

**JIM WALTER RESOURCES, INC.
MINE NO. 4, P-3260, R-38**

JIM WALTER RESOURCES, INC.

MINE NO. 4

P-3260-63-13-U

REVISION R-38

**ALABAMA SURFACE MINING COMMISSION
SURFACE MINING PERMIT APPLICATION**

P A R T I

**JIM WALTER RESOURCES, INC.
MINE NO. 4, P-3260, R-38**

ASMC USE ONLY

Fee: _____

Bond Required: _____

Date Approved: _____

APPLICATION FOR PERMIT REVISION

Name of Permittee: JIM WALTER RESOURCES, INC.

License Number: L-613 Complete Permit Number: P-3260-63-13-U

Expiration Date of Permit: March 1, 2013 Revision Number: R-38

Mine Name: MINE NO. 4

Nature of Proposed Revision:

1. Add 9 acres for ancillary road and 2 acres for borehole site to Increment No. 1 in Sections 25, 26 & 27, Township 19 South, Range 8 West. (Total 11 acres)
2. Submit modification plans for Rock Dump No. 5. (No acreage change)

Identify any conditions placed on this Permit that would relate to the proposed revision being requested:

None

Attach detailed estimate of effect of proposed revision on reclamation costs.

None

Note: Upon review of this application, ASMC will notify the permittee of required information and of the necessity of public notice.

STATE OF ALABAMA SURFACE MINING COMMISSION

- () Permit Application for a Surface Coal Mine
(**XX**) Permit Application for an Underground Coal Mine
() Permit Application for a Preparation Facility

PART I A. IDENTIFICATION

1. PERMIT APPLICANT

Name: Jim Walter Resources, Inc.
Street Address: 16243 Highway 216
City: Brookwood State: AL Zip: 35444
Mailing Address: P. O. BOX 133
City: Brookwood State: AL Zip: 35444
Telephone Number: (205) 556-6150
Social Security Number(Voluntary): - -
Employer Identification Number: 59-2981186
ASMC License#: L-613

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

Name: JIM WALTER RESOURCES, Inc.
Street Address: 16243 Highway 216
City: Brookwood State: AL Zip: 35444
Mailing Address: P. O. BOX 133
City: Brookwood State: AL Zip: 35444
Telephone Number: (205) 556-6150
Social Security Number(Voluntary): - -
Employer Identification Number: 59-2981186
ASMC License#: L-613

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

Name: SAME AS PERMITTEE
Street Address: _____
City: _____ State: AL Zip: _____
Mailing Address: _____
City: _____ State: AL 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
Email address: jstricklin@jwrinc.com

**JIM WALTER RESOURCES, INC.
MINE NO. 4, P-3260, R-38**

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: JIM WALTER RESOURCES, Inc .
Street Address: 16243 Highway 216
City: Brookwood State: AL Zip: 35444
Mailing Address: P. O. BOX 133
City: Brookwood State: AL Zip: 35444
Telephone Number: (205) 556-6150
Social Security Number(Voluntary): - -
Employer Identification Number: 59-2981186
ASMC License#: L-613

**JIM WALTER RESOURCES, INC.
MINE NO. 4, P-3260, R-38**

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

Legal description of property or permit map symbol:



Surface/Mineral/or Fee Simple both): SURFACE

Legal owner(s) of record: SHOOK ESTATE C/O AM SOUTH BANK (ALAN MORRIS)

Address: P.O BOX 11426 City: BIRMINGHAM State: AL Zip: 35202

Holders of leasehold interest: _____

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

Purchasers under a real estate contract: _____

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.

Describe Right of Entry (if deed indicate where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending ? (yes of No) If yes please
LEASE	SHOOK ESTATE	JIM WALTER RESOURCES, INC.	7-22-13	NO

**JIM WALTER RESOURCES, INC.
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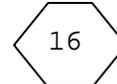
PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

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

Page 2 of 6

Legal description of property or permit map symbol:

Surface/Mineral/or Fee Simple both): Surface



Legal owner(s) of record: ROBERT ALLISON RIVES, ESTATE, C/O SOUTHTRUST BANK OF ALABAMA

Address: P.O. BOX 40062. City: JACKSONVILLE State: FL Zip: 32203

Holders of leasehold interest: _____

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

Purchasers under a real estate contract: _____

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.

Describe Right of Entry (if deed indicate where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending ? (yes of No) If yes please
LEASE	RIVES ESTATE	JIM WALTER RESOURCES, INC.	5-1-94	NO

**JIM WALTER RESOURCES, INC.
MINE NO. 4, P-3260, R-38**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

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

INSTRUCTIONS:

Legal description of property or permit map symbol:



Surface/Mineral/or Fee Simple both): Surface

Legal owner(s) of record: ALAWEST – AL LLC

Address: P.O. BOX 412 City: NORTHPORT State: AL Zip: 35476

Holders of leasehold interest: _____

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

Purchasers under a real estate contract: _____

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.

