APPLICATION FOR PERMIT TO ENGAGE IN NON-COAL MINING
The Mining Lands Reclamation Act, 45 O.S., 2011 721-728
(Section 1)

ODM Permit Number 2774
(Office Use Only)

Date 02-02-2022

Number of years for which Permit plan is requested: Life of the Mine

Tonto Construction, Inc. 918-682-6762
Name of Company, Corporation, Partnership, Individual Telephone Number

8101 West 33rd Street South Muskogee OK 74401
Street, R.F.D., Box No. City State Zip Code

hereby make application for a permit to mine shale 
by the following method:
Type of Mineral(s)

UNDERGROUND SURFACE X

Specify Method: Auger Mining Dredging Hydraulic Mining

Pumping Quarrying Stripping X

Other

Mine Name or Number 24th Street Mine Nearest Town Muskogee

Section 9 Township 14 North Range 18 East County Muskogee

Section ___________ Township ___________ Range ___________ County ___________

Type of perimeter markers to be used: T-posts with flags

Form N-C App:Sec.1/Rev.02-19
OPERATIONAL SECTION
GENERAL CHARACTERISTICS OF THE MINE

NOTE: All of the following questions must be thoroughly answered regarding your mining operation for the intended life of the mine.

1. Answer all of the following that apply:

☑ If this is an application for a **NEW** permit, indicate the total acreage at the site to be covered by the permit: 7.86 acres ________

Will this application replace a limited use permit? Yes ☐ No ☐. If yes, indicate the Limited Use Permit No.: ________________

☐ If this is an application for **RENEWAL** of a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit:

Mining Permit No.: ________________ Total permitted acreage: ________________

☐ If this is an application for a **REVISION** to a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit.

Mining Permit No.: ________________ Total permitted acreage: ________________

Does the revision involve acreage within the previously approved permitted boundary? Yes ☐ No ☐. If yes, indicate the acreage to be covered by this revision: ________________

Does the request involve acreage to be added to the previously approved permitted boundary? Yes ☐ No ☐. If yes, indicate the additional acreage to be covered by this request:

Total new acreage to be added: ________________. **This request will be considered an amendment to the permit (Title 45 § 724 J.).** The application must be submitted as required by and in accordance with OAC:10-19-4.(d).

If no was indicated please explain the revision requested: ________________

☐ If this is an application for **TRANSFER** of a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit.

Mining Permit No.: ________________ Total permitted acreage: ________________

Name of Company: ________________

☐ If this is an application for **PURCHASE** of a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit.

Mining Permit No.: ________________ Total permitted acreage: ________________

Name of Company: ________________

Will additional acreage be affected? ______ Yes ______ No

If yes, indicate how much additional acreage will be added: ________________

*All the acreage within the “Operational Section must include the proposed mine excavation(s), processing plants, haul roads, stockpiles, and any refuse/waste areas or tailing ponds.*
TOTAL PERMITTED AND BONDED ACRES AND MAPPING REQUIREMENTS

Will you file a bond covering all your mining acreage under your plan or will you file for an incremental mining plan?

Total Permit Area ________________ Incremental Bonding ________________

Please show your acreage below. If you have indicated incremental mining plan, then your acreage will be progressive to each incremental area. Prior to the issuance of this permit, a bonding map must be included detailing the sequence proposed for incremental bonding.

460:10-9-6. Mine maps should be accurate drawings, aerial photographs or enlarged topographic maps of the entire mine area and of a scale sufficient to clearly illustrate the following:
(1) Outline of the area to be permitted detailing the affected areas, incremental mining areas, planned future reserves if requested by the applicant, buffer zones, easements, and rights-of-ways, for the number of years the permit is requested.

