be identified as D-2.

If Yes, provide site specific resource information and list and describe all control measures, management techniques and monitoring methods to be used to protect or enhance threatened or endangered species of plants or animals listed by the Secretary of the Interior under the Endangered Species Act of 1973, as amended, (16 U.S.A. 1531 et seq.) and their critical habitats if they are to be affected by the proposed activities and list the species involved and provide a map identifying its location relative to the proposed permit area.

If No, attach the state or federal wildlife biologist's documentation to verify this determination.

3. Will any important stream, wetlands, riparian areas, cliffs supporting raptures, or other habitats of unusually high value for fish and wildlife be impacted by the proposed operation?
() Yes () No
If Yes, provide acres of habitats of unusually high value, and delineate its boundaries on the proposal and drainage maps.
Acres of Wetlands: _____; Important Stream: _____; Riparian Area _____; Other (Specify) _____
If No, attach the state wildlife biologist's documentation to verify this determination and identify as attachment D-3.

4. Describe, and identify as attachment D-4., the measures to be used to:
 - A. Ensure that electric power lines and other transmission facilities used for, or incidental to, surface mining activities on the permit area are designed and constructed to minimize electrocution hazards to raptures;
 - B. Locate and operate haul and access roads so as to avoid or minimize impacts on important fish and wildlife species or other species protected by state or federal law;
 - C. Design fences, overland conveyors, and other potential barriers to permit passage for large mammals; and
 - D. Fence, cover or use other appropriate methods to exclude wildlife from ponds which contain hazardous concentrations of toxic-forming materials.
5. Provide a narrative of how the operation will minimize disturbances and adverse impacts on fish, wildlife, and related environmental values and achieve enhancement of such resources where practicable. Identify as attachment D-5.

-
1. Submit a detailed narrative which describes the results of the reconnaissance inspection to determine whether or not cultural, historic and archaeological resources exist within the proposed permit and adjacent areas, and identify as attachment E-1.
 2. The applicant shall contact the WV State Historic Preservation Officer (SHPO), providing a completed DMM-81 (Field Review Site Questionnaire - Part A and B) and map. Identify as attachment E-2
 3. Provide the SHPO's response, including SHPO file number, and identify as attachment E-3.
 4. Provide a plan to address any recommendations made by the SHPO and identify as attachment E-4.
 5. If cultural, historic or archaeological resources are located within the proposed permit and adjacent area(s), identify them on the proposal map and provide a description which shall be identified as attachment E-5.
 6. If the proposed permit area and/or adjacent areas have any listed, or eligible for listing, cultural, historic and/or archaeological resources which may be affected by the proposed operation, provide a description of the measures to be taken to protect these resources and identify as attachment E-6.
 7. Will any public parks be adversely affected by the proposed operation?
 Yes No Attachment to be identified as E-7.

If Yes, name and locate them on the proposal map and describe the measures to be used to minimize or prevent the adverse impacts from mining on these areas. Include a copy of the joint approval by the division and the federal, state or local agency with jurisdiction over the park.

- B. Provide a description of each existing structure or facilities proposed to be used in connection with or to facilitate the surface mining and reclamation operation. The description shall include the following and be identified as F-4.
- 1) Location;
 - 2) Plans of the structure which describe its current condition;
 - 3) Approximate dates on which construction of the existing structure was begun and completed;
 - 4) A showing, including relevant monitoring data or other evidence, as to whether or not the structure meets the performance standards of the WV Surface Coal Mining and Reclamation Act and the WV Surface Mining and Reclamation Regulations; and
 - 5) A compliance plan for each existing structure proposed to be modified or reconstructed for use in connection with or to facilitate the surface coal mining and reclamation operation. The compliance plan shall include:
 - A) Design specifications required for the modification or reconstruction of the structure to bring it into compliance with current design requirements and performance standards of the WV Surface Coal Mining and Reclamation Act and the WV Surface Mining and Reclamation Regulations;
 - B) A construction schedule which shows dates for beginning and completing interim steps and final construction;
 - C) Provisions for monitoring the structure during and after modification or reconstruction to ensure that the performance standards of the WV Surface Coal Mining and Reclamation Act and the WV Surface Mining and Reclamation Regulations are met; and
 - D) A showing that the risk of harm to the environment or to public health or safety is not significant during the period of modification or reconstruction.
5. A. Provide a narrative description of each phase of the proposed surface and/or underground mining operation. Include the anticipated starting and termination dates of each phase, major equipment to be utilized, acreage affected in each phase, and the total acreage affected over the life of this permit and identify as attachment F-5.A.
- B. Identify the lands subject to surface or underground mining over the estimated life of these operations and the size, sequence, and timing of the operations for which it is anticipated that individual permits for mining will be sought. Include this information as attachment F-5.B.
6. Provide a map(s), drawn to scale, which shall indicate the sequence for each phase of the proposed surface and underground mining operation and identify as attachment F-6.
7. Is surface mining and/or augering to occur within 500 feet of an underground mine? ()Yes ()No ()Abandoned ()Active ()Inactive
--If yes, include the following and identify as attachment F-7.
- A. Division of Energy - Health, Safety and Training Section approval and subsequent M.S.H.A. approval;
 - B. Underground Operator(s) and/or owner(s) approval; and
 - C. Description of impact of proposed operation upon underground mining.

8. Provide a narrative which explains the consideration which has been given to maximize the utilization and conservation of the solid fuel resource being recovered so that re-affecting the land in the future will be minimized and identify as attachment F-8.
9. Provide a narrative which demonstrates the appropriate steps which have been and will be taken to comply with applicable air and water quality laws and regulations and applicable health and safety standards and identify as F-9.
10. For the proposed permit area, describe the fugitive dust control plan to be employed during site preparation, mining, and reclamation and identify as attachment F-10. When required, provide an air quality monitoring program and locate monitoring station(s) on the proposal map.
11. Indicate if any portion of the proposed permit area has been "undermined".
 Yes No
--If Yes, provide a map showing the extent of the underground workings and describe the potential effects subsidence may have on structures such as dams, coal waste disposal areas, fills and other such structures and identify as attachment F-11.

-
1. If an Underground Mine, complete this section of the application and obtain a Certificate of Approval for Mine Opening issued by the Health, Safety and Training Section of the Division of Energy.
 2. Is a gravity discharge anticipated from this underground mine or augering area?
()Yes ()No
Provide narrative referring to maps and plans, as necessary, and identify as attachment G-2.
 3. Provide a mine and auger abandonment plan, including a stability analysis for outcrop barriers, and designs and stability analysis for proposed wet and/or dry mine or auger seals. Identify as attachment G-3.
 4. Provide designs and seepage analysis for outcrop barriers, and designs and seepage or flow analysis for proposed wet seals. Identify as Attachment G-4.
 5. Include a U.S.G.S. TOPOGRAPHIC MAP OF THE AREA extending beyond the proposed mining limits and showing all that is required by the WV Surface Mining and Reclamation Regulations and identify as G-5.
 6. Include a MINE DEVELOPMENT MAP drawn to scale and showing all that is required by the WV Surface Mining and Reclamation Regulations and identify as G-6.
 7. Include a SUBSIDENCE SURVEY for underground mining (including augering) in accordance with the WV Surface Mining and Reclamation Regulations and identify as G-7.
 8. Is a waiver of subsidence control plan requirements requested as a result of findings and demonstrations of the subsidence survey?
()Yes ()No NOTE: Attachment to be identified as G-8.
--If Yes, provide documentation to justify the requirements for waiver.
--If No, provide a subsidence control plan as required by the WV Surface Coal Mining and Reclamation Act which shall include but not be limited to:
 - A. A subsidence survey;
 - B. A general description of the technique of coal removal;
 - C. An isopach map or other map showing surface contours and bottom of coal contours and the location and extent of areas in which planned subsidence is projected, including anticipated effects, and all areas in which measures will be taken to prevent or minimize subsidence.
 - D. A description of physical conditions which affect the likelihood or extent of subsidence;
 - E. A description of measures to be taken to mitigate or remedy any material damage or diminution in value or use that may occur to surface lands, structures, or facilities due to subsidence;
 - F. An acknowledgement that if subsidence causes material damage or reduces the value or use of the surface lands, then the operator shall restore the land to a condition capable of supporting uses it was capable of supporting before subsidence;
 - G. Except for those areas where planned subsidence is projected to be used, a detailed description of the subsidence control measures that will be taken to prevent or minimize subsidence and subsidence related damage;
 - H. Unless waived, documentation demonstrating the applicant's right to subside; and
 - I. Unless waived, typical predicated subsidence profile(s) for areas of planned subsidence.

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1. Describe the methods to be used for backfilling and grading the proposed permit area, including a SITE SPECIFIC description as to the source of material, the methods for backfilling the final pit(s) and disturbed areas, and a narrative of the soil stabilization and compaction practices to be utilized. Provide sufficient accurate cross sections to illustrate and define the proposed postmining configuration of the permit area. Identify as attachment H-1.
 2. Provide complete engineering calculations on spoil generation and disposal for the proposed permit area. Include a stability analysis to demonstrate that backfilled benches will meet a minimum static safety factor of 1.3. Identify as attachment H-2.
 3. Describe how the proposed operation will comply with backfilling and regrading time limits as set forth in the WV Surface Mining and Reclamation Regulations and identify as attachment H-2.

NOTE: If compliance cannot be achieved, provide documentation to justify a request for variance in accordance with WV Surface Mining and Reclamation Regulations and identify as attachment H-3.A or H-2.B.

- A. If a variance from approximate original contour for STEEP SLOPE MINING is sought, the applicant shall request in writing that a variance be granted and demonstrate at a minimum:
 - 1) That after reclamation, the lands to be affected by the variance within the proposed permit area will be suitable for an industrial, commercial, residential, or public postmining land use (including residential facilities);
 - 2) That spoil returned to the mined-out area shall be backfilled with all highwalls eliminated;
 - 3) That the requirements of postmining land use will be met;
 - 4) That the watershed of lands within the proposed permit and adjacent areas will be improved by the operations when compared with premining conditions or with its condition if approximate original contour were to be restored; and
 - 5) That the owner(s) of the surface within the proposed permit area has been requested in writing that a variance be granted.
- B. If a variance for DELAY IN THE CONTEMPORANEOUS RECLAMATION requirements is sought, file complete applications for both the surface mining and underground mining activities that are to be combined. The operation and reclamation plans contained in these applications shall include narratives, maps, and plans showing:
 - 1) Why the underground mining activities are necessary or desirable to assure maximum practical recovery of the coal;
 - 2) How future disturbances of surface lands or waters will be avoided;
 - 3) The identity of the specific surface areas for which a variance is sought and the specific requirements from which a variance is sought;
 - 4) How the activities will comply with regulatory requirements;
 - 5) Why the variance is necessary for the implementation of the proposed underground mining;
 - 6) An assessment of the adverse environmental consequences and damages, if any, that will result if the reclamation of surface mining activities is delayed; and
 - 7) How temporary and permanent offsite storage of spoil will be conducted to comply with the requirements of the Surface Coal Mining and Reclamation Act and the associated WV Surface Mining and Reclamation Regulations.

- C. Show the location of all area(s) not to be returned to approximate original contour by this proposed permit on the proposal map.
4. Describe the measures to be used to seal or manage mine openings, exploration holes, auger holes, bore holes, wells and other openings within the proposed permit area. Provide design specifications for ensuring stability under anticipated hydraulic heads for each permanent entry seal and downslope barrier. Include all maps, drawings, etc. required to adequately support the description of the proposed measures. Identify as attachment H-4.
5. Describe the topsoil or topsoil substitute availability plan for this operation to include the following: Identify as attachment H-5.
 - A. Certified geologic cross sections of the proposed permit area identifying the proposed topsoil and/or topsoil substitute material(s) to be used and include quantity calculations to demonstrate that there is sufficient quantity to sustain vegetation;
 - B. The results of chemical and physical analyses of the existing soils and the proposed alternate materials conducted in accordance with the WV Surface Mining and Reclamation Regulations; and
 - C. Certification by a qualified soil scientist or agronomist that the alternate material is equal to or more suitable than the existing topsoil.
6. Describe how topsoil or alternate topsoil materials will be removed, stored, stabilized, protected, and redistributed in the proposed permit area and identify as attachment H-6. Indicate on the proposal map where topsoil or alternate topsoil stockpiles will be located.
7. Describe the measures to be used for the temporary storage and final disposal of waste such as grease, lubricants, paints, flammable liquids, garbage, abandoned machinery, timber, brush, treatment chemicals (flocculents, pH adjusters, coal processing, etc.), and other combustibles generated during the mining activities. Identify this information as attachment H-7. Indicate all temporary and permanent storage and/or disposal sites on the proposal map.
8. Describe how acidic and/or toxic strata will be handled to avoid contamination of surface and ground water resources within and adjacent to the proposed permit area, and to minimize adverse effects on plant growth and land uses. Provide a certified geologic cross section which specifically identifies these acidic and/or toxic strata that will be handled separately. Submit the description and cross section, if applicable and identify as attachment H-8.

