

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Jenna Rollins, Project Manager
Water Rights Permitting Team

DATE: April 26, 2023

SUBJECT: Jewett Mine LLC
WRPERM 12292
CN605660984, RN105444467
Application for an Extension of Time to Complete Construction for
Water Use Permit No. 12292
Texas Water Code § 11.145, Mailed and Published Notice Required
Buffalo Creek, Bow Branch, Rena Branch, Taylor Springs Branch, and
Silver Creek, Trinity River Basin
Freestone and Leon counties

The application was received on January 26, 2023, and partial fees were received on February 6, 2023. Additional fees were received on April 18, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 26, 2023. Published and mailed notice to water right holders of record in the Trinity River Basin is required pursuant to Title 30 Texas Administrative Code § 295.159(a).

All fees have been paid and the application is sufficient for filing.

Jenna Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 26, 2023

Mr. Michael G. Altavilla
Jewett Mine LLC
P.O. Box 915
Jewett, TX 75846-0915

VIA E-MAIL

RE: Jewett Mine LLC
WRPERM 12292
CN605660984, RN105444467
Application for an Extension of Time to Complete Construction for Water Use Permit
No. 12292
Texas Water Code § 11.145, Mailed and Published Notice Required
Buffalo Creek, Bow Branch, Rena Branch, Taylor Springs Branch, and Silver Creek, Trinity
River Basin
Freestone and Leon counties

Dear Mr. Altavilla:

This acknowledges receipt, on April 18, 2023, of additional fees in the amount of \$859.66 (Receipt No. M315578, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on April 26, 2023. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via email at jenna.rollins@tceq.texas.gov or by phone at 512-239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



18-APR-23 01:02 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PRMTS- CONSTR DELAY	WPC WPC WATER USE PERMITS- CONSTRUCTION DELAY	M315578 12292 JEWETT MINE LLC	7059776 041823/ADT L PMT VHERNAND	N CK	BS00102527 D3802441	18-APR-23	-\$859.66
Total (Fee Code):							-\$859.66

RECEIVED

APR 20 2023

Water Availability Division

RECEIVED
APR 20 2023
Water Availability Division



PAY TO THE ORDER

315573 2183

JEWETT MINE LLC
4336 FM39 South
Jewett, Texas 75846

April 18, 2023

(Via UPS Overnight Delivery)
Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

WPC
Adtl pmt

**RE: Jewett Mine LLC
Water Use Permit Number 12292
Extension Request for Construction Completion
Application Fee - Remaining Balance**

To Whom It May Concern:

Please find enclosed check number [REDACTED] in the amount of \$859.66 for the remaining balance payment of the Application Fee for the Extension Request for Construction Completion for Jewett Mine LLC, Water Use Permit Number 12292 as referenced in letter dated March 21, 2023.

If you have any questions, please feel free to call. My number is 903.626.6387.

Sincerely,

Michael G. Altavilla

Michael G. Altavilla
Mine Manager

RECEIVED

APR 20 2023

Water Availability Division

Enclosures

Cc: Env. Serv. File
Joe D. Harris
Jenna Rollins, TCEQ Water Rights Project Manager

See Reverse Side For Easy Opening Instructions

Jewett Mine LLC
804 Carnegie Center,
Princeton, NJ 08540

TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY
PO BOX 13089
AUSTIN TX 78711-3089

RECEIVED

APR 20 2023

Water Availability Division

Jewett Mine LLC

REFERENCE NUMBER	DATE	VOUCHER	GROSS AMOUNT	DISCOUNT	NET AMOUNT
12292	03/21/2023	[REDACTED]	\$859.66	0.00	\$859.66

Extension Fee - Water Rights Permit:12292

RECEIVED

APR 20 2023

Water Availability Division

CHECK NUMBER	DATE	VENDOR NUMBER	VENDOR NAME	TOTAL AMOUNT
[REDACTED]	04/07/23	[REDACTED]	TEXAS COMMISSION ON ENVIRONMENTAL	\$859.66

Refer to above check number and voucher number when inquiring about your payment

0017

Jenna Rollins

From: [REDACTED]
Sent: Monday, April 17, 2023 4:36 PM
To: Jenna Rollins
Cc: Altavilla, Michael
Subject: Jewett Mine LLC WRPERM 12292 - Application Fee Remaining Balance
Attachments: 04-18-2023-12292-JMLLC-TCEQ-Water Rights Extension Payment Submittal Remaining Balance_Mailed.pdf

Ms. Rollins,

Attached is a copy of the cover letter and check for the remaining balance of the Application Fee for the Extension Request for Construction Completion for Jewett Mine LLC, Water Permit Number 12292 as referenced in the letter dated March 21, 2023.