460:10-21-4. (b) An operator shall not disturb surface acreage or extend any underground shafts, tunnels, or operations prior to receipt of approval from the Department of a performance bond covering the surface acreage to be affected.
(1) Liability on the performance bond shall cover all non-coal surface mining and reclamation operations to be conducted within the permit area. Except for limited use permits, after the amount of the bond has been determined for the permit area in accordance with Subchapter 23 of this Chapter, the permittee or applicant may either file:
(A) The entire performance bond required during the term of the permit;
(B) A cumulative bond schedule and the sequence of release of acreage as it progresses through varying reclamation phases and for the addition of acreage as it is affected. The amount of bond required to obtain a permit shall include the full reclamation cost of the initial area being affected; or
(C) An incremental bond schedule and the new performance bond required for the first increment in the schedule.
(2) When the operator elects to "increment" the amount of the performance bond during the term of the permit, he shall identify the initial and successive incremental areas for bonding on the permit application map submitted for approval as provided in Subchapter 17 of this Chapter and shall specify the proportion of the total bond amount required for the term of the permit which will be filed prior to commencing operations on each incremental area. The schedule amount of each performance bond increment shall be filed with the Department at least 45 days prior to the commencement of non-coal surface mining and reclamation operations in the next incremental area.

A separate schedule detailing each increment must be attached to the application. An Incremental bonding map must be submitted if the total permitted acreage is not covered by bond.

TOTAL ACREAGE TO BE COVERED BY PERMIT: 7.86 acres

REQUIRED BOND COVERAGE: Minimum bond shall be $2,000.00.

Type: Surety X Cash _______ Cashier’s Check _______ Certificate of Deposit _______

Letter of Credit _______ Other ________________

Bond Number Identification: ________________

Amount of Bond Coverage $ 2500.00

Bond coverage submitted must be a total of the first increment or the entire permitted acreage requested.
LEGAL ESTATE

Name of Legal Estate Owner: Dan and Cheryl Leatherman
Address: 8101 West 33rd Street South, Muskogee OK 74401
Telephone Number: 918-682-6762

Section(s) X Township 14N Range 18E County Muskogee

Is the permit application area owned or leased by the Applicant?

I, (Legal Estate Owner) Dan Leatherman certify that I am the owner of the legal estate of the property being represented in this Application for a Non-Coal Mining Permit, and that the (Company, Corporation, Individual(s)) Tonto Construction, Inc. have the right to mine this property.

Signature of Legal Estate Owner

Subscribed and sworn to before me this 2 day of February 2022

My Commission expires 05-19-2025 Notary Public Carla Stovall

* IF THE OWNER OF THE LEGAL ESTATE OF THE PROPERTY CHANGES, A NEW LEGAL ESTATE FORM MUST BE SIGNED BY THE NEW OWNER OF THE LEGAL ESTATE. IF THERE ARE MULTIPLE OWNERS OF THE PROPERTY ON THIS APPLICATION, A SEPARATE LEGAL ESTATE FORM MUST BE EXECUTED FOR EACH OWNER.

NOTE: THE DEPARTMENT OF MINES DOES NOT HAVE THE AUTHORITY TO ADJUDICATE PROPERTY TITLE DISPUTES.
PUBLIC NOTIFICATION

A copy of your application will need to be available at the County Courthouse or other approved location for public inspection. This location must be disclosed in the public notice. Please give the name and address of the County Courthouse below.

County Courthouse address: Muskogee County Courthouse
220 State St, Muskogee OK 74403

Submit under separate cover a copy of the Public Notice and the Publishers Affidavit or other Proof of Publication as required by Title 45 §724 H. 1. a. & b. (1) thru (6). THIS NOTICE MUST NOT BE PUBLISHED UNTIL THE APPLICATION HAS BEEN RULED COMPLETE BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC INSPECTION.
OKLAHOMA APPLICATION FOR A NON-COAL MINING PERMIT

Compliance and Related Information
(Section 2)

Date: February 02, 2022

Tonto Construction, Inc.  24th Street Pit

Name of Company  Mine Name or No.

8101 West 33rd Street South  8101 West 33rd Street South  Muskogee  OK  74401

Company Address  Street, RFD or Box  City  State  Zip Code

NOTE: ANSWER ALL QUESTIONS ON THIS FORM. (If no answer, write "NONE"). PROPERLY IDENTIFY AND SECURE ANY ATTACHED EXHIBITS, IF USED. PLEASE REFER TO THE SPECIFIC ITEM NUMBER OF THIS FORM.

