

Applicant: JIM WALTER RESOURCES, INC.
Mine Name: Mine #5
Permit Number: P-3256

STATE OF ALABAMA SURFACE MINING COMMISSION

- () Renewal Application for a Surface Coal Mine
() Renewal Application for an Underground Coal Mine
(xx) Renewal Application for a Preparation Facility

PART I A. IDENTIFICATION

1. PERMIT APPLICANT

Name: JIM WALTER RESOURCES, INC.
Street Address: P.O. Box 133
City: BROOKWOOD State: AL Zip: 35444
Mailing Address: SAME
City: _____ State: _____ Zip: _____
Telephone Number: (205)554-6150
Social Security Number (Voluntary): ___-__-___
Employer Identification Number: 59-2981186
ASMC License #: 613

2. ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINE LAND RECLAMATION FEES

Name: SAME AS ABOVE
Street Address: _____
City: _____ State: _____ Zip: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: (____) ____ - _____
Social Security Number (Voluntary): ___-__-___
Employer Identification Number: _____
ASMC License #: _____

3. IDENTIFY THE OPERATOR FOR THIS MINE IF DIFFERENT FROM THE PERMITTEE

Name: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: (____) ____ - _____
Social Security Number (Voluntary): ___-__-___
Employer Identification Number: _____
ASMC License #: _____

4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE

Name: JEFFERY H. STRICKLIN Mailing Address: P.O. Box 133
City: BROOKWOOD State: AL Zip: 35444
Telephone Number: (205)554-6297

Applicant: JIM WALTER RESOURCES, INC.
Mine Name: Mine #5
Permit Number: P-3256

PART I B. OWNERSHIP AND CONTROL

1. **PERMIT APPLICANT OWNERSHIP AND CONTROL.** At the time of filing of this application provide an update of all information contained in the applicant's license file or certify that the information contained in the license is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following

- A license update is included
- Information contained in the license file is accurate and complete at the time of filing of this application.
- No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

2. **OPERATOR OWNERSHIP AND CONTROL.** If someone other than the permittee has been identified as the operator under this permit, an update of the ownership and control information contained in the operator's license file must be provided or certify that the information contained in the license file is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

- A license update is included
- Information contained in the license file is accurate and complete at the time of filing of this application.
- No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

3. **CONTROL OF MINING OPERATION THROUGH CONTROL OF COAL TO BE MINED.** Provide the information below for any person or entity who owns or controls the coal to be mined under this permit and who, by lease, sublease, or other contract: A. has the right to receive the coal after mining, or B, has the authority to determine the manner in which the operator or permittee conducts surface coal mining operations.

(USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY)

Name: N/A Street Address: _____
City: _____ State: _____ Zip: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____
Telephone Number: (____) - ____ - _____
Social Security Number: _____ - ____ - _____ (Voluntary)
Employer Identification Number: _____
ASMC License #: _____

Applicant: JIM WALTER RESOURCES, INC.
 Mine Name: Mine #5
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PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

1. OWNERSHIP OF PROPERTY TO BE MINED AND RIGHT OF ENTRY.

INSTRUCTIONS: Show the property ownership boundaries of each parcel of land in the permit area on the permit map or an overlay of the same scale as the permit map. If the surface estate is severed from the mineral estate, show and describe the ownership of each estate separately. In the spaces below, identify:

1. Every current legal or equitable owner(s) of record (as found in a standard search of title) of the property;
2. The holders of record of any leasehold interest in the property; and,
3. Any purchaser of record under a real estate contract of the property.