The original document with check will be sent UPS Overnight Delivery to be delivered on Tuesday, April 18, 2023.

If you have any questions or need any additional information, please let me know.

Thanks.

Joe D. Harris



Joe D. Harris
Planning Specialist
JEWETT MINE LLC
4336 FM 39 S | P.O. Box 915
Jewett, Texas 75846
o: 903-626-6327
m: 903-388-4012

Note: The information contained in this e-mail and any accompanying documents may contain information that is confidential or otherwise protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message, including any attachments. Any dissemination, distribution or other use of the contents of this message by anyone other than the intended recipient is strictly prohibited.



JEWETT MINE LLC
4336 FM39 South
Jewett, Texas 75846

April 18, 2023

(Via UPS Overnight Delivery)
Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

RE: Jewett Mine LLC
Water Use Permit Number 12292
Extension Request for Construction Completion
Application Fee - Remaining Balance

To Whom It May Concern:

Please find enclosed check number [REDACTED] in the amount of \$859.66 for the remaining balance payment of the Application Fee for the Extension Request for Construction Completion for Jewett Mine LLC, Water Use Permit Number 12292 as referenced in letter dated March 21, 2023.

If you have any questions, please feel free to call. My number is 903.626.6387.

Sincerely,

A handwritten signature in blue ink that reads "Michael G. Altavilla". The signature is written in a cursive, flowing style.

Michael G. Altavilla
Mine Manager

Enclosures

Cc: Env. Serv. File
Joe D. Harris
Jenna Rollins, TCEQ Water Rights Project Manager

Jewett Mine LLC

REFERENCE NUMBER	DATE	VOUCHER	GROSS AMOUNT	DISCOUNT	NET AMOUNT
12292	03/21/2023	[REDACTED]	\$859.66	0.00	\$859.66

Extension Fee - Water Rights Permit:12292

CHECK NUMBER	DATE	VENDOR NUMBER	VENDOR NAME	TOTAL AMOUNT
[REDACTED]	04/07/23	[REDACTED]	TEXAS COMMISSION ON ENVIRONMENTAL	\$859.66
Refer to above check number and voucher number when inquiring about your payment				0017

THIS DOCUMENT HAS A VOID PANTOGRAPH, MICROPRINTING AND AN ARTIFICIAL WATERMARK.

nrg
Jewett Mine LLC
 804 Carnegie Center,
 Princeton, NJ 08540

Bank Of New York Mellon
Pittsburgh, PA 15262

PAY *Eight hundred fifty nine and 66/100 Dollars*

US FUNDS

TO THE ORDER OF **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**
 PO BOX 13089
 AUSTIN TX 78711-3089

Date: 04/07/2023
 Check Number: [REDACTED]
 Vendor Number: [REDACTED]

Pay Exactly
 *****\$859.66

[Signature]

VOID WITHOUT SIGNATURE
VOID AFTER NINETY DAYS

[REDACTED]

U.S. PAT. NO. 6,983,447

PRR814UB ULTRASEAL® by Relyco - www.relyco.com

Jenna Rollins

From: Jenna Rollins
Sent: Tuesday, March 21, 2023 1:33 PM
To: [REDACTED]
Subject: Jewett Mine LLC WRPERM 12292
Attachments: Jewett_Mine_LLC_12292_RFI_Sent_3.21.23.pdf

Dear Mr. Altavilla,

Please see the attached request for information letter for Jewett Mine LLC, app No. 12292 and provide a response by April 20, 2023.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2023

Mr. Michael G. Altavilla
Jewett Mine LLC
P.O. Box 915
Jewett, TX 75846-0915

VIA E-MAIL

RE: Jewett Mine LLC
WRPERM 12292
CN605660984, RN105444467
Application for an Extension of Time to Complete Construction for Water Use Permit
No. 12292
Texas Water Code § 11.145, Mailed and Published Notice Required
Buffalo Creek, Bow Branch, Rena Branch, Taylor Springs Branch, and Silver Creek, Trinity
River Basin
Freestone and Leon Counties

Dear Mr. Altavilla:

This acknowledges receipt, on January 26, 2023, of the referenced application, and on February 6, 2023 of fees in the amount of \$1,112.50 (Receipt No. M310916, attached).

Before the application can be declared administratively complete, remit fees in the amount of **\$859.66** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (5,001 to 10,000 acre-feet)	\$ 500.00
Recording Fee	\$ 12.50
Notice Fee (Trinity River Basin)	\$ 459.66
<u>Extension Fee</u>	<u>\$ 1,000.00</u>
TOTAL FEES	\$ 1,972.16
<u>FEES RECEIVED</u>	<u>\$ 1,112.50</u>
BALANCE DUE	\$ 859.66

Please provide the requested fees by April 20, 2023 or the application may be returned pursuant to 30 Texas Administrative Code § 281.18.