IDENTIFICATION OF INTERESTS. In compliance with Section 460:10-11-5 of the Rules and Regulations for Non-Coal Surface Mining and Reclamation, the APPLICANT is required to furnish the following:

460:10-11-5(b)

1a. Applicant is an Individual or Single Proprietorship  ○ If yes, provide Social Security #  

1b. Applicant is a: Corporation  ○ Joint Venture  ○ Partnership  ○ Other  

Federal Tax Identification Number:  

2. Please provide the names of every officer, partner, director, or other person performing similar to director of the applicant.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheryl A. Leatherman</td>
<td>8101 West 33rd Street S</td>
<td>Muskogee</td>
<td>OK</td>
<td>74401</td>
<td>President</td>
</tr>
<tr>
<td>Larry Leatherman</td>
<td>8101 West 33rd Street S</td>
<td>Muskogee</td>
<td>OK</td>
<td>74401</td>
<td>Vice-President</td>
</tr>
<tr>
<td>Dan Leatherman</td>
<td>8101 West 33rd Street S</td>
<td>Muskogee</td>
<td>OK</td>
<td>74401</td>
<td>Secretary/Treasurer</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
<td>Position</td>
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| Name              | Address                | City   | State | Zip     | Position               |

| Name              | Address                | City   | State | Zip     | Position               |
460:10-11-5(c)

3. Did the applicant, partner, or corporation or subsidiary of, operate a non-coal surface mining operation in the State of Oklahoma within the five (5) years preceding the date of the application? ☐ Yes ☐ No

If yes, answer the following:

<table>
<thead>
<tr>
<th>Name of Mine</th>
<th>City</th>
<th>County</th>
<th>Legal Location of Mine</th>
<th>Permit #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robinson Mine</td>
<td>Muskogee</td>
<td>Muskogee</td>
<td>NE 1/4 59 14N Range 18E</td>
<td>LE1786</td>
</tr>
<tr>
<td>Name of Mine</td>
<td>City</td>
<td>County</td>
<td>Legal Location of Mine</td>
<td>Permit #</td>
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<td>Permit #</td>
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Please include any additional mining operations on a separate sheet.

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COMPLIANCE INFORMATION

460:10-11-6(1)

1. Has the applicant for the permit, or any subsidiary, affiliate or by or under common control with the applicant:

460:10-11-6(1)(A)

1a. Had a federal or state mining permit suspended or revoked in the last five (5) years? ☐ Yes ☐ No

460:10-11-6(1)(B)

1b. Forfeited a mining bond or similar security deposited in lieu of bond? ☐ Yes ☐ No

Form CRI; Sec. 2 Rev. 3/2020
2. If the answer to either 1a or 1b above was yes, applicant should provide the following information:

2a. Permit Identification # __________________________, or Amount of bond $ __________________

2b. Provide the name of the authority that suspended or revoked a permit or forfeited a bond:

Provide the reason for such action:

2c. What is the current status of the permit, bond or similar security involved?

2d. Provide the date, location and type of any administrative or judicial proceedings initiated concerning the suspension, revocation or forfeiture:

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<th>Date</th>
<th>Location</th>
<th>Type</th>
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2e. What is the current status of these proceedings?

Form CRI; Sec. 2 Rev. 3/2020
OKLAHOMA APPLICATION FOR A NON-COAL MINING PERMIT

Protection of Natural Resources
(Section 3)

1. Will the operation involve crushing or any other air contaminant emissions?
   Yes _____ No  ✓

If you indicated yes, please be advised that a permit may be required from the Air Quality Division of the Oklahoma Department of Environmental Quality. Please contact the agency for their respective requirements.

2. Will explosives be used? Yes _____ No  ✓

If yes, review the enclosed Blasting Regulations and complete the enclosed Blasting Plan. Said plan should accompany the application upon submission. If a Blasting Plan does not accompany the application and explosives will be used, then a permit will not be issued until a plan is secured.