Describe the basis of the applicant's legal right to enter and mine on all properties contained in the permit application. If the mineral estate has been severed from the surface estate, describe the basis of the legal right to enter and mine both the surface and mineral separately. Give the nature of such right (i.e. lease, deed, contract, etc.), where recorded, describe from whom, to whom, and the date executed, and whether that right is the subject of pending litigation.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

PAGE 1 OF ___

Legal description of property or permit map symbol: 1 2 and 5

Surface/Mineral/or Fee Simple (both): Fee Simple
 Legal owner(s) of record: Walter Minerals, Inc.
 Address: 3000 Riverchase Galleria Suite 1700 City: Birmingham State: AL
 Zip: 35244
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: N/A
 Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:
 Describe the type of document or conveyance, which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Desc Right of Entry (If deed indicate Where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
LEASE	Walter Minerals, Inc	JIM WALTER RES., INC.	12/30/1975	NO

Legal description of property or permit map symbol:

3

Surface/Mineral/or Fee Simple (both): Surface
 Legal owner(s) of record: Drummond Coal Company
 Address: P.O. Box 1549 City: Jasper State: AL Zip: 35502-1549
 Holders of leasehold interest:
 Address: _____ City: _____ State: __ Zip _____
 Purchasers under a real estate contract: N/A
 Address: _____ City: _____ State: __ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance, which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Desc Right of Entry (If deed indicate Where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Agreement	Drummond Coal Company	United Land Corp.	5/23/80	NO
Agreement	United Land Corp.	Jim Walter Res., Inc.	5/23/80	NO

Legal description of property or permit map symbol:

4

Surface/Mineral/or Fee Simple (both): Surface
 Legal owner(s) of record: Alton Hyche
 Address: Route 1 Box 270 City: Brookwood State: AL Zip: 35444
 Holders of leasehold interest:
 Address: _____ City: _____ State: __ Zip _____
 Purchasers under a real estate contract: N/A
 Address: _____ City: _____ State: __ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance, which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Desc Right of Entry (If deed indicate Where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
LEASE	Alton Hyche	Drummond Coal Company Inc.	12/31/87	NO
LEASE	Drummond Coal Company Inc.	Jim Walter Res., Inc.		

Legal description of property or permit map symbol:



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

Legal owner(s) of record: Citizen's Water Service Inc.

Address: P.O. Box 65 N. City: Brookwood State: AL Zip: 35444

Holder(s) of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: N/A

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance, which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Desc Right of Entry (If deed indicate Where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
LEASE	Citizen's Water Service Inc.	JIM WALTER RES., INC.		NO

Legal description of property or permit map symbol:



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

Legal owner(s) of record: Jim Walter Resources, Inc.

Address: P.O. Box 133 City: Brookwood State: AL Zip: 35444

Holder(s) of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: N/A

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance, which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Desc Right of Entry (If deed indicate Where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Deed in Deedbook DB 1093 P-134	United Land Corporation	JIM WALTER RES., INC.	3/26/1991	NO

PART I C. (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED.

INSTRUCTIONS: Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

USE ADDITIONAL SHEETS AS NECESSARY IN THE FORMAT BELOW

PAGE 1 OF 1

Name: Walter Minerals, Inc
Address: 3000 Riverchase Galleria Suite 1700
City: Birmingham State: AL Zip: 35244
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): Owner

Name: Jim Walter Resources, Inc.
Address: P.O. Box 133
City: Brookwood State: AL Zip: 35444
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): Owner

Name: Drummond Coal Company
Address: P.O. Box 1549
City: Jasper State: AL Zip: 35502-1549
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): Owner

Name: Alton Hyché
Address: Route 1 Box 270
City: Brookwood State: AL Zip: 35444
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): Owner

Name: Citizen's Water
Address: P.O. Box 65
City: Brookwood State: AL Zip: 35444
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease , or Other): Owner

3. INTERESTS OR PENDING INTERESTS IN LANDS CONTIGUOUS TO THE PERMIT AREA.

INSTRUCTIONS: Give the legal description of all lands contiguous to the permit area for which the permit applicant:

1. Holds an interest,
2. Holds an option, or
3. Has made a bid for ownership, lease or other interest.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY

PAGE 1 OF 1 NOT APPLICABLE

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

Applicant: JIM WALTER RESOURCES, INC.
Mine Name: Mine #5
Permit Number: P-3256

PART I D. PERMIT AREA INFORMATION

1. Term Information:

- a. Date original permit or subsequent renewal expires: 3/01/2013
- b. Term of original permit or subsequent renewal: 5 years
- c. Requested term of this renewal: 5 years
- d. Sequence number of this renewal: 6

2. Give the legal description of the land upon which the applicant proposes to conduct surface coal mining operations. List each quarter-quarter section, section, township, range, and county.