Describe Right of Entry (if deed indicate where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending ? (yes of No) If yes please
Surface use agreement	ALAWEST	JIM WALTER RESOURCES, INC.	2-26-13	NO

**JIM WALTER RESOURCES, INC.
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PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

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

INSTRUCTIONS:

Legal description of property or permit map symbol:



Surface/Mineral/or Fee Simple both): Surface

Legal owner(s) of record: MICHAEL GERADO

Address: 6843 CHESSER RD City: CONCORD State: AL Zip: 35023

Holders of leasehold interest: _____

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

Purchasers under a real estate contract: _____

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.

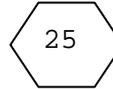
Describe Right of Entry (if deed indicate where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending ? (yes of No) If yes please
Surface Use Agreement	MICHAEL GERADO	JIM WALTER RESOURCES, INC.	3-2-13	NO

**JIM WALTER RESOURCES, INC.
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PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

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

Legal description of property or permit map symbol:



Surface/Mineral/or Fee Simple both): Surface

Legal owner(s) of record: CHARLES A. BUCKLAND.

Address: 13158 ALLISON DR. City: LAKEVIEW State: AL Zip: 35111

Holders of leasehold interest: _____

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

Purchasers under a real estate contract: _____

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.

Describe Right of Entry (if deed indicate where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending ? (yes of No) If yes please
Surface Use Agreement	CHARLES A. BUCKLAND	JIM WALTER RESOURCES, INC.	3-2-13	NO

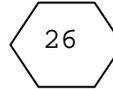
**JIM WALTER RESOURCES, INC.
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PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

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

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Legal description of property or permit map symbol:



Surface/Mineral/or Fee Simple both): Surface

Legal owner(s) of record: JAMES A. SMITH

Address: P.O. BOX 7 City: KELLERMAN State: AL Zip: 35468

Holders of leasehold interest: _____

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

Purchasers under a real estate contract: _____

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.

Describe Right of Entry (if deed indicate where recorded)	Granted From:	Granted To:	Date Granted:	Litigation Pending ? (yes of No) If yes please
Surface Use Agreement	JAMES A. SMITH	JIM WALTER RESOURCES, INC.	3-1-13	NO

**JIM WALTER RESOURCES, INC.
MINE NO. 4, P-3260, R-38**

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 IN THE FORMAT BELOW AS NECESSARY

Page 1 of 1

Name: SHOOK ESTATE C/O AMSOUTH BANK (ALAN MORRIS)

Address: P.O. BOX 11426

City: BIRMINGHAM State: AL Zip: 35202

Interest owned (Surface Coal or Fee Simple): SURFACE

Type of Interest (Owner, Lease, or Other): OWNER

Name: ROBERT ALLISON RIVES, ESTATE, C/O SOUTHTRUST BANK OF ALABAMA

Address: P.O. BOX 40062

City: JACKSONVILLE State: FL Zip: 32203

Interest owned (Surface Coal or Fee Simple): SURFACE

Type of Interest (Owner, Lease, or Other): OWNER

Name: ALAWEST – AL LLC.

Address: P.O. BOX 412

City: NORTHPORT State: AL Zip: 35476

Interest owned (Surface Coal or Fee Simple): SURFACE

Type of Interest (Owner, Lease, or Other): OWNER

Name: MICHAEL GERADO

Address: 6843 CHESSER RD.

City: CONCORD State: AL Zip: 35023

Interest owned (Surface Coal or Fee Simple): SURFACE

Type of Interest (Owner, Lease, or Other): OWNER

Name: CHARLES A. BUCKLAND

Address: 13158 ALLSION DR.

City: LAKEVIEW State: AL Zip: 35111

Interest owned (Surface Coal or Fee Simple): SURFACE

Type of Interest (Owner, Lease, or Other): OWNER

Name: JAMES A. SMITH

Address: P.O. BOX. 7.

City: KELLERMAN State: AL Zip: 35468

Interest owned (Surface Coal or Fee Simple): SURFACE

Type of Interest (Owner, Lease, or Other): OWNER

PART I C. (CONTINUED)

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

THE APPLICANT HAS NO INTEREST IN ANY LANDS OR CONTIGUOUS LAND
OTHER THAN THE PERMITTED AREA.