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1. Does the proposed operation disturb land within 100' of an intermittent or perennial stream? () Yes () No
--If Yes, include a narrative which presents sufficient information for justification of the disturbance of the land within 100' of such stream and identify as attachment I-1.
 2. Is a sediment control structure proposed to be located in a perennial stream? () Yes () No
--If Yes, include justification and demonstrate that there is no other suitable location for such structure and, if applicable, include the proposed mitigation plan agreed to by the applicant and affected regulatory agencies. Identify as I-2.
 3. Is the proposed operation designed in a manner which will cause the construction and/or diversion of stream channels? () Yes () No
--If Yes, include all information required by the WV Surface Mining and Reclamation Regulations for stream channel diversions and, if applicable, include the proposed mitigation plan agreed to by the applicant and affected regulatory agencies. Identify as attachment I-3.
 4. Do all designed sediment control structures and bench control systems have the capacity to store 0.125 acre/ft. of sediment for each acre of disturbed area in the watershed of the structure or bench control system? () Yes () No
--If No, attach statement which contains documentation to allow consideration for reduced storage volume. This statement must provide specific descriptions of and commitment to the alternate sediment control measures which are proposed in lieu of the required storage volumes. Identify as attachment I-4.
 5. Will any drainage or sediment control systems, structures, or related facilities be constructed in a manner which will create a permanent impoundment (i.e., one which remain subsequent to completion of mining and reclamation)? () Yes () No
--If Yes, identify said permanent impoundments and include documentation as required by the Surface Coal Mining and Reclamation Act and WV Surface Mining and Reclamation Regulations which will allow the commissioner to authorize or deny the creation of the permanent impoundment and identify as attachment I-5.
 6. Provide plans for EACH drainage or sediment control system, drainage or sediment control structures, or water impoundments and related facilities within the proposed permit area and identify as attachment I-6. Each design plan shall:
 - A. Contain a description, location map, plan view, profile, and cross sections of the structure or system, and geotechnical investigation (if applicable);
 - B. Contain hydrologic and geologic information required to assess the hydrologic impact of the structure or system;
 - C. Contain a survey describing the potential effect on the system or structure from subsidence of the subsurface strata resulting from past underground mining operations if underground mining has occurred;
 - D. Include complete and accurate design and construction specifications for each structure;
 - E. Describe the sequence or timetable for construction of each structure or system in relation to the disturbed area to be controlled;
 - F. Describe the operation and maintenance requirements for each structure or system, including methods and location for disposal of the sediment and/or sludges removed from the structure;

- G. Describe the timetable and plans to remove each structure or system, including quantities of materials to be removed, methods for removal, and stabilization of the site. Provide a contingency plan for the removal of each permanent structure in the event that the structure does not meet the requirements in the WV Surface Mining and Reclamation Regulations;
- H. Describe drainage control for all regraded areas;
- I. Describe engineering techniques used for design of all drainage and sediment control structures;
- J. Include as-built certifications, drawings, computation sheets, and calculations for existing systems, structures, and facilities to be utilized by this proposed operation;
- K. Include certification and periodic inspection procedures to be utilized by the applicant; and
- L. Include a certification statement of the design and construction of each sediment control structure, each on-bench sediment control structure, and each drainage structure which includes a schedule for submitting of any detailed design plans for structures that are not submitted with the general plan.

NOTE: No disturbance will be allowed in any portion of a permit until sediment control structures are completely designed, approved, constructed, and certified in accordance with the approved plan. Structure designs not included in this application may be subject to public notice and comment opportunity prior to approval.

NOTE: Design plans, cross-sections, and profiles of engineered structures such as sediment control structures must be based on mapping or surveying data of adequate detail and accuracy. Enlarged USGS topographic maps are not adequate for such detailed design purposes, unless supplemented by surveying data. The registered professional engineer or licensed land surveyor certifying design of such facilities is responsible for insuring such adequacy.

- 7. Demonstrate how the designed sediment control structures and bench control systems shall comply with state and federal water quality standards and shall meet effluent limitations as specified in a NPDES Permit. Identify all calculations, descriptions, and other information as attachment I-7.

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1. Provide documentation which will demonstrate that the transportation system, which includes haulageways, access roads, and infrequently used access roads, will be constructed in accordance with the WV Surface Mining and Reclamation Regulations and identify as attachment J-1.
 2. Provide plan and profile of each primary road, conveyor, or rail system to be constructed, used, or maintained within the proposed permit area and identify this as attachment J-2.
 3. Provide plans, drawings, accurate cross sections, and specifications for each primary road. Describe each primary road's: road width, road gradient, road surface, road cut, fill embankment, culvert, bridge, drainage ditch, and drainage structures and identify as attachment J-3.
 4. Provide cross sections and a description of measures to be taken for alteration or relocation of a natural drainageway in accordance with the WV Surface Mining and Reclamation Regulations and the Surface Coal Mining and Reclamation Act and identify as attachment J-4.
 5. Provide narrative, plans, and calculations for sediment control structures for the transportation system and identify as attachment J-5.
 6. Provide cross sections and a description of measures to be taken to protect the inlet end of a ditch relief culvert and identify as attachment J-6.
 7. Provide plans for removal of transportation facilities and reclamation of the facilities' sites, including volumes of material to be moved, and methods for the removal and stabilization of the sites and identify as attachment J-7.
 8. Provide narrative and plans for the abandonment of the transportation system, which includes haulageways, primary roads, access roads, and infrequently used access roads and identify as attachment J-8.
 9. Provide narrative as to inspection and certification procedures for construction of the transportation system and identify as attachment J-9.

NOTE: The center line of the proposed haulageways or access roads shall be visibly marked or delineated by visible offset markings on the site at one hundred feet (100') intervals at the time of pre-inspection. Pre-existing haulageways or access roads shall be exempt from this requirement.

NOTE: The plans, drawings, and design specifications for roads shall be prepared and certified by, or under the direction of, a qualified registered professional engineer or a qualified licensed land surveyor with experience in design and construction of roads.

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1. Is blasting anticipated for the proposed operation? () Yes () No
--If Yes, this section of the application must be completed.
--If No, this section of the application need not be addressed.

 2. Will surface blasting operations be conducted within:
 - A. 1,000 feet of a building used as a dwelling, public building, school, church, or community or institutional building outside the proposed permit area?
() Yes () No

 - B. 500 feet of an active or not totally abandoned underground mine?
() Yes () No

--If Yes to A or B, include as attachment K-2 or submit at a time before the blast as approved by the commissioner, an anticipated blast design plan, prepared and signed by a certified blaster, in conformance with the WV Surface Coal Mining and Reclamation Act and the WV Surface Mining and Reclamation Regulations.

--If Yes to B, provide the following and identify as attachment K-2.:

 - A. M.S.H.A. Approval;
 - B. Underground Operator's Approval; and
 - C. Safety measures to be taken to protect underground mining workers and operations during blasting.

 3. Provide a list of names and addresses of all residents or owners of man-made dwellings or structures located within one-half (1/2) mile of the permit area. Identify as attachment K-3.

 4. Provide a map of the area which shows a line one-half (1/2) mile outside the permit area and the locations of all dwellings or structures on the list provided for #3 above. Indicate the owner or resident for each dwelling or structure on the map and identify as attachment K-4.

 5. Describe how all residents or owners of man-made dwellings or structures located within one-half (1/2) mile of the permit area shall be informed in writing on how to request a preblast survey, and the procedures for recording and reporting to the commissioner and the person requesting the survey the written results of any requested preblast survey.
() Identify as attachment K-5.
() Not Applicable - There are no structures and/or dwellings within one-half (1/2) mile of the permit area.

 6. If blasting is anticipated for this proposed operation, provide the following and identify as attachment K-6.:
 - A. Blasting plan;
 - B. Blast design prepared and signed by a certified blaster;
 - C. Airblast and ground vibration limits;
 - D. Specify the methods to be used to control fly rock;
 - E. Explain where blasting records will be maintained, and where records will be stored;
 - F. Narrative describing the monitoring equipment and procedure for performing the monitoring and analysis;
 - G. Sample blast record or blast log; and
 - H. Description of blasting procedures and safety precautions.

Are excess spoil disposal structures to be utilized? () Yes () No

--If Yes, this section of the application must be completed.

--If No, this section of the application need not be addressed.

NOTE - Excess spoil means any overburden material disposed of in a location other than the pit.

1. Provide documents which demonstrate that due to volumetric expansion, the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour or the approved postmining land use configuration. Identify this information as attachment L-1.
2. If due to volumetric expansion there exists excess overburden and other spoil and waste materials removed in the course of the mining operation, place an "X" to indicate the type of structure or method of construction which describes the excess spoil disposal structure(s) for this operation:

- | | |
|--|--|
| <input type="checkbox"/> Existing bench fill | <input type="checkbox"/> Side hill fill |
| <input type="checkbox"/> Valley fill | <input type="checkbox"/> Durable rock fill |
| <input type="checkbox"/> Other (Specify) _____ | |

Facility I.D.	Type of Fill	Storage Volume	Type of Underdrain	Natural Ground Slope At Toe of Fill	Latitude At Toe of Fill	Longitude At Toe of Fill

3. Provide for each excess spoil disposal site, at a minimum, the following and identify as attachments L-3.:
 - A. Narrative describing type(s) of disposal site;
 - B. Volume calculations of materials to be placed in the disposal site;
 - C. Detailed site specific narrative describing, at a minimum:
 - 1) Clearing and grubbing of the fill area;
 - 2) Topsoil removal, storage and redistribution;
 - 3) Description of materials to be placed in fill;
 - 4) Construction sequence;
 - 5) Compaction requirements, if applicable;
 - 6) Construction of drainage systems and sediment control structures;
 - 7) Construction of fill, including transportation and placement of fill;
 - 8) Methods to be utilized to provide slope protection and minimize erosion at the site;
 - 9) Inspection and certification procedures for each phase of the fill construction;
 - 10) Revegetation of fill;
 - 11) Maintenance of fill;
 - 12) Abandonment or removal of fill site; and
 - 13) Final certification and reporting procedures.

- D. Site specific geotechnical investigation results, design details, and construction specifications including:
- 1) Character of bedrock and any adverse geologic conditions;
 - 2) Depth to bedrock;
 - 3) Number, location, and depth of foundation borings or test pits, if performed, and log of each;
 - 4) A survey identifying all springs, seepage, and ground water flow, observed or anticipated during wet periods in the area of the disposal site;
 - 5) A survey of the potential effects of subsidence of the subsurface strata due to past and future mining operations;
 - 6) Technical description of the rock materials to be utilized in rock underdrains, rock chimney cores, or rock drainage blanket, including slake durability tests. Show source location of rock and area where test samples were taken.
 - 7) Standard laboratory analysis of:
 - A) Foundation materials;
 - B) Materials to be placed in each fill; and
 - C) Show the location where samples of materials were obtained. Indicate these locations on the proposal map.
 - 8) Handling plan for acid or toxic-forming material;
 - 9) Discuss measures to be taken to minimize adverse effects to surface and ground waters from leachate and surface water runoff.
 - 10) Calculations and engineering assumptions considered in the design of the underdrain system and the rock core of each fill, if applicable; and
 - 11) Foundation of fill and fill material stability analysis for each fill addressing both static and dynamic loading which shall include, at a minimum:
 - A) Strength parameters, pore pressures, and long-term seepage conditions, for both the foundation soil under conditions of maximum loading and the fill soil, examining both planar and cylindrical failures;
 - B) Use of appropriate engineering tests to determine site specific shear strength parameters (such as the unconsolidated, undrained triaxial test with continuous pore pressure measurements, for soils) and/or a narrative describing and justifying the determination of the parameters used in the analysis and design; and
 - C) A description of all engineering design assumptions, calculations and the alternatives considered in selecting the specific design specifications and methods for each fill.
- E. If the fill design requires the utilization of rock toe buttresses or keyway cuts, submit:
- 1) Number, location, and depth of borings or test pits which pertain specifically to the buttress or keyway area, and a log of each;
 - 2) Engineering procedures utilized to design the rock toe buttresses or keyway cuts;
 - 3) Plans and cross sections of each keyway cut or rock toe buttress.
- F. Plan view, profiles, and cross-sections, drawn to scale for each fill;
- G. A separate and specific certification, by a qualified registered professional engineer, of the design of each excess spoil disposal area. Each certification shall at a minimum attest to:
- 1) The accuracy and validity of all parameters chosen for design and analysis of the fill;

- 2) The accuracy, validity, and sufficiency of the foundation investigation and the data derived therefrom, which data shall be included in the application;
- 3) The suitability of the geotechnical and/or stability analysis methods chosen for design; and
- 4) The engineer's personal involvement in or supervision of, and/or his/her review and verification of, all data used and all work performed in design of the fill.

NOTE: The Commissioner may require documentation of the education, training, and experience upon which such engineer's qualifications are based, and if requested, such documentation must be submitted to and approved by the Commissioner.

NOTE: Design plans, cross-sections, and profiles of engineered structures such as excess spoil disposal fills must be based on mapping or surveying data of adequate detail and accuracy. Enlarged USGS topographic maps are not adequate for such detailed design purposes, unless supplemented by surveying data. The registered professional engineer certifying design of such facilities is responsible for insuring such adequacy.

4. Will excess materials, sediment, sludges, fly-ash, or material other than coal processing plant refuse be disposed of in active or abandoned underground workings?

() Yes () No

--If Yes, provide a plan for returning said material to active or abandoned underground workings, according to the WV Surface Coal Mining and Reclamation Act and WV Surface Mining and Reclamation Regulations: Identify as attachment L-4.

1. Is coal processing refuse disposal proposed within the proposed permit area?

() Yes () No

--If Yes, this section of the application must be completed.

--If No, this section of the application need not be addressed.

Facility I.D.	Type of Construction (upstream,downstream etc)	Storage Volume Cu. Yds.	Latitude At Toe	Longitude At Toe	Anticipated Construction Date

2. Provide for the coal refuse disposal, in addition to the other permitting requirements of the Surface Coal Mining and Reclamation Act, the WV Surface Mining and Reclamation Regulations, and the requirements of 30 CFR 77.214 and 30 CFR 77.215, the following and identify as attachment M-1.:

- A. A general narrative and discussion of the project;
- B. A description of the duties, responsibilities and lines of communication of those persons responsible for the design and construction of the coal refuse disposal site;
- C. A plan view of the site;
- D. Cross sections of the coal refuse disposal site;
- E. A sediment control plan;
- F. Design and specifications for hydraulic structures;
- G. Structural analysis and/or design data of coal refuse embankments and impoundments, including subsurface investigation, a geologic study, laboratory tests for foundation and embankment materials, etc;
- H. A description of the potential for liquefaction and safeguards to prevent the development of this condition;
- I. Designs for diversions and underdrains;
- J. Procedures for clearing and grubbing;
- K. Procedures for disposal of excess material resulting from clearing, grubbing, and other site preparation activities;
- L. Procedures for spreading and compacting of refuse materials during placement;
- M. Plans in accordance with 30 CFR 75.1711 for sealing abandoned openings;
- N. An abandonment plan or plan for removal of the refuse;
- O. Professional certification of each refuse disposal structure design;
- P. Statement describing the periodic inspection and certification procedures for each refuse site; and
- Q. Description of installation and monitoring plans for instrumentation.