3. a. Will the operation involve washing the material mined, recycling processed water or other waste water handling?
   Yes _____ No  ✓

b. Will the operation involve dewatering the mine or discharging fresh or waste water from the mine or plant?
   Yes _____ No  ✓

c. Does this operation fall within the jurisdictional requirements of the stormwater regulations of the Oklahoma Department of Environmental Quality?
   Yes _____ No  ✓

If you indicated yes to either 3a, 3b, or 3c, please be advised that a permit may be required from either the Department of Environmental Quality, Oklahoma Water Resources Board or the Army Corps of Engineers. Please contact each agency for its respective requirements.
4. Will the operation involve removing minerals from within any boundaries of river or streambed?

Yes _____ No _____________

If you indicated yes, please complete the following questions regarding the type of stream and its name and location. If you indicated no, please proceed to Section 4.

5. a. What is the name of the stream or river? N/A

b. Which of the following classifies this stream or river? Please refer to OAC 460:10-13-2 for descriptions of each.

____ High Quality Water (HQM)
____ Outstanding resources waters (ORW)
____ Scenic river area
____ None of the above

Please note: Certain permitting and operating procedures are required for mining permits in these environmental areas. Please refer to 460:10-13-3 for the requirements.

6. Does your operation overlie a sensitive sole source groundwater basin or subbasin?

Yes _____ No _____________

Effective August 1, 2011, if you indicated yes, this operation falls within the permitting guidelines established by SB 597. You must contact the Oklahoma Water Resources Board to comply with additional permitting requirements.

7. How wide a buffer will be maintained between any mining activity and any mining permit boundary or right-of-way at this site? Show all buffer locations and widths on the mine map(s). All buffers must be located within the mining permit boundaries. 50 ft.

O.S. Title 45, Chapter 8, Section 730 “In the case of strip mining operations which remove and do not replace lateral support, unless pursuant to written agreement between the operator and the adjacent property owner, the top of the consolidated material of the open cut adjacent to the property line of other property not owned or leased by the operator shall, at the time mining is completed, not be closer to such other property line than a distance of twenty-five (25) feet plus one and one-half (1 1/2) times the depth of such cut as measured from original ground surface to the top of consolidated material.”
OTHER LICENSES AND PERMITS

8. Has any other agency, local, state, or federal, been contacted to ascertain the need for other licenses and permits with respect to this operation?

Yes _____ No __________\(\checkmark\)_____

If you indicated no other agencies have been contacted, please be advised failure to obtain all the permits necessary for a mining operation may result in issuance of a permit violation or an interruption in mining activity until the required permits are secured.

Please refer to the Non-Coal Permitting Guidelines and Summary and the Notice below regarding other possible governing entities that may need to be contacted. Provide a list of all other licenses and permits needed for this mining operation. If a license or permit has been issued, please provide the Permit Identification Number and date of Approval or a copy of said permit or license. (Title 45 § 724 L) If a permit or license is pending, please provide copies of your applications or Notices of Intent (N.O.I.) that have been submitted to other agencies.

If this application is for a revision to an existing permit, copies of all issued permits must be included.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>IDENTIFICATION NUMBER</th>
<th>DATE OF APPROVAL</th>
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Please Note: A special permit to operate within certain municipalities or counties may be required. It is the responsibility of each applicant to contact the appropriate city or county officials to determine if the mining operation falls within their respective jurisdiction.
SPECIALIZED PROCESSING OR MANUFACTURING

9. Will specialized processing or manufacturing be conducted on site with the material mined that is not directly associated to mining? This includes specialized processing of the material after mining and processed by a plant site immediately after excavation of the material. This product would be unique in nature and produced from the material mined. This specialized processing or manufacturing facility might not be part of the mining process, and thereby, not included in the permit area requested in the application.