The SE/SW and NE/SW of Section 12, the NE/NW, SE/NW, SW/NE, NW/SE, NE/SE, SE/SE, SW/SE and SE/SW of Section 13, the SW/NE, SE/NE, NE/SE and NW/SE of Section 23, the NE/NW, SW/NW, SE/NW, NE/SW, NW/SW, NW/NE, NE/NE, SW/NE, SE/NE and NE/SE of Section 24, the NE/NE and SE/NE of Section 25 of Township 20 South, Range 8 West. The SW/SE of Section 17, the SE/SE, SW/SE and SE/SW of Section 18, all of Section 19, the NW/NW, NW/NE, SE/NE, SW/NE, SE/NW, SW/NW, NW/SW, NE/SW, SW/SW, SE/SW, NW/SE, NE/SE and SW/SE of Section 20, the SW/SE and SE/SE of Section 21, the SW/SW, SE/SW and NE/SW of Section 22, the NW/NW, NW/NE and SW/NW of Section 28, the NW/NW, NE/NW, SE/NW, SW/SW, NW/SW, NE/SW, SE/SW, SW/NE, SE/NE, SE/SE, SW/SE, NE/SE and NW/SE of Section 29, the NW/NW, NE/NW, SW/NW, SE/NW, NW/NE, NE/NE, SE/NE, SW/NE and NE/SE of Section 30, the NE/NE, NW/NE, SE/NW, SW/NE, SE/NE, NE/SW and NW/SE of Section 31, the NW/NW, NE/NW, SE/NW, SW/NW, NW/NE and SW/NE of Section 32 of Township 20 South, Range 7 West. All quarters are located in Tuscaloosa County.

3. Give the acreage of the permit, each increment and the type of bonding.

- a. Total permit acreage: 1268 acres
- b. Give the acreage and type of bond for each mining increment:

<u>Increment</u>	<u>Acres</u>	<u>Type Bond Proposed</u>
1.	659	<u>Surety bond</u>
2.	73	<u>Surety bond</u>
3.	254	<u>Surety bond</u>
4.	238	<u>Surety bond</u>
5.	44	<u>Surety bond</u>
Total	1268	

c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: N/A

NOTE: Areas that may be included in the renewal of a permit may include that part of the permit which has not been disturbed by mining and those incidental areas necessary to facilitate the mining operations. For underground mining, existing surface areas contained in the permit may be included in the renewal of a permit. No new acres may be added to the permit as a part of this renewal.

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Permit Number: P-3256

5. List all other licenses and permits required to conduct mining operations including, but not limited to, MSHA I.D. and NPDES. Give the identification or permit number, the name and address of the issuing authority, and the status or date of approval or issuance of each:

<u>Permit Status or Date of issuance</u>	<u>ID or Permit Number</u>	<u>Issuing Authority</u>	<u>Address</u>
<u>1/1/75</u>	<u>01-01322</u>	<u>MSHA</u>	<u>*</u>
<u>10/25/83</u>	<u>AL0029475</u>	<u>ADEM</u>	<u>**</u>

*288 West Valley Avenue, Birmingham, Al. 35209

**PO Box 301463, Montgomery, Al. 36130-1463

6. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application? () YES (XX) NO

If YES, list SOAP I.D. Number: _____

7. Submit a certificate of proof of Liability Insurance with this application.
See Insurance Certificate on file at ASMC.