3. Does the coal refuse disposal site have the capability of impounding water?

() Yes () No

--If Yes, in addition to the requirements of the Surface Coal Mining and Reclamation Act and the WV Surface Mining and Reclamation Regulations, submit plans, designs, calculations, and specifications for this refuse disposal site which may be subject to other state and federal laws and rules and regulations, depending on the refuse site's embankment size and holding capacity. Identify as attachment M-3.

4. Will coal processing plant refuse be disposed of in active or abandoned underground workings? () Yes () No
--If Yes, provide a plan for returning coal processing plant refuse to active or abandoned underground workings, which is to include the following and to be identified as attachment M-4.:
- A. Method of disposal including a description of the source of the transport medium;
 - B. Maps of mines where coal refuse materials are to be disposed with a description of the percent of mine void to be filled;
 - C. Description of location of active workings including plans, specifications, and methods of constructing underground retaining walls;
 - D. Potential areas of breakout in active mine workings and on the surface of the ground;
 - E. Effects of subsidence on the plan;
 - F. The effects on the hydrologic regime including the location and description of permanent monitoring wells or monitoring stations;
 - G. Gradient of the mine from the backfill area;
 - H. Description of the stratum underlying the mined coal;
 - I. Source and quality of the refuse;
 - J. The method of treatment of water if released to surface streams;
 - K. A contingency plan formulated to alleviate or correct any hazardous conditions which may result from a blowout; and
 - L. A description of the surface area to be supported by the refuse backfill, the anticipated surface effects following backfilling, and the method for dewatering the backfill.

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1. Provide a detailed narrative of the results of the reconnaissance inspection made to determine whether or not all or part of the proposed permit area is prime farmland. Identify this information as attachment N-1.
 2. According to the results of the reconnaissance inspection, does the proposed permit area affect prime farmland? Yes No
--If Yes, complete or obtain a soil survey of the affected area developed in accordance with standards of the National Cooperative Soil Survey which includes the procedures set forth in the U.S. Department of Agriculture Handbook 436 and 18. Identify as attachment N-2.
--If No, submit a detailed narrative which demonstrates that a basis exist for making a negative determination of prime farmland in accordance with the WV Surface Mining and Reclamation Regulations and identify as attachment N-2.
 3. Will topsoil substitute be used? Yes No
--If yes, include analysis of original topsoil, topsoil substitute, and appropriate certifications made by a qualified soil scientist. Demonstrate that the proposed substitute material is equally suitable for sustaining vegetation as the existing topsoil and the resulting soil medium is the best available in the permit area to support vegetation. Identify this information as attachment N-3.
 4. Provide a description of the premining land use which the land previously supported where the land has not been previously mined and has been properly managed. Identify as attachment N-4.
 5. Submit a planting plan which shall contain the following and identify as attachments N-5.:
 - A. A prediction of the minesoil character based on overburden analysis, soil analysis, and other available information;
 - B. Proposed treatment to neutralize acidity;
 - C. Method of mechanical seed bed preparation;
 - D. Application rates and analysis of fertilization;
 - E. Application rates and types of mulch;
 - F. Application rates and species of perennial vegetation including herbaceous and woody plants;
 - G. Areas to be planted or seeded to trees and shrubs;
 - H. Land use objectives;
 - I. A maintenance schedule and procedures; and
 - J. Plan for temporary vegetation cover.
 6. Provide a description of the postmining land use and describe the likelihood for achievement of the proposed use. Also, describe maintenance procedures and schedule for maintenance for the proposed postmining land use. Identify as attachment N-6.

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1. Describe the premining land use and the methodology for the determination. Identify as attachment O-1.
 2. Describe the postmining land use, the methodology for the determination, and the maintenance program for said postmining land use. Identify as attachment O-2.

NOTE: If an alternative land use is proposed, a statement indicating the premining land use and proposed postmining land use must be included in the advertisement.

3. Provide a detailed description of the anticipated starting and termination dates of each phase of reclamation and the number of affected acres. Identify as attachment O-3.
4. Place an "X" to indicate all major equipment proposed to be used for reclamation operations:

<input type="checkbox"/> Draglines	<input type="checkbox"/> Loaders	<input type="checkbox"/> Shovels	<input type="checkbox"/> Pans	<input type="checkbox"/> Hydraulic
<input type="checkbox"/> Backhoes	<input type="checkbox"/> Dozers	<input type="checkbox"/> Trucks	<input type="checkbox"/> Drills	Excavators
<input type="checkbox"/> Other (Specify) _____				

5. Based on the information set forth in this section, the reclamation plan shall include the following: Identify as attachment O-5.
 - A. A description of the lands capability to support a variety of uses prior to any mining;
 - B. Provide the best information available which describes the productivity of the land prior to mining and the average yield of food, fiber, forage or wood products from such lands obtained under high levels of management;
 - C. A description of the utilization and capacity of the reclaimed land and the reclaimed land's ability to support a variety of alternative uses;
 - D. How such uses will be consistent with or against existing land use policies and plans;
 - E. A description of how consideration has been given to conducting surface mining operations in a manner consistent with surface owner plans and applicable state and local land use plans and programs;
 - F. Provide the comments of any owner of the surface, other state agencies and local governments, which would have to initiate, implement, approve or authorize the proposed use of the land following reclamation;
 - G. Provide a detailed description of how the postmining land use is to be achieved, the necessary support or management activities which will be needed to achieve the proposed land use, and the likelihood for achievement of the proposed postmining land use;
 - H. Describe how the reclamation plan has been developed with a consideration for and in a manner consistent with local physical, environmental and climatological conditions; and
 - I. If alternative land use is proposed for this application, provide a detailed justification for such change.

6. The HYDROLOGIC RECLAMATION PLAN must demonstrate that the proposed operation has been designed to minimize disturbance to the hydrologic balance within the proposed permit and adjacent areas, and to prevent material damage outside the proposed permit area, by describing measures to be taken during the surface mining and reclamation process to:
- A. Assure the protection of the quality of surface and ground water systems, both on and off site, from adverse effects of the surface mining operation and meet applicable federal and state water quality laws;
 - B. Assure the protection of the rights of present users to such water;
 - C. Assure the protection of the quantity of surface and ground water systems, both on and off site, from adverse effects of the surface mining operation;
 - D. Provide alternative sources of water where protection of surface and ground water system quantity cannot be assured;
 - E. Avoid acid or toxic drainage;
 - F. Prevent, to the extent possible, contributions of suspended solids to surface waters;
 - G. Provide water-treatment facilities, when needed;
 - H. Control drainage;
 - I. Restore, enhance, protect, or replace the approximate premining recharge capacity;
 - J. Preventive and remedial measures to any other potential adverse hydrologic impacts identified in the PHC; and
 - K. Prevent, control, or mitigate the adverse impacts of gravity drainage or pumped discharge of water from an underground mine (if applicable).
- Identify as attachment O-6.

7. Will treatment facilities, other than sediment control, be required?
() Yes () No
- If Yes, include designs, plans and schedule for treatment during mining and after mining. Said designs, plans and schedule shall describe the treatment unit and settling facilities, selection of reagent, maintenance procedures and frequency, methods to assure consistent effluent quality, procedure for cleaning sludge from settling facility, and method and location for final disposal of sludge. Identify as attachment O-7.

NOTE: The geologic information being required shall address the areal and structural geology and related information of both the proposed permit and adjacent areas down to and including the deeper of either the stratum immediately below the lowest coal seam to be mined, or any aquifer which may be adversely impacted below the lowest coal seam to be mined. An aquifer is defined as a stratum or group of strata that can store and transmit water.

1. Provide the following information and identify as attachment P-1.:
Geologic name, as described by the United States Geological Survey or published geologic report, for all coal seam(s) and rider(s) to be mined, processed, stockpiled, or affected by the proposed operation:

Coal or rider seam(s) (U.S.G.S. Name)	Thickness (inches)	Sulfur (Percent)			Total Tons By Seam To Be Mined
		Organic	Pyritic	Total	
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. Provide CERTIFIED GEOLOGIC CROSS SECTIONS which include the following: Identify as attachment P-2.:
 - A. The nature and depth of the various strata or overburden including geologic formation names and/or geologic members as described by the United States Geological Survey or published geologic reports;
 - B. Note the fractured and weathered zones identified during exploration on the geologic cross-section.
 - C. The nature and thickness, in inches, of all coal or rider seams above and immediately below the proposed coal seams(s) to be mined;
 - D. The nature of the stratum immediately beneath the coal seam to be mined;
 - E. The vertical distribution of aquifers and the name(s) of the stratum (or strata) in which the water is found. For each aquifer system, provide the seasonal differences in head, detailed water quality information in the ground water baseline information section, and general water quality information on the geologic cross section; and
 - F. The certification by a person approved by the commissioner.

3. Provide CERTIFIED GEOLOGIC MAP OR PLAN which includes the following. Identify as attachment P-3.:
 - A. The surveyed locations (latitude and longitude) and elevations of all bore holes;
 - B. All mineral crop lines and the strike and dip of the coal to be mined, within the area of land to be affected;
 - C. Fracturing and weathering zones of coal seams and other strata noted during exploration;
 - D. Existing or previous surface mining limits with their permit numbers;
 - E. The location and extent of known workings of any underground mines and auger mined areas, including mine openings to the surface. Label these openings as to whether they are discharging or ever have discharged water;
 - F. The areal extent of aquifers with the name(s) of the stratum (or strata) in which the water is found and show the anticipated direction of water movement;

- G. The location and depth of all oil and gas wells and their Division of Oil and Gas permit number which are within the proposed mining limits for both surface and underground mines and/or within 1000' of the proposed permit boundary;
 - H. The presence of any known geologic features such as faults, axial traces of synclines and anticlines, and lineament traces of fracture zones;
 - I. Planimetric and topographic information equal to or better than that provided by maps prepared from United States Geological Survey topographic maps on 7.5 minute quadrangle; and
 - J. The certification by a person approved by the commissioner.
4. Provide a DETAILED AREAL AND STRUCTURAL GEOLOGY DESCRIPTION which includes the following and identify as attachments P-4.:
- A. Stratigraphic and lithologic descriptions of the area to be affected by mining;
 - B. The areal and vertical distribution of aquifers including a discussion on the seasonal differences in head, the name(s) of the stratum (or strata) in which the water is found, and the anticipated directions of water movement within each aquifer;
 - C. The distribution of strata including a discussion of the degree of fracturing and weathering. Describe methodology for determination of this;
 - D. Areal geology information including surveyed and mapped outcrop locations shown on a 7-1/2 minute United States Geological Survey (U.S.G.S.) Topographic Map, aerial photogrammetric maps or photographs, and published geologic reports;
 - E. Structural geology information including mapped lineament traces from aerial photogrammetric maps or photographs, or U.S.G.S. topographic maps and any published structural geologic reports for the area of concern;
 - F. For underground mining operations, including auger mining, indicate whether or not there is the potential for gravity discharge(s), and include the anticipated quantity and quality for each potential discharge site, whether the potential discharge shall require treatment other than sediment control, and the anticipated period of time associated with the potential discharge(s);
 - G. The effects of fracturing and weathering on the extraction of the coal and/or hydrologic regime;
 - H. The effects of multiple seam mining from all proposed and existing surface and underground mining on the hydrology and geology within the affected area, including the effects of subsidence; and
 - I. The anticipated impacts of the proposed operation on the geology of the area.

Provide for the proposed permit and adjacent areas a statement of the results of test borings or core samples including the lithologic logs of the drill holes displaying the physical properties and thickness of each stratum encountered which the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the Commissioner including the structural geology, thickness of the coal seam to be mined, location of subsurface water, if encountered, and an analysis of the chemical and physical properties, including but not limited to the sulfur content of any coal seam, the chemical analysis of potentially acid or toxic-forming sections of the overburden, and the chemical analysis of the stratum lying immediately underneath the coal to be mined: Provided, that information which pertains only to the analysis of the chemical and physical properties of the coal, except information regarding such mineral or elemental contents which are potentially

5. (Continued)
toxic in the environment, shall be kept confidential and not a matter of public record. Identify as attachment P-5.
6. Provide site specific premining overburden sampling and analysis and/or previous mining history or experience and correlation data for all potential acid-producing or acid-producing coal and/or rider seams to be mined or affected by the proposed mining operation and/or its associated facilities. Include a detailed description of the methodology of sampling and analysis. Identify this information as attachment P-6.
7. Provide for standard room and pillar mining operations, the thickness and analyzed engineering properties of clays or soft rock in the stratum immediately above and below each coal seam to be mined. Identify this information as attachment P-7.
8. If sought, a request for waiver of the results of test borings (item 5), and engineering properties (item 7) shall be granted only after the applicant has demonstrated or the Division of Energy finds in writing that the collection and analysis of such data is unnecessary because other equivalent information exists and is available to the Division of Energy. However, in areas where mining history has shown acid production to be a possibility or in acid-producing seams in areas with no prior mining history, site specific overburden sampling and analysis data shall be required. If a waiver is requested, include a written request for the specified waiver. Identify as attachment P-8.

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1. Provide a statement describing the PROBABLE HYDROLOGIC CONSEQUENCES (PHC) or impacts of the proposed mining and reclamation operations, on both the permit and adjacent areas, with respect to the following: Identify as attachment Q-1.
 - A. Whether acid-forming or toxic-forming materials are present in the coal and any strata to be disturbed that could result in pollution or contamination of surface or ground water, including pollution by dissolved solids;

For underground mines and auger areas, place an "X" to indicate one of the following:

- () There will be no gravity discharge from the underground works or augered areas during mining and/or after reclamation; or
- () There will be a gravity discharge from the underground works or augered areas during mining and/or after reclamation.