________ Yes  ________ Yes

If “yes” was indicated, please provide ODM with a detailed narrative of the activity. The location of the specialized processing facility will need to be disclosed on the mining map. The description of the activity should include the product manufactured, the point at which the mining process ceases, and the manufacturing begins, (specialized process). The description should include the equipment used and a flow chart showing the process. Once the description of the process is reviewed, a determination of applicability will be made by the Department. If the Department finds that the process is not directly associated with the mining, this area may be removed from permit consideration.
OKLAHOMA APPLICATION FOR A NON-COAL MINING PERMIT
NON-COAL OPERATOR'S RECLAMATION PLAN
(Section 4)

PERMIT NO. __________________________

DATE April 13, 2022

NAME OF COMPANY Tonto Construction, Inc.

MINE NAME OR NO. 24th Street Mine

Reclamation plan covers: 7.86 permitted acres and 7.86 bonded acres

GENERAL RECLAMATION PLAN

USE OF LAND WHEN RECLAMATION IS COMPLETED (Check one or more; show acreage):

Please note: Acreage must total the entire permitted acreage.

<table>
<thead>
<tr>
<th>USE</th>
<th>EST. ACREAGE</th>
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<tbody>
<tr>
<td>1. Pasture</td>
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<td>2. Farm Land</td>
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<td>3. Forest</td>
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<td>4. Water Reservoir</td>
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<td>5. Recreation</td>
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<td>6. Industrial</td>
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<td>7. Residential</td>
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<td>8. Other</td>
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<td>9. None</td>
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Explain: Land will be used for 5 years

WHAT WILL YOU DO TO MAKE LAND USABLE FOR PURPOSE STATED ABOVE? (Check one or more).

1. Fill X 2. Level ___ 3. Grade – approximate date of grading (If unknown, show as unknown) unknown

Explain: Site will be leveled and graded only

4. Other (Explain) ______

Explain: The area will be made into a commercial lot.

5. Plant grass ___ 6. Sprig or sod grass ___ 7. Set out trees ___


11. None (Explain) ___

area will be leveled and graded.

Does the mineral seam contain acid-forming materials? Yes ___ No ___

If yes, please complete Question #3 of the Attachment forms.

Reclamation Attachments and Narratives addressing each and every issue as outlined in the Rules & Regulations must be part of your Reclamation Plan and attached to this form.

Form N-C Rec. Plan; Sec. 4/Rev. 06-17
(1) **RE-VEGETATION PLAN:** Describe the plan for re-vegetation or other surface treatment of affected area(s). The re-vegetation plan shall include but not limited to the following: *Each item must be addressed or plan will be returned. 460:10-15-3 (6)*

(A). Planned soil tests:

*as needed*

(B). Site preparation and fertilization:

*grade area and apply fertilizer*

(C). Seed and Plant selection:

*Bermuda grass*

(D). Rate of seeding or amount of planting per acre:

*properly developed for commercial use*

(E). Are there other surface treatments that will be performed to the affected land during reclamation?  

__________yes, __________no.

If yes please explain:

*roads properly graded as needed*
(2) Describe method to prevent or eliminate conditions that could be hazardous to animal or fish life in or adjacent to the permit area.

\[ \text{na} \]

(3) Provide, as a separate document, a closure plan of the mine and permitted facilities to prevent a release of contaminants for being harmful to the environment. A closure plan is not necessary for all mines, but is required where the possibility exist for (a) acid-forming materials handling or drainage; (b) Chemically treated tailings or stockpiles (excludes fertilizer or lime for re-vegetation purposes).

\[ \text{na} \]

(4) Method of control and disposal of mine waste, rock, mineral scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of mineral substances mined and includes all waste materials deposited on or in the permit area from any source.

\[ \text{na} \]
(5) Method of reclaiming settling and/or sediment ponds.

na

(6) For final reclamation, submit information about practices to provide for safety to persons and to adjoining property in all excavations. Identify area of potential danger and appropriate safety provisions. These provisions can include but are not limited to setbacks, fencing, signs, benching, guardrails and boulders.

no dangers are present.