8. Describe any changes at the mining operation (on-site) which are different from the information given in the original permit application, earlier renewals, or revisions. Examples of such changes would be: previously undetected conditions which are creating adverse environmental effects, changes in the permit application such as the operation plan, reclamation timetable, or post-mining land use. In the case of underground mining operations, the anticipated underground development planned for the term of the renewal shall be described along with a subsidence control plan for the area. This plan is to be in the format of the subsidence control plan found in the permit application.

No. 5 Mine closed in 2006. The preparation plant remains operational and processes coal from Jim Walter Resources' No. 7 Mine.

Applicant: JIM WALTER RESOURCES, INC.

Mine Name: Mine #5

Permit Number: P-3256

PART I E. PUBLIC NOTICE AND AVAILABILITY FOR INSPECTION

12. Give the name of the approved public office in which a copy of this application will be filed for public inspection following notification of completeness: ALABAMA SURFACE MINING COMMISSION, JASPER, AL

13. Enclose a copy of the notice of filing of this application which will appear in a newspaper of general circulation in the vicinity of the mine and identify the name of the newspaper: TUSCALOOSA NEWS, SEE ATTACHMENT

COMPANY NAME: JIM WALTER RESOURCES, INC.
MINE NAME: MINE NO.5 P-3256

NOTICE OF APPLICATION TO RENEW AN UNDERGROUND COAL MINING PERMIT

Pursuant to Rule 880-X-8M.08, Jim Walter Resources, Inc. Route One Box 133, Brookwood, Alabama 35444, hereby gives notice that it has filed an application to renew permit P-3256-63-13-U for its #5 Mine located in the SE/SW and NE/SW of Section 12, the NE/NW, SE/NW, SW/NE, NW/SE, NE/SE, SE/SE, SW/SE and SE/SW of Section 13, the SW/NE, SE/NE, NE/SE and NW/SE of Section 23, the NE/NW, SW/NW, SE/NW, NE/SW, NW/SW, NW/NE, NE/NE, SW/NE, SE/NE and NE/SE of Section 24, the NE/NE and SE/NE of Section 25 of Township 20 South, Range 8 West. The SW/SE of Section 17, the SE/SE, SW/SE and SE/SW of Section 18, all of Section 19, the NW/NW, NW/NE, SE/NE, SW/NE, SE/NW, SW/NW, NW/SW, NE/SW, SW/SW, SE/SW, NW/SE, NE/SE and SW/SE of Section 20, the SW/SE and SE/SE of Section 21, the SW/SW, SE/SW and NE/SW of Section 22, the NW/NW, NW/NE and SW/NW of Section 28, the NW/NW, NE/NW, SE/NW, SW/SW, NW/SW, NE/SW, SE/SW, SW/NE, SE/NE, SE/SE, SW/SE, NE/SE and NW/SE of Section 29, the NW/NW, NE/NW, SW/NW, SE/NW, NW/NE, NE/NE, SE/NE, SW/NE and NE/SE of Section 30, the NE/NE, NW/NE, SE/NW, SW/NE, SE/NE, NE/SW and NW/SE of Section 31, the NW/NW, NE/NW, SE/NW, SW/NW, NW/NE and SW/NE of Section 32 of Township 20 South, Range 7 West. All quarters are located in Tuscaloosa County.

A copy of the renewal application is available for public inspection and review on the Alabama Surface Mining Commission website, <http://surface-mining.alabama.gov>. A copy of the permit renewal is also available for public inspection and review at the office of the Alabama Surface Mining located on the second floor of the Pinnacle Bank Building at 1811 2nd Avenue, Jasper, Alabama 35501.

Written comments, objections, request for public hearing or request for informal conferences concerning this permit renewal should be sent to the Alabama Surface Mining Commission, P.O. 2390, Jasper, 35502-2390, no later than 30 days from the last date of publication of this notice.