- B. How the baseline information obtained from surface and ground water monitoring sites was utilized to develop the probable hydrologic consequence statement;
- C. Whether the proposed operation may proximately result in the contamination, diminution or interruption of an underground or surface water source used for any legitimate purpose;
- D. Quantity and quality of water in surface and ground water systems and its availability;
- E. Methodology of surface and ground water sampling and analysis, and how it was performed in accordance with methods approved by the Division of Energy, and the Environmental Protection Agency;
- F. What impact the proposed operation will have on the concentrations of suspended solids to streamflow or runoff outside the permit area in receiving streams and ground water for each flow season;
- G. What impact the proposed operation will have on sediment yield from the proposed permit area;
- H. Acidity, total suspended and dissolved solids, and other important water quality parameters for each flow season;
- I. Whether streamflow characteristics will be altered to increase flooding or deprive others of their premining water availability; and
- J. Whether the proposed operation will disturb aquifers that significantly insure water use, either in the proposed permit or adjacent areas.

2. ALTERNATIVE WATER SOURCE

- A. If the determination of the PHC indicates that the proposed mining operation may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed permit or adjacent areas, which is used for domestic, agricultural, industrial, or other legitimate use, or the commissioner requests the information, then the applicant shall provide information on water availability and alternative water sources, including suitability for existing premining uses and approved postmining land uses. Only one alternative source need be identified if it is capable of meeting the use requirements. Identify information as attachment Q-2.
 - 1) Identify the alternative water source(s) and provide a detailed description of any aquifer, developed or undeveloped, proposed as an alternative water source.
 - 2) If the alternative source(s) is developed, show the proposed location of connection or distribution system on the proposal map, using the

designation AW-1, AW-2, etc. If the alternative water source is undeveloped, provide plans showing the location(s) and construction specifics proposed for development of the alternate source (e.g., methods of drilling, total well depth, depth of casing, etc.)

- 3) Provide water quality data collected from the alternative water source(s) that demonstrates its suitability for the identified use(s). At a minimum, water quality data shall include pH, total dissolved solids (TDS) or specific conductance, total iron, total manganese, acidity, alkalinity, and sulfate.
 - 4) Provide water quantity data collected from the alternative water source(s) that demonstrates its suitability for the identified use(s). At a minimum, water quantity data shall show the feasible daily yield or production. Provide test data and identify methodologies used to determine aquifer characteristics.
3. Provide BASE LINE GROUND WATER INFORMATION which shall contain the following, at a minimum: Identify as attachment Q-3.
- A. The location (including latitude, longitude, and ground level elevations), ownership, and use of known existing wells, springs, seeps, and other groundwater resources including discharges from other active or abandoned mines on the proposed permit area and adjacent areas;
 - B. Water quality analysis including, at a minimum, total dissolved solids, total alkalinity, total hot acidity, sulfates, specific conductance, pH, total iron, total manganese, and water levels or discharge rates. In areas where prior mining experience has shown acid production to be a possibility, or in acid-producing seams in areas with no prior mining history, site specific data on water sampling and analysis shall be required; and
 - C. For significant aquifers, ground water quantity descriptions including discharge rates or usage and depth to water under seasonal conditions in each water-bearing stratum above the coal seam and each potentially impacted stratum below the coal seam.
 - D. Identify monitoring points on map and data sheets as GW1, GW2, etc.
4. Provide BASE LINE SURFACE WATER INFORMATION which shall contain, at a minimum: Identify as attachments Q-4.
- A. The name, location, ownership, and description of all surface water bodies on the permit area and adjacent areas;
 - B. Water quality descriptions including information on total suspended solids, total dissolved solids, specific conductance, pH, total hot acidity, total alkalinity, sulfates, total iron and total manganese sufficient to DEMONSTRATE SEASONAL VARIATIONS. In areas where prior mining experience has shown acid production to be a possibility, or in acid-producing seams in areas with no prior mining history, site specific data on water sampling and analysis shall be required; and
 - C. Water quantity descriptions including information on seasonal flow rates, variation, and usage.
 - D. Identify monitoring points on maps and data sheets as SW1, SW2, etc.
5. Provide laboratory sheets signed by a qualified chemist for all surface and ground water monitoring points used for baseline information. Identify as attachment Q-5.

6. Provide SURFACE WATER MONITORING PLANS based on the PHC determination and base line hydrologic and geologic information. These plans shall identify monitoring site locations, quantity and quality parameters, sampling frequency, and describe how the data will be used to determine the impact of the operation on the hydrologic balance both on the permit area and adjacent areas. Monitoring sites shall be located in the surface water bodies such as streams, lakes, and impoundments that are potentially impacted or into which water will be discharged at both upstream and downstream locations from the discharge. Monitoring parameters shall include but are not limited to total dissolved solids or specific conductance corrected at 25°C, total suspended solids, flow measurements, pH, total hot acidity, total alkalinity, total iron and total manganese. Identify as attachment Q-5.
6. Provide a GROUND WATER MONITORING PLAN for all significant groundwater resources provided that monitoring shall not be required if the applicant can demonstrate that the aquifer is not one which significantly ensures the hydrologic balance within the cumulative impact area. The decision of need will be based on the PHC determination and base line hydrologic and geologic information gathered both on and off the mine site. These plans shall identify monitoring site locations (latitude, longitude, and ground level elevations), quantity and quality parameters to be monitored, sampling frequency and duration, and describe how the data will be used to determine the impact of the operation on the hydrologic balance both on and off the mine site. Monitoring parameters shall include, but are not limited to, total dissolved solids or specific conductance corrected at 25°C, pH, acidity, alkalinity, total iron, total manganese, and water levels or discharge rates. Identify as attachment Q-6.
7. Provide PERMISSION LETTER(S) to monitor domestic wells, if any. Identify as attachment Q-7.

1. Provide the NPDES Permit Number, the date of approval, and any associated conditions with the issuance of the NPDES Permit. Identify this information as attachment R-1.
2. Provide an accurate and complete NPDES application or permit. Identify this information as attachment R-2.
3. If a mitigation plan has been required by an affected regulatory agency, then provide a description of the approved mitigation plan and the results of any required studies or surveys. Identify as attachment R-2.

-
1. Provide accurate maps, cross-sections and plans as required by the WV Surface Coal Mining and Reclamation Act and the WV Surface Mining and Reclamation Regulations. Maps, cross-sections and plans shall be prepared by or under the direction of and certified by a qualified person approved by the Commissioner.
 2. No map, cross section, or plan included in the application shall be smaller than 8.5" x 11" nor larger than 30" x 42". If supplementary maps, cross-sections, or plans are attached, match lines shall be used.
 3. A color or computer code as specified by the WV Surface Mining Reclamation Regulations shall be used, as applicable, in preparing all maps and plans.
 4. All maps and plans shall be prepared from United States Geological Survey topographic maps on 7.5 minute quadrangle or a topographic map produced by aerial photogrammetric means or conventional surveying techniques. The map or plan shall contain the following, as well as the information specified in the WV Surface Coal Mining and Reclamation Act, the WV Surface Mining Reclamation Regulations, and under each map title in this application section.
 5. The following information shall be provided on the right side or in the lower right corner of each map, plan, or cross-section. Place an "X" next to those items in the column which are applicable and place "N/A" for those items not applicable.

A. Map, plan, or cross-section title which accurately represents information shown on said map, plan or cross section.	_____
B. The date the map was prepared, and the date of all revisions;	_____
C. Approved consultant or person who prepared the map or plan;	_____
D. Scale of map:	_____
1) Proposal and drainage maps shall be 1" = 500';	_____
2) Underground coal mining maps shall be 1" = 200"; and	_____
3) Operation facilities maps shall be 1" = 200';	_____
E. Location: County, District, and Quadrangle name;	_____
F. Contour intervals, if applicable;	_____
G. Legend, including symbols and color code uses;	_____
H. If applicable, General Location Map (minimum size 4" x 4") as shown with the advertisement of the application;	_____
I. Notarized certification of map by approved registered professional engineer or licensed land surveyor;	_____
J. Name(s) of the coal seam(s) to be mined;	_____
K. Type of operation;	_____
L. North arrow, dip and strike;	_____
M. Area or increment number(s), if any;	_____
N. Mine or facilities name;	_____
O. Permit application number;	_____
P. Applicant name and business address;	_____
Q. Operator name, if different than applicant; and	_____
R. Other information as required by the commissioner.	_____
S. MSHA identification number	_____
 6. Maps may be combined at the discretion of the applicant, provided such combination is reflected in the title blocks and does not crowd the maps to the

extent interpretation becomes difficult. Parts of one map may not be combined with parts of another; combine only entire maps.

7. Required Titles and Information - Depending on site conditions, not all required map items are applicable. Place an "X" next to those items in the column which are applicable and place "N/A" for those items not applicable.

A. GENERAL LOCATION MAP - Provide a clear and accurate County Highway Map which indicates the location of the proposed permit area, with respect to towns, roads, streams, and county lines. The general location map shall contain the following and be identified as attachment S-7.A:

- 1) Show the boundary of the proposed permit area and access roads accurately and clearly; _____
- 2) Indicate the name of the receiving stream(s); _____
- 3) Show the nearest post office; _____
- 4) Show accurate longitude and latitude lines at the center of the proposed permit area; _____
- 5) Have the north arrow accurately shown; _____
- 6) Be accurate, clear, and have sufficient detail at a scale sufficient to describe the proposed operation location; _____
- 7) Show all cities and counties; and _____
- 8) Permit application number. _____

B. PROPOSAL MAP - Provide an accurate USGS 7-1/2 minute quadrangle (1" = 500'), conventionally surveyed, or aerial photogrammetric topographic map (1" = 500'), showing the permit area and general features of the adjacent area. The proposal map shall contain the following and be identified as attachment S-7.B:

- 1) Permit boundaries and access roads; _____
- 2) Location of any known or probable cultural, historic, or archaeological sites listed or eligible for listing in the National Register of Historic Places within the proposed permit or adjacent areas; _____
- 3) Locations within the proposed permit and adjacent areas of lands which lie within the boundaries of any public parks; _____
- 4) Current land use classification for each area within the permit area and adjacent lands upon which the permit is sited; _____
- 5) Show the historic land use of each tract within the proposed permit area if the land use has changed within the last 5 years; _____
- 6) Locations of habitats of listed threatened or endangered species within 1,000 feet of the proposed permit area or upon lands which the permit is sited; _____
- 7) Locations of lands within the proposed permit area which lie within or are adjacent to the boundaries of a National Park System, National Forest, National Wildlife Refuge System, National System of Trails, National Wilderness Preservation System, National Wild and Scenic River System, National Recreation Area, and areas under study for inclusion in these systems; _____
- 8) Each public or private cemetery, Indian burial ground or other areas where human bodies are interred, located in or within 100' of the proposed permit area; _____

- 9) All boundaries of lands and names of present owners of record of those lands, both surface and subsurface, within and contiguous to or within 100' of the proposed permit area;
- 10) Surveyed location and elevation of test borings and core samples, geotechnical test pits, and exploration adits or openings;
- 11) Location of each air pollution monitoring and control facility, and subsidence monitoring locations;
- 12) The boundaries of land within the proposed permit area upon which the applicant has the legal right to enter and begin surface mining activities;
- 13) The boundaries of all areas proposed to be affected over the estimated total life of the proposed mining activities for which it is anticipated that additional permits will be sought;
- 14) All coal crop lines and the strike and dip of the coal to be mined within the proposed permit area;
- 15) Locations and extent of known workings of active, inactive, or abandoned underground mines, including mine openings to the surface within the proposed permit and adjacent areas;
- 16) Locations and extent of existing, pending, and previously surface mined areas within and adjacent to the proposed permit area;
- 17) Extent of proposed auger operations;
- 18) Each fixed facility used to store or handle Class A explosives;
- 19) Where the natural slope of the land below the coal outcrop is less than 20° and/or the natural slope of the land within the permit area exceeds 20° as measured from the horizontal, the map shall indicate percent of slope at 200' intervals along the cropline;
- 20) Each coal storage, cleaning, loading, and refuse disposal area;
- 21) The locations of all structures on and within 1,000 feet of the proposed permit area including haulroads, with identification of the current use of the buildings;
- 22) The locations of surface and subsurface man-made features within, passing through, or passing over the proposed permit area including, but not limited to, major electric transmission lines, pipelines, and agricultural drainage tile fields, tunnels, etc.;
- 23) All public roads located in or within 100 feet of the proposed permit area (identify proposed relocations);
- 24) DOE Division of Oil and Gas Permit number, locations, and depths, if available, of gas and oil wells within the proposed permit area and water wells in the proposed permit and adjacent areas;
- 25) Buildings, utility corridors, and facilities to be used;
- 26) Each topsoil, spoil, and noncoal waste storage area (identify and state if temporary or permanent);
- 27) Location of each road, conveyor, rail system, or other transportation system within the proposed permit area (Identify and state if temporary or permanent); .

- 28) Location of each facility to be used to protect and enhance fish and wildlife and related environmental values;
- 29) Location and limits of each sedimentation pond, permanent water impoundment, coal processing waste bank, and coal processing waste dam and embankment;
- 30) Outcrop barrier location and size, where proposed;
- 31) The area and acreage of land to be affected within the proposed permit or operation area according to the sequence of mining and reclamation;
- 32) The locations of any existing augering;
- 33) Show buffer zones along both sides of perennial and intermittent streams;
- 34) Where the proposed permit area has been previously mined, list the type of mining used, the coal seam or other mineral removed, and the approximate date of mining;
- 35) The location of water supply intakes for current users of surface water;
- 36) Location and extent of subsurface water within the proposed permit or adjacent area(s);
- 37) Location and extent of topsoil borrow area(s);
- 38) Locate and identify all permanent structures or facilities to remain after mining;
- 39) Locate and identify all permanent and temporary solid waste fills and treatment facilities;
- 40) Each area within the proposed permit area designated as a gravity transport area;
- 41) On the legend, show and explain all symbols used to illustrate or depict information on the map;
- 42) Surface Mine Application Number (when assigned); and
- 43) All other information required by the Surface Coal Mining and Reclamation Act and the WV Surface Mining and Reclamation Regulations.