(7) Identify structures (e.g. buildings, roads) that are proposed to remain as part of the final reclamation.

na
NON COAL LOCATION MAP
The Mining Land Reclamation Act, 45 O.S. 1981 §721-728

If, for any reason whatsoever, you stop operating at the location you show here, notify the Department of Mines immediately as your liability continues in effect until the Department is notified and/or completed reclamation is approved.

COMPANY: Tonto Construction, Inc.
MINERAL TO BE MINED: shale
ACRES THIS SECTION TO BE COVERED BY PERMIT & BOND: 7.86
TOTAL ACRES TO BE COVERED BY PERMIT: 7.86
SECTION: 9 TOWNSHIP: 14 N RANGE: 18 COUNTY: Muskogee

PLOT LOCATION as accurately as possible on map.
NOTE: PLOT ALL TRANSMISSION LINES (gas, water, electric, etc.) in accordance with HB 1735 of 1982
PLAT OF SURVEY

LEGAL DESCRIPTION

A tract of land situated in the NE/4 NE/4 NE/4 of Section 9, T14N, R18E, IBAM, Muskogee County, State of Oklahoma: with the basis of bearing of this description being NAD83 Oklahoma State Plane, and prepared on 10/12/2020 by Tony Robison, LS #1686: said tract of land being more particularly described by metes and bounds as follows: Commencing at the NE Corner of said Section 9 thence S1°35'39"E along the East line thereof a distance of 236.84 feet to the Point of Beginning; thence continuing S1°35'39"E a distance of 421.20 feet to the SE Corner of the NE/4 NE/4 NE/4 of Section 9; thence S88°01'20"W along the South line of the NE/4 NE/4 NE/4 thereof a distance of 129.97 feet; thence N1°41'21"E a distance of 48.38 feet; thence S85°38'50"W a distance of 98.84 feet; thence S2°48'55"W a distance of 44.22 feet to a point on the South line of the NE/4 NE/4 NE/4 of Section 9; thence S88°03'14"W a long the South line thereof a distance of 432.97 feet to a point being the SW Corner of the NE/4 NE/4 NE/4 of Section 9; thence N1°35'22"W along the West line thereof a distance of 540.38 feet to a point on the South line of the Highway right-of-way; thence N88°04'58"E along the South line of the Highway right-of-way a distance of 508.46 feet; thence S45°55'01"E along said Highway right-of-way a distance of 167.73 feet; thence N88°24'21"E a distance of 35.31 feet to the Point of Beginning. Containing 7.86 acres, more or less.

TONY ROBINSON
1686

Heartland Surveying & Mapping, PLLC

10/15/2020

W.O. # 8840
SURVEYED BY: JT/AC
DRAWN BY: AM
Last Site Visit: 10/8/2020

BEARINGS ARE BASED ON NAD83 OKLAHOMA STATE PLANE COORDINATE SYSTEM.
STATEMENT OF CERTIFICATION

I, (Company Official) Dan J Leatherman Certify that the (Company, Corporation, Individual(s) Tonto Construction, Inc. has the right and power by Legal Estate owned to mine the land for which this application is made. We hereby certify that all details contained in this Permit Application are true and correct to the best of knowledge. We fully understand that any willful misrepresentation of facts will be cause for permit revocation.

Signature of Company Official

Position Secretary / Treasurer

Subscribed and sworn to before me this 2 day of February 2022

My Commission expires 5-19-2025 Notary Public Carla Stovall

Note: THIS APPLICATION MUST BE SIGNED AND NOTARIZED. THIS APPLICATION MUST INCLUDE ONE ORIGINAL COPY OF THE STATEMENT OF CERTIFICATION. DIGITAL SIGNATURES WILL NOT BE ACCEPTED. ALL QUESTIONS MUST BE ADDRESSED AND ALL REQUIRED DOCUMENTS AND INFORMATION PROVIDED BEFORE THIS APPLICATION CAN BE CONSIDERED COMPLETE. ATTACH ADDITIONAL SHEETS AS NEEDED.