Mr. Michael G. Altavilla
WRPERM 12292
March 21, 2023
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

Jenna Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



06-FEB-23 04:38 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PRMTS- CONSTR DELAY	WPC WPC WATER USE PERMITS- CONSTRUCTION DELAY	M310916 12292 JEWETT MINE LLC	7057481 020623 RHDAVIS	 N CK	BS00100715 D3801721	06-FEB-23	-\$1,112.50
Total (Fee Code):							-\$1,112.50
Grand Total:							-\$2,467.50

RECEIVED
 FEB 08 2023
 Water Availability Division

RECEIVED
 FEB 08 2023
 Water Availability Division



JEWETT MINE LLC
4336 FM39 South
Jewett, Texas 75846

January 24, 2023

(Via UPS Overnight Delivery)
Texas Commission on Environmental Quality
Attention: Water Rights Permitting & Availability Section MC-160
12100 Park 35 Circle
Austin, TX 78753

RE: Jewett Mine LLC
WRPERM 12292
Water Use Permit Number 12292
Extension Request for Construction Completion Application

To whom it may concern (Mr. Humberto Galvan):

Please find enclosed the TCEQ Application Request for an Extension of Time to Complete Construction of an Authorized Project for the Jewett Mine LLC, Water Use Permit Number 12292. A copy of the Jewett Mine LLC Officers Listing which is contained in our mining and reclamation permits with the Railroad Commission of Texas, is being provided as evidence that James Tharp, Vice President, has signature authority on behalf of Jewett Mine LLC. Due to a staff retirement, we inadvertently missed the filing deadline of December 31, 2022. We apologize for any inconvenience. The application filing fee will be submitted under separate cover next week, since we were unable to pay the fee on a credit card.

If you have any questions regarding this extension request, please feel free to call me or we would be more than happy to discuss in a meeting with TCEQ staff at your earliest convenience. My number is 903.626.6387 or you can e-mail me directly at [REDACTED]

Sincerely,

Michael G. Altavilla
Mine Manager

RECEIVED

JAN 26 2023

Water Availability Division

Enclosures

Cc: Env. Serv. File
Joe D. Harris
James Tharp



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Water Availability Division - MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600 FAX (512) 239-2214

**APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR
COMPLETE CONSTRUCTION OF AN AUTHORIZED PROJECT**
Texas Water Code Section §11.145
TO BE SUBMITTED PRIOR TO EXPIRATION DATE

1. Applicant Information

Permittee/Owner Name: Jewett Mine LLC

Point of Contact name: Michael G. Altavilla

Mailing Address: P.O. Box 915 Jewett, TX 75846

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JAN 26 2023

Water Availability Division

Phone Number: 903-626-6387

Email Address: [REDACTED]

2. Fees or penalties

The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

Does Applicant or Co-Applicant owe any **fees** to the TCEQ?

Yes or No: No

If yes, provide the following information:

Account number: _____ Amount past due: _____

Does Applicant or Co-Applicant owe any **penalties** to the TCEQ?

Yes or No: No

If yes, please provide the following information:

Enforcement order number: _____ Amount past due: _____

3. Project Data

Certificate of Adjudication No.: _____ or Permit No.: 12292

and,

River Basin: Trinity River Basin

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JAN 26 2023

Water Availability Division

4. Project Dates

BEGINNING CONSTRUCTION DATE:

Original (Date in water right): November 13, 2015

Current (From last extension granted, if applicable): _____

Proposed: _____

COMPLETION DATE:

Original: November 13, 2018

Current: December 31, 2022

Proposed: December 31, 2024

5. Reason(s) for delay and why the proposed dates requested are necessary

Under 30 TAC 295.72(b) the applicant must include* why the extension should be granted and why the permit should not be forfeited if the commission finds that sufficient due diligence to begin and/or complete construction of the authorized project has not been demonstrated. Reasonable causes for delay include, but are not limited to, the operation of legal proceedings or other causes which were not within the reasonable control of the permittee and which were reasonably unforeseeable at the time of the appropriation or the last extension. Financial hardship shall not, by itself, constitute sufficient cause for the granting of an extension. Notice of the application, if required, will also indicate that the Commission will consider whether the appropriation shall be forfeited by the applicant, if the extension is denied.

** Please provide a statement setting forth the reasons why construction work could not be commenced or completed in the space below or attach a statement entitled*

“Reasons Why Construction Work Could not be Commenced or Completed.”

As indicated to TCEQ staff at the time of permit issuance, JM LLC did not expect to complete these projects by November 2018 due to the massive volumes of dirt required to construct each of these ponds.