C. DRAINAGE MAP - Provide an accurate map showing information relative to hydrology, drainage and critical fish and wildlife habitat. The drainage map shall be a U.S.G.S. 7-1/2 minute quadrangle (1" = 500'), aerial photogrammetric, or conventionally surveyed, topographic map (1" = 500'). The Drainage Map shall contain the following and be identified as attachment S-7.C.

- 1) The locations of water supply intakes for current users of surface water flowing into, out of, and within a hydrologic area defined by the regulatory authority, and those surface waters which will receive discharges from affected portions of the proposed permit area. Show the name of receiving stream(s);
- 2) Locations and elevations of test borings and core samplings;
- 3) Boundaries of the affected watershed;
- 4) Locations and elevations of monitoring stations used to gather data for surface and ground water baseline quality and quantity;
- 5) Locations and extent of subsurface water if encountered within the proposed permit and adjacent areas;

- 6) Locations of surface water bodies such as streams, lakes, ponds, springs, constructed or natural drains and irrigation ditches within the proposed permit and adjacent area; _____
- 7) Alternative water sources; _____
- 8) Diversions (indicate as temporary or permanent diversions); _____
- 9) Location of each facility to be used to protect or enhance fish and wildlife and related environmental values; _____
- 10) Permit boundaries and access roads; _____
- 11) The strike and dip of the coal to be mined within the proposed permit area; _____
- 12) Location of each dam, pond, or water impoundment (identify as temporary or permanent); _____
- 13) Buffer zones along both sides of perennial and intermittent streams; _____
- 14) The directional flow of water on and away from the permit area; _____
- 15) Location of all surface and ground water monitoring sites to be used during and after the mining operation; _____
- 16) Location of all erosion and sedimentation control structures, and on-bench sediment systems; _____
- 17) The extent and boundaries of each component drainage area; _____
- 18) On the legend, show and explain all symbols used to illustrate or depict information on the map; _____
- 19) Delineate all coal outcrops within the proposed permit area; _____
- 20) Estimated elevation of the water table; and _____
- 21) All other information required by the Surface Coal Mining and Reclamation Act and WV Surface Mining and Reclamation Regulations. _____

D. SUPPLEMENTAL MAPS FOR UNDERGROUND COAL MINING PERMIT APPLICATIONS. In addition to other maps required in this section, each permit application for underground mining operations shall include supplemental maps as follows and identified as attachment S-7.D-1 and S-7.D-2.

- 1) An accurate U.S.G.S., conventionally surveyed, or aerial photogrammetric TOPOGRAPHIC MAP of the area extending beyond the proposed mining limits and showing the following:
 - A) Name and series of the sheet; _____
 - B) Scale, latitude, and longitude; _____
 - C) Limits of underground mining operation proposed; _____
 - D) Surface area to be permitted; _____
 - E) Cropline of the coal seam to be mined; _____
 - F) Location and identification of all mine openings for the proposed mine including shafts, slopes, drifts, boreholes, etc.; _____
 - G) Location of all surface structures not owned by the applicant over the area to be mined; and _____
 - H) On the legend, show and explain all symbols used to illustrate or depict information on the map; _____
- 2) A MINE DEVELOPMENT MAP drawn to scale showing:
 - A) Boundaries of underground mining operation and any adjacent active or abandoned mines in the same seam; _____
 - B) All owners of property and all residents within the area above the proposed underground workings. _____

NOTE: The area above the underground works shall mean within the angle of critical deformation but at least 15° from any coal removal;

- C) Present extent of underground mining as well as projected headings; _____
 - D) Date, scale, north arrow, dip, strike, and average dip of the coal seam to be mined; _____
 - E) All gas wells, oil wells, water wells, and test drill holes; _____
 - F) Location of all known faults; _____
 - G) Area and extent of previous or proposed auger or strip mining in the same seam; _____
 - H) Location and thickness of outcrop barriers, protection barriers; _____
 - I) Elevation of all entries, fanways, and boreholes; _____
 - J) Percentage extraction for mine areas; _____
 - K) On the legend, show and explain all symbols used to illustrate or depict information on the map; _____
 - L) Mine entries showing projected mine workings; _____
 - M) Coal creepiness; _____
 - N) Bottom of coal contours; and _____
 - O) North arrow, strike and dip of coal seam(s); _____
- E. Provide SITE PLAN MAP(S) for underground mining operations, tipple facilities, preparation plan operations, and associated refuse disposal sites, provide a map on a scale of 1" = 200', or larger, identifying the following as attachment S-7.E.
- 1) Each fixed facility used to store Class A explosives; _____
 - 2) Each coal storage, cleaning and loading areas; _____
 - 3) Buildings, utility corridors, and facilities to be used; _____
 - 4) Each topsoil, spoil, coal waste, and noncoal waste storage area (identify and state if temporary or permanent); _____
 - 5) Location of each road, conveyor, rail system, or other transportation system within the proposed permit area; _____
 - 6) Location of each sedimentation pond, permanent water impoundment, treatment structure, coal processing waste bank and coal processing waste dam and embankment; _____
 - 7) Boundary of permitted area; _____
 - 8) Boundary of component drainage area; _____
 - 9) Location of oil and/or fuel dispensing and/or storage sites; _____
 - 10) Sediment control structures and systems; _____
 - 11) Location of utilities; _____
 - 12) Topographic and planimetric information sufficient to describe proposed site; _____
 - 13) A portion of the underground mine workings (existing and/or proposed), so that the relationship of the underground and surface facilities may be understood, and including the coal cropline(s) and bottom of coal contours; _____
 - 14) North arrow, strike and dip of coal seam(s); and _____
 - 15) On the legend, show and explain all symbols used to illustrate or depict information on the map. _____

NOTE: Design plans, cross-sections, and profiles of engineered structures such as excess spoil disposal fills, refuse disposal sites, and sediment control structures must be based on mapping or surveying data of adequate detail and accuracy. Enlarged USGS topographic maps are not adequate for such detailed design purposes, unless supplemented by surveying data. The registered professional engineer or licensed land surveyor certifying design of such facilities is responsible for insuring such adequacy.

- F. CROSS SECTIONS AND PROFILES. Provide cross sections and profiles drawn to scale which accurately depict:
1. The existing premining surface configuration and the final surface configuration;
 2. Vertical distribution of aquifers showing SEASONAL DIFFERENCES in head for the proposed permit area;
 3. Cross sectional area and profiles of each excess spoil disposal area with all appurtenances shown including rock cores, subsurface drains, surface drainage structures, foundations, etc.;
 4. Cross sectional area and profiles of all drainage and sediment control structures including ponds, impoundments, diversion, sumps, etc.; and
 5. Cross sectional areas and profiles of all roads.

NOTE: Cross sections shall be developed from sufficient slope measurements to accurately represent the existing land surface configuration of the proposed permit area. Slope measurements shall take into account natural variations in slope, to provide accurate representation of the range of natural slopes and reflect geomorphic differences of the area to be disturbed. The WV Division of Energy may require additional slope measurements at specified intervals and locations on a site-by-site basis.

NOTE: Design plans, cross-sections, and profiles of engineered structures such as excess spoil disposal fills, refuse disposal sites, and sediment control structures must be based on mapping or surveying data of adequate detail and accuracy. Enlarged USGS topographic maps are not adequate for such detailed design purposes, unless supplemented by surveying data. The registered professional engineer or licensed land surveyor certifying design of such facilities is responsible for insuring each adequacy.

Permit Applicant: _____ SMA/PERMIT NUMBER _____

1. Are federal reclamation fees current for applicant, owners, and controllers, etc.? ()Yes ()No
2. Filing Fee:
 - A. Chapter 22A, Article 3 Permit Only
()Cashier's Check ()Certified Check Check No. _____
 - B. Chapter 20, Article 5A (NPDES) Permit Only
()Cashier's Check ()Certified Check Check No. _____
 - C. Joint Permit Application
()Cashier's Check ()Certified Check Check No. _____
3. Insert certificate and acknowledgment of insurance.
 - A. Insurance policy number _____
 - B. Insurance policy expiration date _____
4. Performance Bond (\$10,000.00 Minimum) - Complete A, B or C

NOTE: If permit proposes a combination of surface and underground operations, separate bonds for each type of operation must be submitted - complete subsection C below.

- A. Full Permit Bond: Total Permit Area _____ x \$1,000.00/Ac. = \$ _____ 000.00
- B. Incremental Permit Bond: (\$10,000.00 Minimum) with _____ total increments. Bond is being posted for Increment No. _____ as indicated on the proposal map. This increment consists of _____ acres for which bond is posted in the amount of \$ _____ 000.00.

NOTE: If submitting incremental bond, applicant must resume this information with each subsequent increment. For incremental bonding, submit an incremental bonding map, drawn to scale, to clearly identify the number and boundary of each increment. Provide an approximate time schedule for starting operations on each increment. Identify as attachment T-4.

C. Combined Operation Bond: (Underground and Surface)

Surface: SMA # _____ x \$1,000.00/Ac. = \$ _____ 000.00
(ACRES) (\$10,000.00 Minimum)

Underground: SMA # _____ x \$1,000.00/Ac. = \$ _____ 000.00
(ACRES) (\$10,000.00 Minimum)

Underground: SMA # _____ x \$1,000.00/Ac. = \$ _____ 000.00
(ACRES) (\$10,000.00 Minimum)

1. Provide the following information:

- A. Surface Mine Application Number _____; MSHA # _____
- B. Company Name _____;
- C. Company Address _____;
- D. Total Permit Acres _____;
- E. County _____ District _____;
- F. Nearest Post Office _____ Nearest Public Road _____;

2. Provide the certifications of the application:

- A. Certification of SPECIFIC SECTIONS, DESIGNS, OR ANALYSIS within the application:

I, _____,
 (Print or type the name of approved person)

certify that each item included in the certification list below, to the best of my knowledge and belief, is true, complete, and accurate, and shows all the information required by the WV Surface Coal Mining and Reclamation Act and the WV Surface Mining and Reclamation Regulations; and that I have exercised care in the collection, reporting and preparation of all data.

NOTE: Information below must be printed or typed and signed.

	Name of Document	Location in application	Signature	Date
1)	_____	_____	_____	_____
2)	_____	_____	_____	_____
3)	_____	_____	_____	_____
4)	_____	_____	_____	_____
5)	_____	_____	_____	_____
6)	_____	_____	_____	_____
7)	_____	_____	_____	_____
8)	_____	_____	_____	_____
9)	_____	_____	_____	_____

Certification Number _____
 Expiration Date _____

(SEAL)

B. Certification of ACCURATE AND COMPLETE APPLICATION:
I, _____, certify that this surface mine
(Print or type the name of approved person)
application, to the best of my knowledge and belief, is true, complete,
accurate, and shows all the information required by the WV Surface Coal
Mining and Reclamation Act and the WV Surface Mining and Reclamation
Regulations; and that I have exercised care in the collection, reporting
and preparation of all data.

Signature _____ (SEAL)
Registration No. _____ Date _____

3. Applicant signature and notarization:
I, _____, having been duly sworn, depose and attest
(Print or type name of officer)
that all the representations contained in this application are true and correct
to the best of my knowledge and belief; that I am a PRINCIPAL OFFICER
(President, Vice-President) of the applicant and that this application has been
executed by the persons required by law.

DATE SIGNATURE OF PRINCIPAL OFFICER

COMPANY NAME INDIVIDUAL'S OFFICIAL TITLE

Notarization of above signature:

State of _____
County of _____

Taken, subscribed and sworn to me the undersigned authority in my said county
and state this _____ day of _____, 19_____.

My Commission Expires _____

(SEAL) _____
NOTARY PUBLIC

4. If the person signing this application under the certification above (U-3) is
not listed under Section A-8 as President or Vice-President, then provide a
notarized copy of the Power of Attorney, or resolution of the Board of
Directors, which grants to the individual whose signature appears above, the
legal authority to represent the applicant in applying for this permit and in
binding the applicant to the various representations and commitments contained
herein. Identify as attachment U-4.

STATE OF WEST VIRGINIA
DIVISION OF ENERGY
REGION _____

NOTICE OF INTENT TO PROSPECT
Less Than 250 Tons

DMM-3
Revised 4/19/91

Prospect No. _____
Submittal Date _____
Approval Date _____

SECTION A: ADMINISTRATIVE INFORMATION
Page A-1

1. Applicant: _____ SS#/FEIN# _____
MSHA ID No. _____ (If MSHA No. is held in name which is different than
applicant, provide name _____)
Street Address or Route # _____ Telephone _____
Mailing Address _____
Resident Agent: _____ SS# _____

() Partnership () Association
() Sole Proprietorship () Other _____
() Corporation - List state of incorporation _____

2. Name of person who will have on-site responsibility for conducting the
operation: _____
Mailing Address _____ Telephone _____

3. Location of operation:
County: _____ District _____ Nearest PO _____
USGS Quadrangle (Name and Number) _____
Nearest Public Road (Route No.) _____

4. Coal seam(s) to be prospected: _____
(GEOLOGIC NAME AND THICKNESS)

5. Indicate by county and district the total surface acres proposed to be disturbed
by this operation:

COUNTY	DISTRICT	SURFACE ACRES
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL SURFACE ACRES PERMITTED _____

NOTE: The Notice of Intent to Prospect shall be submitted to the West Virginia
Division of Energy Regional Office as three (3) separate entities (original
and 2 copies) in 9" x 12" clasp binders for each application.

NOTE: Questions 6 - 15 -- Ownership and control relationships are defined according to the West Virginia (WV) Surface Mining and Reclamation Act and the West Virginia (WV) Surface Mining and Reclamation Regulations. All names must be printed or typed in full (no abbreviations or initials), with any applicable prefixes or suffixes, exactly as listed with the Social Security Office. Submit attachment, if needed, and identify as attachments A-6, etc.

