PART II. ADMINISTRATIVE INFORMATION

Chapter 23. Surface Mining Permit Applications: Minimum Requirements for Legal, Financial, Compliance and Related Information

§2301. Responsibility _____ Acknowledged.

A. It is the responsibility of the permit applicant to provide to the office all of the information required by this Chapter.

§2303. Applicability _____ Acknowledged.

A. This Chapter applies to any person who applies for a permit to conduct surface mining activities.

PART II - A. Identification of Interests

§2305. Identification of Interests

A. An application shall contain the following information, except that the submission of a Social Security number is voluntary:
1. a statement as to whether the applicant is a corporation, partnership, single proprietorship, association or other business entity;

2. the name, address, telephone number and, as applicable, Social Security number and employer identification number of the:
a. applicant;
b. applicant's resident agent; and
c. person who will pay the abandoned mine land reclamation fee;
3. for each person who owns or controls the applicant under the definition of *owned or controlled* and *owns or controls* in §105, as applicable:
a. the person's name, address, Social Security number and employer identification number;
b. the person's ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure;
c. the title of the person's position, date position was assumed and, when submitted under §3123.A.6, date of departure from the position;
d. each additional name and identifying number, including employer identification number, federal or state permit number, and MSHA number with date of issuance, under which the person owns or controls, or previously owned or controlled, a surface coal mining and reclamation operation in the United States within the five years preceding the date of the application; and

e. the application number or other identifier of, and the regulatory authority for, any other pending surface coal mining operation permit application filed by the person in any state in the United States;

4. for any surface coal mining operation owned or controlled by either the applicant or by any person who owns or controls the applicant under the definition of *owned or controlled* and *owns or controls* in §105, the operation's:
a. name, address, identifying numbers, including employer identification number, federal or state permit number and MSHA number, the date of issuance of the MSHA number, and regulatory authority; and
b. ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure;
5. the name and address of each legal or equitable owner of record of the surface and mineral property to be mined, each holder of record of any leasehold interest in the property to be mined, and any purchaser of record under a real estate contract for the property to be mined;
6. the name and address of each owner of record of all property (surface and subsurface) contiguous to any part of the proposed permit area;
7. the MSHA numbers for all mine-associated structures that require MSHA approval;
8. a statement of all lands, interest in lands, options or pending bids on interests held or made by the applicant for lands contiguous to the area described in the permit application. If requested by the applicant, any information required by this Subsection which is not on public file pursuant to state law shall be held in confidence by the office, as provided under §3111.C.2;

9. after an applicant is notified that his or her application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct or indicate that no change has occurred in the information previously submitted under §2305.A.1-4;
10. the applicant shall submit the information required by this Section and by §2307 in any prescribed OSM format that is issued**.**

RESPONSE: The Five Forks Mine is owned by Five Forks Mining, LLC, which is a wholly-owned subsidiary of ADA Carbon Solutions, LLC (which is a wholly owned subsidiary of Advanced Emissions Solutions, Inc.). Five Forks Mining, LLC and ADA Carbon Solutions, LLC are Delaware limited liability companies, and Advanced Emissions Solutions, Inc. is a Delaware corporation.

Five Forks Mining, LLC is the applicant, whose Employer I.D. number is 80-0303198.

Five Forks Mining, LLC
c/o Demery Resources Company
839 Five Forks Road
Saline, LA 71070
Attn: Mr. L. Heath Sampson, President and CEO,
ADA-Carbon Solutions, LLC
318-875-5001

CT Corporation System is the applicant's resident agent at:
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808
225-922-4490

Five Forks Mining, LLC will pay the abandoned mine land reclamation fee.

For each person who owns or controls the applicant, Five Forks Mining, LLC, refer to Table 2305-1. Information for the operator, Demery Resources Company, L.L.C., a wholly owned subsidiary of The North American Coal Corporation (NACC), is submitted directly to the OSM as applicable. The OSM enters this information on behalf of the States in which NACC operates.

Five Forks Mining, LLC was the owner of a development operation (DOP-7), which was operated by Demery Resources, L.L.C., as listed in Table 2305-2, in addition to LSM-5. Surface coal mining and reclamation operations operated by Demery Resources Company, L.L.C., and its affiliates or persons controlled by or under common control with Demery Resources, L.L.C., a wholly owned subsidiary of The North American Coal Corporation (NACC), are submitted directly to the OSM as applicable. The OSM enters this information on behalf of the States in which NACC operates.

Right of Entry and Operation Information is provided in the responses to Section 2309 of the Permit Application, and in Table 2309-1 and Appendix 2309-1. All leases were contained in the Permit issued in January 2012. Tracts of land are delineated on Exhibit 2309-1. Ownership and right of entry of all properties in the Permit Boundary are up to date and correct as discussed in detail in Section 2309.

Five Forks Mining, LLC is currently in negotiations with a number of parties holding interests in lands within and contiguous to the Permit Area, delineated on Exhibit 2309-1. Land acquisition is part of the continuing advance of the operations, and therefore is acquired on an as-needed basis.