Reclamation of the subject areas continues. The five ponds approved in this permit are at various stages of construction. None of the ponds require construction of embankments. Remaining construction consists of completion of slopes and pond volumetrics, inlets, spillways, and bypass structures. Under the applicable mining permits issued by the Railroad Commission of Texas (RCT), the design of the bypass structures will be required to be submitted, reviewed and approved as permanent structures. This may add as much as 6 months time to the completion of each structure.

Since our last extension request, the RCT has placed additional time constraints on completing final reclamation in different areas of the mine by a particular date. We have had to schedule our equipment to meet these deadlines which has taken time away from completing the footprints of the mine where our permanent water rights ponds are located.

6. **Application Fees**

(Please make checks payable to the Texas Commission on Environmental Quality or TCEQ)

A. All requests for extension of time require payment of the following fees:

Type	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water requested for any new appropriation and/or impoundment. Enter corresponding fee under <u>Amount (\$)</u> .	\$100.00
	<u>In Acre-Feet</u>	
	a. Less than 100 <u>0</u> \$100.00	\$100.00
	b. 100 - 5,000 \$250.00	\$250.00
	c. 5,001 - 10,000 \$500.00	\$500.00
	d. 10,001 - 250,000 \$1,000.00	\$1,000.00
	e. More than 250,000 \$2,000.00	\$2,000.00
Recording Fee		\$12.50
TOTAL		\$112.50

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JAN 26 2023
Water Availability Division

B. Extensions of time that require mailed and published notice require additional fees. Mailed and published notice of the application is required if a new beginning date for construction is more than four years past the original issue date of the water right, or a new completion date for construction is more than five years past the original completion date. If the application requires mailed and published notice, pay the following fees in addition to the fees in section (A) above:

Type	Description	Amount (\$)
Extension Fee	Pursuant to 30 TAC §295.138, extension fees are equivalent to one-time use fees established under §295.133 not to exceed \$1,000 . Enter corresponding extension fee under Amount (\$). Using the one-time use fees as follows:	\$1,000.00
	Agriculture Use Fee - Only for those with an Irrigation Use. Multiply 50¢ x ____ Number of acres that will be irrigated with State Water.	
	Use Fee - Required for all Use Types, excluding Irrigation Use. Multiply \$1.00 x ____ Maximum annual diversion of State Water in acre-feet.	
	Recreational Storage Fee - For those with Recreational storage. Multiply \$1.00 x ____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
	Storage Fee - For Storage, excluding Recreational Storage. Multiply 50¢ x <u>5,469</u> acre-feet of State Water to be stored at normal max operating level.	
	Note - if the total extension fees in this column above exceed \$1,000 - enter \$1,000 under Amount (\$).	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600. (Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense)	\$0.00
TOTAL		\$1,112.50

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JAN 26 2023

Water Availability Division

7. Applicant Signature

I, James Tharp

Vice President

(Typed or printed name)

(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: _____

[Handwritten Signature]
(Use blue ink)

Date: _____

Jan 24, 2023

Subscribed and Sworn to before me by the said

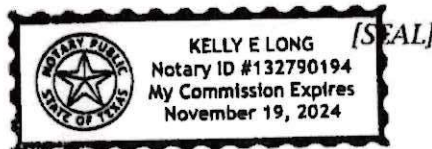
on this 24th day of January, 2023.

My commission expires on the 19th day of November, 2024.

Notary Public

Kelly E. Long
Klong
Fort Bend

County, Texas



If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page.

County, Texas

Annex 116-1
 For the Applicant/Operator
 Permit 32H, Renewal/Revision
 Jewett Mine LLC (263897)*
 910 Louisiana St.
 Houston, TX 77002
 (713) 537-3000
 Federal Identification No. 83-3662886

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 JAN 26 2023
 Water Availability Division

Title	Person	Address and Telephone Number (active officers and directors only)	Begin Date	End Date
VP	David Callen**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
TRS	Gaetan Frotte**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
ASEC	Deborah R Fry**::	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
VP	Edward Christopher Krupa**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
VP	Glen Edwin Mackey**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
VP	Christopher S Moser**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
PRES	Robert Patrick**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
VP	Matthew Pistner**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
VP	James Tharp**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
ASEC	Judith Tompkins**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
VP	Jennifer Wallace**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
VP	Dudley D Zahn**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
VP	Christine Zoino**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
SEC	Christine Zoino**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	

*Westmoreland Jewett Mining LLC (WJM) was purchased by NRG Texas LLC on August 5, 2020, with an effective date of August 6, 2020. WJM was renamed Jewett Mining LLC on August 6, 2020 and corrected to its current name of Jewett Mine LLC (JMLLC) on August 11, 2020.

** All of the officers above became WJM officers on the purchase effective date of August 6, 2020, and continued as officers when WJM became Jewett Mining LLC and then JMLLC.