6. List name, title, ownership or control relationship to applicant, address and social security number (or Federal Employer Identification Number, "FEIN") of every person who owns or controls the applicant, including every officer, partner, resident agent, director, or any other person who has the ability to commit the financial or real property assets or working resources of the applicant, and every person who performs a function similar to a director, and the date of assuming that position:

(NAME)	(TITLE)	(RELATIONSHIP)	(SS#/FEIN#)	(ADDRESS)	(DATE)

7. List name, address, social security number (or Federal Employer Identification Number), ownership or control relationship to applicant, percent of ownership, and location in organizational structure of each person who, based on instrument of ownership or voting securities, owns a ten percent (10%) or greater interest in the permit applicant:

(NAME)	(ADDRESS)	(SS#/FEIN#)	(RELATIONSHIP)	(PERCENT)	(LOCATION)

8. List name, address and social security number (or Federal Employer Identification Number), of each person owning or controlling coal to be mined by the applicant under a lease, sublease or other contract AND having the right to receive such coal after mining or having authority to determine the manner in which the applicant conducts the surface mining operation:

(NAME)	(SS #)	(ADDRESS)

9. Include the names of contract, subcontract, lessee, or sublessee operations, if such operations were conducted under the control of the applicant or persons who own or control or owned or controlled the applicant. Include all names, MSHA identification numbers and date of issuance, and permit numbers of such operations if the surface coal mining and reclamation permit for the operation was held in the name of the operator, contractor, subcontractor, lessee, or sublessee. Further, in any instance where the applicant or an owner or controller of the applicant retain the permit, but the operation was conducted by an operator, contractor, subcontractor, lessee, or sublessee on behalf of the permittee, include the operator's name if: (a) the operator held any surface

ied)

ing and reclamation or environmental permits in their name, or the
r held a distinct and separate SMA number from that of the permittee; or
operator held no permits, but under the SMCRA-based program in the state
he operation was conducted, violations or other actions or transactions
sued against or recorded by the regulatory authority in the name of the
r;

IE) (PERMIT NO.) (MSHA NO./DATE) (COMMENTS)

ach name (including that of any subsidiary), State or Federal permit
, MSHA identification number and issuance date, social security number (or
l Employer Identification Number), SMA number issuance and date of SMA
, and regulatory authority issuance under which the applicant and each
1 who owns or controls the applicant, owns or controls, or previously owned
ntrolled a surface coal mining and reclamation operation in the United
s within the five (5) years preceding the date of application:

ME) (PERMIT #) (MSHA#/DATE) (SS#/FEIN#) (SMA #/DATE) (REGULATORY AUTHORITY)

all pending surface mining applications, current surface mining permits,
pecting permits, and notices of intent to prospect held by the APPLICANT in
United States. Provide each name, permit or application numbers or other
tifiers, including SMA number and date of SMA number issuance, MSHA
tification numbers and issuance date, and the identity of the state or
ral regulatory authority for each permit or application listed:

NAME) (PERMIT #) (SMA#/DATE) (MSHA#/DATE) (STATE) (REGULATORY AUTHORITY)

t all pending surface coal mining and reclamation operation permit
lications, in the United States and all current coal mining permits,
specting permits, and notices of intent to prospect in the United States held
ring the five (5) years preceding the date of this application by any person
o owns or controls the applicant, or owned or controlled the applicant.
ovide each name, permit or application numbers or other identifiers, including
A number and date of SMA number issuance, MSHA identification number and
uance date, and the identity of the state or federal regulatory authority for
ch permit or application listed:

(NAME) (PERMIT #) (SMA#/DATE) (MSHA #/DATE) (STATE) (REGULATORY AUTHORITY)

13. Has the applicant or any officer, partner, director, principal shareholder of the applicant, or any subsidiary, affiliate, or person owned or controlled by or under control or ownership with the applicant had a Federal or State mining permit permanently suspended or revoked in the past five (5) years preceding the date of submission of the application; or had a performance bond or similar security deposited in lieu of bond forfeited? ()Yes ()No
If Yes, attach the information requested below and identify as A-13.
- A. identification number and date of issuance of the permit, and the date and amount of bond or similar security;
 - B. identification of the authority that suspended or revoked the permit or forfeited the bond and the stated reasons for the action;
 - C. the current status of the permit and bond, or similar security involved;
 - D. the date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and
 - E. the current status of any administrative or judicial proceedings.
14. List on a separate attachment any violation of a provision of the WV Surface Coal Mining and Reclamation Act or the WV Surface Mining and Reclamation Regulations and any other federal or state laws, rules and regulations pertaining to air or water environmental protection incurred in connection with any surface mining operation received by the APPLICANT during the three (3) year period preceding the application date. For each violation notice or cessation order reported, the lists shall include the following information as applicable:
()Not Applicable ()Attached and identified as A-14.
- A. identifying numbers for the operation including federal or state permit number and SMA number, and MSHA identification number;
 - B. the dates of issuance of violation notice and SMA number;
 - C. the name of the person to whom the violation notice was issued;
 - D. the regulatory authority, department or agency;
 - E. a brief description of the violation alleged in the notice;
 - F. the date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including but not limited to, proceedings initiated by any person to obtain administrative or judicial review of the violation;
 - G. the current status of both the proceeding and the violation notice; and
 - H. the action, if any, taken by any person to abate the violation.
15. List on a separate attachment all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each unabated violation notice or cessation order reported, the lists shall include the following information as applicable:
()Not Applicable ()Attached and identified as A-15.
- A. identifying numbers for operation including federal or state permit number and SMA number, and MSHA identification number;
 - B. the date of issuance;
 - C. the name of the person to whom the violation notice was issued;
 - D. the regulatory authority, department or agency;
 - E. a brief description of the violation alleged in the notice;
 - F. the date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including but not limited to, proceedings initiated by any person to obtain administrative or judicial review of the violation;
 - G. the current status of both the proceeding and the violation notice; and
 - H. the action, if any, taken by any person to abate the violation.

16. Provide the following information pertaining to the approved person(s) that prepared this application, and/or who provided professional certification of any portion thereof:

- A. Approved Person's Name _____
- B. Engineer's Registration Number _____
- C. Licensed Land Surveyor Number _____
- D. Professional Geologist Number _____
- E. Organization associated with _____
- F. Mailing Address _____
- G. Telephone Number _____

17. Certification of Application

I, _____, certify that this application, to
(Print or Type the Name of Approved Person)
the best of my knowledge and belief, is true, complete, accurate, and shows all information required by the West Virginia Surface Mining and Reclamation Regulation Act and the West Virginia Surface Mining and Reclamation Regulation; and that I have exercised care in the collection, reporting and preparation of all information.

Signature _____
Date _____

SECTION B: PROPERTY INFORMATION

Page B-1

NOTE: Submit attachment and identify as attachment B-1.

1. List all legal or equitable owner(s) of record of the property to be prospected:

A. Surface (NAME) (ADDRESS)

_____	_____
_____	_____

B. Mineral (NAME) (ADDRESS)

_____	_____
_____	_____

C. List all holders of record (lessees) of any leasehold interest in the property to be prospected:

(NAME) (ADDRESS)

_____	_____
_____	_____

D. List any purchaser of record of the property under a real estate contract:

(NAME) (ADDRESS)

_____	_____
_____	_____

E. If the surface owner, mineral owner, leasehold owner or purchaser of record of the property under a real estate contract are business entities other than single proprietor, list the names and addresses of the principals, officers and resident agent (identify each set):

Principals: (NAME) (ADDRESS)

_____	_____
_____	_____

Officers:

_____	_____
_____	_____

Resident Agent:

_____	_____
-------	-------

2. A. Provide the following and identify as attachments B-2.
- 1) A description of the type of legal documents (deed, leases, etc.) upon which the applicant bases his legal right to enter and conduct prospecting operations on the proposed prospecting area;
 - 2) The names of the individuals or parties granting such right to applicant;
 - 3) The date of execution of each document; and
 - 4) Where the document is recorded.
- B. Is this right subject to pending court litigation? Yes No
- C. Has the private mineral estate been severed from the private surface estate? Yes No
--If Yes, address the provisions of Chapter 22A, Article 3, Section 18(b)(5) Attach this information and identify as B-2.C.

-
-
1. Submit fish and wildlife resource information for the prospecting area and adjacent area according to the West Virginia Surface Coal Mining Reclamation Regulations and identify as attachment C-1.
 2. Are there listed or proposed endangered or threatened species of plants or animals or the critical habitat of such species identified which may be affected by this operation?
() Yes () No Attachment to be identified as C-2.

--If Yes, provide site specific resource information and list and describe all control measures, management techniques and monitoring methods to be used to protect or enhance threatened or endangered species of plants or animals listed by the Secretary of the Interior under the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq.) and their critical habitats if they are to be affected by the proposed activities and list the species involved and provide a map identifying its location relative to the proposed prospecting area.

--If No, attach the state or federal wildlife biologist's documentation to verify this determination.

3. Will any important stream, wetlands, riparian areas, cliffs supporting raptors, or other habitats of unusually high value for fish and wildlife be impacted by the proposed operation?
() Yes () No
--If Yes, provide acres of habitats of unusually high value, and delineate its boundaries on the prospecting maps.
Acres of Wetlands: _____; Important Stream: _____; Riparian Area _____; Other (Specify) _____
--If No, attach the state wildlife biologist's documentation to verify this determination and identify as attachment C-3.

4. Provide a narrative of how the operation will minimize disturbances and adverse impacts on fish, wildlife, and related environmental values and achieve enhancement of such resources where practicable. Identify as attachment C-4.

-
1. Submit a detailed narrative which describes the results of the reconnaissance inspection to determine whether or not cultural, historic and archaeological resources exist within the proposed prospecting area and adjacent areas, and identify as attachment D-1.
 2. The applicant shall contact the WV State Historic Preservation Officer (SHPO), providing a completed DMM-81 (Field Review Site Questionnaire - Part A and B). Identify as attachment D-2
 3. Provide the SHPO's response, including SHPO file number, and identify as attachment D-3.
 4. Provide a plan to address any recommendations made by the SHPO and identify as attachment D-4.
 5. If cultural, historic or archaeological resources are located within the proposed prospecting area and adjacent area(s), identify them on the proposal map and provide a description which shall be identified as attachment D-5.
 6. If the proposed prospecting area and/or adjacent areas have any listed, or eligible for listing, cultural, historic and/or archaeological resources which may be affected by the proposed operation, provide a description of the measures to be taken to protect these resources and identify as attachment D-6.
 7. Will any public parks be adversely affected by the proposed operation?
() Yes () No Attachment to be identified as D-7.

--If Yes, name and locate them on the prospecting map and describe the measures to be used to minimize or prevent the adverse impacts from mining on these areas. Include a copy of the joint approval by the division and the federal, state or local agency with jurisdiction over the park.

1. Place an "X" to indicate all types and methods of operation to be utilized within the proposed prospecting area:

- Core Drilling
- Rotary Drilling
- Other _____
- Trenching
- Excavating

2. Anticipated disturbance for this proposed operation:

Type of Disturbance	Acres
A. Access Roads, Existing	_____
B. Proposed Access Roads	_____
C. Proposed Drilling Sites	_____
D. Proposed Trenching Sites	_____
E. Proposed Excavation Sites	_____
F. Other _____	_____
TOTAL DISTURBED ACRES	_____

3. Anticipated timetable for conducting each phase of the operation:

Operation Phase	Begin	Complete
A. Operation Phase	_____	_____
B. Install Drainage Control	_____	_____
C. Begin Drilling Sites	_____	_____
D. Begin Excavation Sites	_____	_____
E. Begin Trenching Sites	_____	_____
F. Complete All Prospecting	_____	_____
G. Regrade Prospecting Sites	_____	_____
H. Regrade Access Road	_____	_____
I. Revegetate All Sites	_____	_____

- 4. Provide a description of the proposed operation. Include accurate cross sections and plans which adequately show the area to be disturbed by this method of prospecting. Identify as Attachment E-4.
- 5. Provide a description of the method of prospecting. Identify as Attachment E-5.
- 6. Provide a description of the method of constructing and/or utilizing roads. Include accurate cross sections and plans which adequately represent the roads to be constructed or utilized. Identify as Attachment E-6.
- 7. Provide a description of the method for controlling runoff and sedimentation. Include cross sections or plans which adequately represent the proposed method for erosion and sediment control. Note-any operation which will substantially disturb the natural land surface shall be required to install drainage control structures in accordance with CSR 38-2-5. Identify as Attachment E-7.
- 8. Does the proposed prospecting operation disturb land within 100' of an intermittent or perennial stream? YES NO
If yes, include a narrative which presents sufficient information for justification of the disturbance of the land within 100' of said stream. Identify as Attachment E-8.

9. Will the proposed prospecting operation disturb areas where the natural slope of the land exceeds an average of twenty (20) degrees as measured from the horizontal? () YES () NO
10. Provide a description of the method for sealing, casing or otherwise managing openings created by prospecting to prevent acid or toxic drainage from entering ground or surface water or substantial degradation of groundwater quality or quantity for:
- | | |
|----------------------|---------------------------------|
| A. Prospecting Holes | C. Wells |
| B. Drill/Bore Holes | D. Exposed Underground Openings |
- Identify as Attachment E-10.
11. Provide a description and include accurate cross sections which adequately represent the regrading of:
- | | |
|-----------------|---------------------|
| A. Access Roads | C. Excavation Sites |
| B. Drill Sites | D. Trenching Sites |
- Identify as Attachment E-11.
12. Provide a plan for the revegetation of all disturbed areas. Identify as Attachment E-12.

-
-
1. Provide accurate maps, cross-sections and plans as required by the West Virginia Surface Coal Mining and Reclamation Act and the West Virginia Surface Mining and Reclamation Regulations. Maps, cross-sections and plans shall be prepared by or under the direction of and certified by a qualified person approved by the Commissioner.
 2. No map, cross section, or plan included in the application shall be smaller than 8.5" x 11" nor larger than 30" x 42". If supplementary maps, cross-sections, or plans are attached, match lines shall be used.
 3. A color code as specified by the West Virginia Surface Mining Reclamation Regulations shall be used, as applicable, in preparing all maps and plans.
 4. All maps and plans shall be prepared from United States Geological Survey topographic maps on 7.5 minute quadrangle or a topographic map produced by aerial photogrammetric means or conventional surveying techniques. The map or plan shall contain the following, as well as the information specified in the West Virginia Surface Coal Mining and Reclamation Act, the West Virginia Surface Mining Reclamation Regulations, and under each map title in this application section.
 5. The following information shall be provided on the right side or in the lower right corner of each map, plan, or cross-section. Place an "X" next to those items in the column which are applicable and place "N/A" for those items not applicable.
 - A. Map, plan, or cross-section title which accurately represents information shown on said map, plan or cross section. _____
 - B. The date the map was prepared, and the date of all revisions; _____
 - C. Approved consultant or person who prepared the map or plan; _____
 - D. Scale of map: _____
 - 1) Proposal and drainage maps shall be 1" = 500'; _____
 - 2) Underground coal mining maps shall be 1" = 200"; and _____
 - 3) Operation facilities maps shall be 1" = 200'; and, _____
 - 4) Prospecting maps shall be 1" = 2000'. _____
 - E. Location: County, District, and Quadrangle name; _____
 - F. Contour intervals, if applicable; _____
 - G. Legend, including symbols and color code uses; _____
 - H. If applicable, General Location Map (minimum size 4" x 4") as shown with the advertisement of the application; _____
 - I. Notarized certification of map by approved registered professional engineer or licensed land surveyor; _____
 - J. Name(s) of the coal seam(s) to be mined or prospected; _____
 - K. Type of operation; _____
 - L. North arrow, dip and strike; _____
 - M. Area or increment number(s), if any; _____
 - N. Mine or facilities name; _____
 - O. Permit application number; _____
 - P. Applicant name and business address; _____
 - Q. Operator name, if different than applicant; and _____
 - R. Other information as required by the commissioner. _____

6. Prospecting Map: The following information shall be clearly shown on the map:
- A. Streams, with names _____
 - B. Bodies of water, with names _____
 - C. Manmade structures _____
 - D. Utility lines _____
 - E. Property lines within the area to be prospected _____
 - F. Surface and mineral owners of the tract(s) to be prospected _____
 - G. All occupied dwellings _____
 - H. The approximate location of the cropline(s) and name of seam(s) _____
 - I. Access roads (identify either as existing or proposed) _____
 - J. Approximate location of excavations, trenches, and drillholes
(Label each specific site to be disturbed in the proposed
order of disturbance.) _____
 - K. Location of any known or probable cultural, historic or
archaeological sites listed or eligible for listing in the
National Register of Historic Places within the operation
area or adjacent areas _____
 - L. Locations within the proposed operation area which lie within
the boundary of any public parks _____
 - M. Location of lands within the proposed operation area which lie
within or are adjacent to the boundaries of a National Park
System, National Forest, National Wildlife Refuge System,
National System of Trails, National Wilderness Preservation
System, National Wild and Scenic River System, National
Recreation Area, and areas under study for inclusion in
these systems _____
 - N. Each public or private cemetery, Indian burial ground or
other areas where human bodies are interred, located in or
within 100' of the proposed prospecting area _____
 - O. List the number of disturbed areas _____
 - P. Quadrangle name _____
 - Q. North arrow _____
 - R. All topographic features _____

SECTION G: FINANCIAL REQUIREMENTS

Applicant: _____

1. Performance Bond:

Proposed Disturbed Acres _____ x \$ _____ /Ac. = \$ _____ 00.00

Type of Bond:

Surety _____ (BONDING COMPANY) _____ (BOND NO.)
 _____ (BONDING AGENT) _____ (ADDRESS)

Collateral: Name of Bank: _____
 Cashier's Check No. _____
 *Certificate of Deposit No. _____
 Other (Specify) _____

Escrow Account Self Bonding

Other _____ (SPECIFY)

* Certificate of Deposit must be made payable to "Division of Energy" and must include interest penalty for early withdrawal. Also, include a statement (letter) from the bank issuing the Certificate waiving the right of set-off or lien against the Certificate.

NOTE: A Procedure for Certificates of Deposit and Letters of Credit being posted as bond can be obtained from Regional DOE Office.

SECTION H: APPLICANT SIGNATURE AND NOTARIZATION

1. Applicant signature and notarization:

I, _____, having been duly sworn, depose and attest
(Print or type name of officer)
that all the representations contained in this application are true and correct to the best of my knowledge and belief; that all prospecting operations conducted by me or my agents shall be conducted in accordance with the performance standards in Chapter 22A, Article 3, Section 12 for all land disturbed in explorations, including excavations, roads, drill holes and the removal of necessary facilities and equipment; that I am a principal officer (President or Vice President) of the applicant and that this Notice of Intent to Prospect has been executed by the persons required by law.

DATE SIGNATURE OF PRINCIPAL OFFICER

COMPANY NAME INDIVIDUAL'S OFFICIAL TITLE

2. Notarization of above signature:

State of _____
County of _____

Taken, subscribed and sworn to me the undersigned authority in my said county and state this _____ day of _____, 19_____.

My Commission Expires _____

(SEAL) _____
NOTARY PUBLIC

3. If the person signing this application under the certification above (H-1) is not listed under Section A-6 as Principal Officer, (President or Vice President) then provide a notarized copy of the Power of Attorney, or resolution of the Board of Directors, which grants to the individual whose signature appears above, the legal authority to represent the applicant in applying for this Notice of Intent to Prospect. Identify as attachment H-3.

STATE OF WEST VIRGINIA
DIVISION OF ENERGY
MINES AND MINERALS SECTION

Region No. _____
Permit No. _____
NPDES No. _____
MSHA No. _____
Date _____

NOTIFICATION OF CHANGE IN PERMIT HOLDER
AND/OR PERMITTEE NAME CHANGE

SECTION A: ADMINISTRATIVE INFORMATION

1. Applicant: _____ SS#/FEIN# _____
Street Address or Route # _____ Telephone _____
Mailing Address _____
Resident Agent: _____ SS# _____
Payer of AML Fees: _____ SS#/FEIN# _____

() Partnership () Association
() Sole Proprietorship () Other _____
() Corporation - List state of incorporation _____
2. A. Is Applicant registered with the Office of Secretary of State? () Yes () No
B. West Virginia Mining Permit Number: _____
C. NPDES Permit Number: _____
D. MSHA ID Number: _____
Include the name in which the MSHA No. is issued if different from applicant: _____
E. Current Mine or Facility Name: _____
3. Current Permit Holder: _____
MSHA ID Number: _____
Include the name in which the MSHA No. is issued if different from applicant: _____
4. Acres currently permitted: _____ Acres currently disturbed: _____
5. Place an "X" to indicate the type of change requested:
A. _____ Change in name only.
B. _____ Change of ownership and control only.
C. _____ Change of name, ownership and control.
D. _____ Transfer, Assignment or sale of permit rights.
6. Provide the copy of the sample advertisement. Identify as Attachment A-6.

1. Has the applicant changed the name of the current permittee?

() Yes () No

--If Yes, complete this section.

--If No, proceed to Section C.

2. Current Permit Holder _____ SS#/FEIN# _____

MSHA ID Number _____

Street Address _____ Telephone # _____

Mailing Address _____

Resident Agent _____ SS# _____

Payer of AML Fees _____ SS#/FEIN# _____

3. Applicant _____ SS#/FEIN# _____

MSHA ID Number _____

Street Address _____ Telephone # _____

Mailing Address _____

Resident Agent _____ SS# _____

Payer of AML Fees _____ SS#/FEIN# _____

State of Incorporation _____

4. Is operator different from applicant? ()Yes ()No

--If Yes, Name of Operator _____

and complete Form DMM-19 and submit as separate document.

-
-
1. Will this application change the ownership and control of the current permittee?
() Yes () No
--If Yes, complete this section.
--If No, proceed to section D.

NOTE: Questions 2 - 4 -- Ownership and control relationships are defined according to the West Virginia (WV) Surface Mining and Reclamation Act and the West Virginia (WV) Surface Mining and Reclamation Regulations. All names must be printed or typed in full (no abbreviations or initials), with any applicable prefixes or suffixes, exactly as listed with the Social Security Office. Submit attachment, if needed, and identify as attachments C-2, etc.

2. List name, title, ownership or control relationship to applicant, address and social security number (or Federal Employer Identification Number, "FEIN") of every person who owns or controls the applicant, including every officer, partner, resident agent, director, or any other person who has the ability to commit the financial or real property assets or working resources of the applicant, and every person who performs a function similar to a director, and the date of assuming that position:

(NAME) (TITLE) (RELATIONSHIP) (SS#/FEIN#) (ADDRESS) (DATE)

3. List name, address, social security number (or Federal Employer Identification Number), ownership or control relationship to applicant, percent of ownership, and location in organizational structure of each person who, based on instrument of ownership or voting securities, owns a ten percent (10%) or greater interest in the permit applicant:

(NAME) (ADDRESS) (SS#/FEIN#) (RELATIONSHIP) (PERCENT) (LOCATION)

4. List name, address and social security number (or Federal Employer Identification Number), of each person owning or controlling coal to be mined by the applicant under a lease, sublease or other contract AND having the right to receive such coal after mining or having authority to determine the manner in which the applicant conducts the surface mining operation:

(NAME) (SS #/FEIN#) (ADDRESS)

1. Will this application change the permitting and violation status as originally reported in the permit? () Yes () No
 If Yes, complete this section.
 If No, proceed to Section E.

2. Include the names of contract, subcontract, lessee, or sublessee operations, if such operations were conducted under the control of the applicant or persons who own or control or owned or controlled the applicant. Include all names, MSHA identification numbers and date of issuance, and permit numbers of such operations if the surface coal mining and reclamation permit for the operation was held in the name of the operator, contractor, subcontractor, lessee, or sublessee. Further, in any instance where the applicant or an owner or controller of the applicant retain the permit, but the operation was conducted by an operator, contractor, subcontractor, lessee, or sublessee on behalf of the permittee, include the operator's name if: (a) the operator held any surface coal mining and reclamation or environmental permits in their name, or the operator held a distinct and separate SMA number from that of the permittee; or (b) the operator held no permits, but under the SMCRA-based program in the state where the operation was conducted, violations or other actions or transactions were issued against or recorded by the regulatory authority in the name of the operator;

(NAME)	(PERMIT NO.)	(MSHA NO./DATE)	(COMMENTS)

3. List each name (including that of any subsidiary), State or Federal permit number, MSHA identification number and issuance date, social security number (or Federal Employer Identification Number), SMA number issuance and date of SMA number, and regulatory authority issuance under which the applicant and each person who owns or controls the applicant, owns or controls, or previously owned or controlled a surface coal mining and reclamation operation in the United States within the five (5) years preceding the date of application:

(NAME)	(PERMIT #)	(MSHA#/DATE)	(SS#/FEIN#)	(SMA #/DATE)	(REGULATORY AUTHORITY)

4. List all pending surface mining applications and current surface mining permits held by the APPLICANT in the United States. Provide each name, permit or application numbers or other identifiers, including SMA number and date of SMA number issuance, MSHA identification numbers and issuance date, and the identity of the state or federal regulatory authority for each permit or application listed:

(NAME)	(PERMIT #)	(SMA#/DATE)	(MSHA#/DATE)	(STATE)	(REGULATORY AUTHORITY)

5. List all pending surface coal mining and reclamation operation permit applications in the United States and all current coal mining permits in the United States held during the five (5) years preceding the date of this application by any person who owns or controls the applicant, or owned or controlled the applicant. Provide each name, permit or application numbers or other identifiers, including SMA number and date of SMA number issuance, MSHA identification number and issuance date, and the identity of the state or federal regulatory authority for each permit or application listed:

(NAME)	(PERMIT #)	(SMA#/ DATE)	(MSHA #/ DATE)	(STATE)	(REGULATORY AUTHORITY)

6. Has the applicant or any officer, partner, director, principal shareholder of the applicant, or any subsidiary, affiliate, or person owned or controlled by or under control or ownership with the applicant had a Federal or State mining permit permanently suspended or revoked in the past five (5) years preceding the date of submission of the application; or had a performance bond or similar security deposited in lieu of bond forfeited? ()Yes ()No

- If Yes, attach the information requested below and identify as A-16.
- A. identification number and date of issuance of the permit, MSHA identification number, and the date and amount of bond or similar security;
 - B. identification of the authority that suspended or revoked the permit or forfeited the bond and the stated reasons for the action;
 - C. the current status of the permit and bond, or similar security involved;
 - D. the date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and
 - E. the current status of any administrative or judicial proceedings.

7. List on a separate attachment any violation of a provision of the WV Surface Coal Mining and Reclamation Act or the WV Surface Mining and Reclamation Regulations and any other federal or state laws, rules and regulations pertaining to air or water environmental protection incurred in connection with any surface mining operation received by the APPLICANT during the three (3) year period preceding the application date. For each violation notice or cessation order reported, the lists shall include the following information as applicable: ()Not Applicable ()Attached and identified as A-7.

- A. identifying numbers for the operation including federal or state permit number and SMA number, and MSHA identification number;
- B. the dates of issuance of violation notice and SMA number;
- C. the name of the person to whom the violation notice was issued;
- D. the regulatory authority, department or agency;
- E. a brief description of the violation alleged in the notice;
- F. the date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including but not limited to, proceedings initiated by any person to obtain administrative or judicial review of the violation;
- G. the current status of both the proceeding and the violation notice; and
- H. the action, if any, taken by any person to abate the violation.

8. List on a separate attachment all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each unabated violation notice or cessation order reported, the lists shall include the following information as applicable:

() Not Applicable () Attached and identified as A-8.

- A. identifying numbers for operation including federal or state permit number and SMA number, and MSHA identification number;
- B. the date of issuance;
- C. the name of the person to whom the violation notice was issued;
- D. the regulatory authority, department or agency;
- E. a brief description of the violation alleged in the notice;
- F. the date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including but not limited to, proceedings initiated by any person to obtain administrative or judicial review of the violation;
- G. the current status of both the proceeding and the violation notice; and
- H. the action, if any, taken by any person to abate the violation.

-
1. Will this application change the information as reported in the current NPDES permit? () Yes () No
If Yes, complete this section.
If No, proceed to Section G.

 2. If the applicant is transferring the approved NPDES permit from the current permittee, provide the documents which transfer the NPDES permit to the Applicant. Identify as attachment E-2.

 3. If the applicant is modifying the approved NPDES permit, provide a revised NPDES application addressing the proposed modifications. Identify as attachment E-3.

1. Will this application change the financial and insurance information as reported in the current permit? () Yes () No
If Yes, complete this section.
If No, proceed to section G.

Current Permit Holder: _____ PERMIT NUMBER _____
MSHA ID No. _____

New Permittee/Applicant: _____
MSHA ID No. _____

1. Are federal reclamation fees current for applicant, owners, and controllers, etc.? () Yes () No
2. Insert certificate and acknowledgement of insurance.
A. Insurance policy number _____
B. Insurance policy expiration date _____

3. Method of bonding approved for current permit:

- () A. Full Permit Bond: \$ _____ 000.00
- () B. Incremental Permit Bond: \$ _____ 000.00
If incrementally bonded, list all increments currently bonded:

- () C. Combined Operation Bond: (Underground and Surface)
- | | | | |
|--------------|-------------|----------|--------|
| Surface: | SMA # _____ | \$ _____ | 000.00 |
| Underground: | SMA # _____ | \$ _____ | 000.00 |
| Underground: | SMA # _____ | \$ _____ | 000.00 |

4. Has the applicant provided a replacement performance bond amending the principal bond to show the correct permittee name? () Yes () Not Applicable
If yes, complete #5 below:

5. Performance Bond (\$10,000.00 Minimum) - Complete A, B or C

NOTE: If permit proposes a combination of surface and underground operations, separate bonds for each type of operation must be submitted - complete subsection C below.

- () A. Full Permit Bond: \$ _____ 000.00
- () B. Incremental Permit Bond: \$ _____ 000.00
If incrementally bonded, list all increments currently bonded:

- () C. Combined Operation Bond: (Underground and Surface)
- | | | | |
|--------------|-------------|----------|--------|
| Surface: | SMA # _____ | \$ _____ | 000.00 |
| Underground: | SMA # _____ | \$ _____ | 000.00 |
| Underground: | SMA # _____ | \$ _____ | 000.00 |

1. Certification of Application:

I, _____, certify that this
(Print or type the name of approved person)
application, to the best of my knowledge and belief, is true, complete,
accurate, and shows all the information required by the West Virginia Surface
Coal Mining and Reclamation Act and the West Virginia Surface Mining and
Reclamation Regulations; and that I have exercised care in the collection,
reporting and preparation of all information.

Signature _____

2. New Permittee/Applicant signature and notarization:

I, _____, having been duly sworn, depose and attest
(Print or type name of officer)
that all the representations contained in this application are true and correct
to the best of my knowledge and belief; that I am a principal officer
(President, Vice-President) of the applicant and that this application has been
executed by the persons required by law.

DATE

SIGNATURE OF PRINCIPAL OFFICER

COMPANY NAME

OFFICIAL TITLE

Notarization of above signature:

State of _____
County of _____

Taken, subscribed and sworn to me the undersigned authority in my said county
and state this _____ day of _____, 19_____.

My Commission Expires _____

(SEAL)

NOTARY PUBLIC

3. If the person signing this application under the certification above (G-2) is not listed under Section A as President or Vice-President, then provide a notarized copy of the Power of Attorney, or resolution of the Board of Directors, which grants to the individual whose signature appears above, the legal authority to represent the applicant in applying for the transfer, assignment, or purchase of permit rights of this permit. Identify as attachment G-3.

4. Current Permittee signature and notarization:

I, _____, having been duly sworn, depose and attest
(Print or type name of officer)
that all the representations contained in this application are true and correct
to the best of my knowledge and belief; that I am a principal officer
(President, Vice-President) of the current permittee and that this application
has been executed by the persons required by law.

_____	_____
DATE	SIGNATURE OF PRINCIPAL OFFICER
_____	_____
COMPANY NAME	OFFICIAL TITLE

Notarization of above signature:

State of _____
County of _____

Taken, subscribed and sworn to me the undersigned authority in my said county
and state this _____ day of _____, 19____.

My Commission Expires _____

(SEAL)

NOTARY PUBLIC

5. If the person signing this application under the certification above (G-4) is
not listed in the orition A as President or Vice-President, then provide a
notarized copy of the Power of Attorney, or resolution of the Board of
Directors, which grants to the individual whose signature appears above, the
legal authority to represent the current permittee in applying for this permit.
Identify as attachment G-5.

APPLICATION FOR OPERATOR REASSIGNMENT

Permit Holder: _____ Permit Number: _____
NPDES Number: _____
MSHA Number: _____

(STREET OR POST OFFICE ADDRESS) (CITY) (STATE) (ZIP) (TELEPHONE)

1. Applicant/Operator: _____ SS#/FEIN# _____
Street Address _____ Telephone _____
Mailing Address _____
Resident Agent: _____ SS# _____
Payer of AML Fees: _____ SS/FEIN# _____

() Partnership () Association
() Sole Proprietorship () Other _____
() Corporation - List State of Incorporation: _____

2. Is Applicant registered with the Office of Secretary of State? () Yes () No

3. Location of operation:
County: _____ District _____ Nearest PO _____
Longitude: _____ " Latitude: _____ "
USGS Quadrangle (Name and Number) _____
Nearest Public Road (Route No.) _____

4. A. Name of Mine or Facility: _____
B. Previous Name of Mine or Facility: _____

5. Place an "X" to indicate all types and methods of operation for this permit:
A. _____ Surface Mine () Area Mine () Contour
() Mountaintop Removal () Auger
() Steep Slope
() Other _____
B. _____ Underground Mine () Longwall () Room and Pillar
() Other (Specify) _____
C. _____ Preparation Plant
D. _____ Refuse Disposal
E. _____ Other (Specify) _____

6. Provide the date on which the operator shall begin operation on this permit:

7. Indicate by county and district the total surface acres permitted by this operation:

COUNTY	DISTRICT	SURFACE ACRES
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL SURFACE ACRES PERMITTED _____

8. List the name, MSHA number, and date of operation for all current and previous operators upon this permit within the five (5) years preceding the date of this application:

(NAME)	(MSHA NO.)	(DATES OF OPERATION)	
		(BEGIN)	(END)

NOTE: Questions 9 - 18 -- Ownership and control relationships are defined according to the West Virginia (WV) Surface Mining and Reclamation Act and the West Virginia (WV) Surface Mining and Reclamation Regulations. All names must be printed or typed in full (no abbreviations or initials), with any applicable prefixes or suffixes, exactly as listed with the Social Security Office. Submit attachment, if needed, and identify as attachments A-9, etc.

9. List name, title, ownership or control relationship to applicant, address and social security number (or Federal Employer Identification Number, "FEIN") of every person who owns or controls the applicant, including every officer, partner, resident agent, director, or any other person who has the ability to commit the financial or real property assets or working resources of the applicant, and every person who performs a function similar to a director, and the date of assuming that position:

(NAME)	(TITLE)	(RELATIONSHIP)	(SS#/FEIN#)	(ADDRESS)	(DATE)

10. List name, address, social security number (or Federal Employer Identification Number), ownership or control relationship to applicant, percent of ownership, and location in organizational structure of each person who, based on instrument of ownership or voting securities, owns a ten percent (10%) or greater interest in the permit applicant:

(NAME)	(ADDRESS)	(SS#/FEIN#)	(RELATIONSHIP)	(PERCENT)	(LOCATION)

11. List name, address and social security number (or Federal Employer Identification Number), of each person owning or controlling coal to be mined by the applicant under a lease, sublease or other contract AND having the right to receive such coal after mining or having authority to determine the manner in which the applicant conducts the surface mining operation:

(NAME)	(SS #)	(ADDRESS)

12. Include the names of contract, subcontract, lessee, or sublessee operations, if such operations were conducted under the control of the applicant or persons who own or control or owned or controlled the applicant. Include all names, MSHA identification numbers and date of issuance, and permit numbers of such operations if the surface coal mining and reclamation permit for the operation was held in the name of the operator, contractor, subcontractor, lessee, or sublessee. Further, in any instance where the applicant or an owner or controller of the applicant retain the permit, but the operation was conducted by an operator, contractor, subcontractor, lessee, or sublessee on behalf of the permittee, include the operator's name if: (a) the operator held any surface coal mining and reclamation or environmental permits in their name, or the operator held a distinct and separate SMA number from that of the permittee; or (b) the operator held no permits, but under the SMCRA-based program in the state where the operation was conducted, violations or other actions or transactions were issued against or recorded by the regulatory authority in the name of the operator;

(NAME)	(PERMIT NO.)	(MSHA NO./DATE)	(COMMENTS)

13. List each name (including that of any subsidiary), State or Federal permit number, MSHA identification number and issuance date, social security number (or Federal Employer Identification Number), SMA number issuance and date of SMA number, and regulatory authority issuance under which the applicant and each person who owns or controls the applicant, owns or controls, or previously owned or controlled a surface coal mining and reclamation operation in the United States within the five (5) years preceding the date of application:

(NAME)	(PERMIT #)	(MSHA#/ DATE)	(SS#/ FEIN#)	(SMA #/ DATE)	(REGULATORY AUTHORITY)

14. List all pending surface mining applications and current surface mining permits held by the APPLICANT in the United States. Provide each name, permit or application numbers or other identifiers, including SMA number and date of SMA number issuance, MSHA identification numbers and issuance date, and the identity of the state or federal regulatory authority for each permit or application listed:

(NAME)	(PERMIT #)	(SMA#/ DATE)	(MSHA#/ DATE)	(STATE)	(REGULATORY AUTHORITY)

15. List all pending surface coal mining and reclamation operation permit applications in the United States and all current coal mining permits in the United States held during the five (5) years preceding the date of this application by any person who owns or controls the applicant, or owned or controlled the applicant. Provide each name, permit or application numbers or other identifiers, including SMA number and date of SMA number issuance, MSHA identification number and issuance date, and the identity of the state or federal regulatory authority for each permit or application listed:

(NAME)	(PERMIT #)	(SMA#/ DATE)	(MSHA #/ DATE)	(STATE)	(REGULATORY AUTHORITY)

16. Has the applicant or any officer, partner, director, principal shareholder of the applicant, or any subsidiary, affiliate, or person owned or controlled by or under control or ownership with the applicant had a Federal or State mining permit permanently suspended or revoked in the past five (5) years preceding the date of submission of the application; or had a performance bond or similar security deposited in lieu of bond forfeited? ()Yes ()No

If Yes, attach the information requested below and identify as A-16.

- A. identification number and date of issuance of the permit, and the date and amount of bond or similar security;
- B. identification of the authority that suspended or revoked the permit or forfeited the bond and the stated reasons for the action;
- C. the current status of the permit and bond, or similar security involved;
- D. the date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and
- E. the current status of any administrative or judicial proceedings.

17. List on a separate attachment any violation of a provision of the WV Surface Coal Mining and Reclamation Act or the WV Surface Mining and Reclamation Regulations and any other federal or state laws, rules and regulations pertaining to air or water environmental protection incurred in connection with any surface mining operation received by the APPLICANT during the three (3) year period preceding the application date. For each violation notice or cessation order reported, the lists shall include the following information as applicable: ()Not Applicable ()Attached and identified as A-17.

- A. identifying numbers for the operation including federal or state permit number and SMA number, and MSHA identification number;
- B. the dates of issuance of violation notice and SMA number;
- C. the name of the person to whom the violation notice was issued;
- D. the regulatory authority, department or agency;
- E. a brief description of the violation alleged in the notice;
- F. the date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including but not limited to, proceedings initiated by any person to obtain administrative or judicial review of the violation;
- G. the current status of both the proceeding and the violation notice; and
- H. the action, if any, taken by any person to abate the violation.

18. List on a separate attachment all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each unabated violation notice or cessation order reported, the lists shall include the following information as applicable:

()Not Applicable ()Attached and identified as A-18.

- A. identifying numbers for operation including federal or state permit number and SMA number, and MSHA identification number;
- B. the date of issuance;
- C. the name of the person to whom the violation notice was issued;
- D. the regulatory authority, department or agency;
- E. a brief description of the violation alleged in the notice;
- F. the date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including but not limited to, proceedings initiated by any person to obtain administrative or judicial review of the violation;
- G. the current status of both the proceeding and the violation notice; and
- H. the action, if any, taken by any person to abate the violation.

19. Applicant signature and notarization:

I, _____, having been duly sworn, depose and attest
(Print or Type Name)
that all the representations contained in this application are true and correct to the best of my knowledge and belief; that I am principal officer (President, Vice-President) of the applicant and that this application has been executed by the person required by law.

DATE

SIGNATURE OF PRINCIPAL OFFICER

COMPANY NAME

TITLE OF PRINCIPAL OFFICER

State of _____

County of _____

Taken, subscribed and sworn to before me the undersigned authority in my said county and state this _____ day of _____, 19_____.

My Commission Expires _____

(SEAL)

NOTARY PUBLIC

20. Provide a notarized copy of Power of Attorney, or resolution of Board of Directors, which grants to the individual whose signature appears above, the legal authority to represent the applicant in applying for this permit.

21. Permit Holder signature and notarization:

I, _____, having been duly sworn, depose and attest
(Print or Type Name)
that all the representations contained in this application are true and correct
to the best of my knowledge and belief; that I am principal officer (President,
Vice-President) of the permit holder and that this application has been executed
by the person required by law.

DATE

SIGNATURE OF PRINCIPAL OFFICER

COMPANY NAME

TITLE OF PRINCIPAL OFFICER

State of _____

County of _____

Taken, subscribed and sworn to before me the undersigned authority in my said county
and state this _____ day of _____, 19_____.

My Commission Expires _____

(SEAL)

NOTARY PUBLIC

22. Provide a notarized copy of Power of Attorney, or resolution of Board of
Directors, which grants to the individual whose signature appears above, the
legal authority to represent the applicant in applying for this permit.