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 AS NECESSARY

=====
Page 1 of
=====

Legal description: _____

Describe the nature of the interest: _____

=====
Legal description: _____

Describe the nature of the interest: _____

=====
Legal description: _____

Describe the nature of the interest: _____

=====
Legal description: _____

Describe the nature of the interest: _____

=====

JIM WALTER RESOURCES, INC.
MINE NO. 4, P-3260, R-38

PART I D. PERMIT AREA INFORMATION

1. Give the requested term of this permit: 5 years.
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.

Located in the NE/NE, SE/NE, NE/SE, NW/SE, SW/NE of Section 11; NW/NW, SW/NW, NW/SW of Section 12 all in Township 20 South, Range 8 West, Tuscaloosa County, Alabama; SE/NW, SW/NW, NW/SW of Section 25; NE/SE, NW/SE, NE/SW, NW/SW of Section 26; SE/NW, NE/SW, NW/SE, NE/SE of Section 27 all in Township 19 South, Range 8 West, Tuscaloosa County, Alabama

3. Give the acreage of the permit, each increment and the type of bonding.
- a. Total permit acreage: 2168 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.	1342.0	Surety Bond
2.	161.0	Surety Bond
3.	182.0	Surety Bond
4.	292.0	Surety Bond
5.	191.0	Surety Bond

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Inc. No. 1

4. Has any acreage in the proposed permit area been previously disturbed by mining? (XX) YES () NO

If yes, supply the following for any and all previously disturbed areas:

- a. Show the boundaries of the previously disturbed area(s) on the permit map and identify with an appropriate symbol.

SEE [Permit Map](#)

- b. List, for each area, the permit number under which it was disturbed and the number of acres. Indicate the status of each permit as Unreleased, Grading released, or 100% released. (If no permit, indicate as such)

<u>Permit</u>	<u>Acres</u>	<u>Status</u>
<u>NA</u>	<u> </u>	<u>Pre-Law</u>
<u>P-3427</u>	<u> </u>	<u>100% released</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

5. Is disturbance to be conducted within 300 feet, measured horizontally, from an occupied dwelling?
() YES (XX) NO.

If YES, attach a signed waiver from the owner of the dwelling indicating the minimum distance disturbance will be allowed by the owner.

**JIM WALTER RESOURCES, INC.
MINE NO. 4, P-3260, R-38**

PART I D. (CONTINUED)

6. Is disturbance proposed within 100 feet of a public road right-of-way or will a public road be closed or relocated?

() YES (XX) NO.

If YES, enclose a copy of the approval granted by the government entity which has jurisdiction over the road. The approval must state the minimum distance disturbance will be allowed to the road or road right-of-way.

7. 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:

Permit	ID or Permit Number	Issuing Authority	Address	Status or date of issuance
<u>MSHA ID</u>	<u>01-01247</u>	<u>MSHA</u>	<u>228 West Valley Ave. Birmingham, AL 35209</u>	<u>03/27/74</u>
<u>NPDES</u>	<u>AL0026590</u>	<u>ADEM</u>	<u>1751 Federal Drive Montgomery, AL 36130</u>	<u>11/01/88</u>

8. Is the property in the permit covered by zoning or other land use restrictions? () YES (XX) NO.

If yes, indicate the jurisdictional authority and zoning or land use restriction for the entire permit area. If more than one zoning classification exists for the permit area, identify the boundaries of each on the permit map.

Jurisdictional Authority	Zoning Classification	Allows mining? Yes or No
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. Describe access to the proposed mine from a known point on the nearest public highway:

See Original Permit.

10. 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: _____

11. Submit a certificate of proof of Liability Insurance with this application.

See ASMC Master Insurance File

12. Give the name of the approved public office in which copy of this application will be filed or public inspection following notification of completeness: The Alabama Surface Mining Commission

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: See Attachment I-E-13

PUBLIC NOTICE FILING OF PERMIT APPLICATION

In accordance with the provision of Act No. 81-435 of the State of Alabama and the regulations promulgated under this act, Jim Walter Resources, Inc., 16243 Highway 216, Brookwood, AL 35444 is filing an application to revise the permit P-3260, Revision R-38 of Mine No. 4, Underground Mine.

Located in the NE/NE, SE/NE, NE/SE, NW/SE, SW/NE of Section 11; NW/NW, SW/NW, NW/SW of Section 12 all in Township 20 South, Range 8 West, Tuscaloosa County, Alabama; SE/NW, SW/NW, NW/SW of Section 25; NE/SE, NW/SE, NE/SW, NW/SW of Section 26; SE/NW, NE/SW, NW/SE, NE/SE of Section 27 all in Township 19 South, Range 8 West, Tuscaloosa County, Alabama

Nature of Proposed Revision:

1. Add 9 acres for ancillary road and 2 acres for borehole site to Increment No. 1 in Sections 25, 26 & 27, Township 19 South, Range 8 West. (Total 11 acres)
2. Submit modification plans for Rock Dump No. 5. (No acreage change)

A copy of the permit revision 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 revision application is also available for public inspection and review at the office of the Alabama Surface Mining Commission 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 should be sent to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, no later than 30 days from the last date of publication of this notice.

This notice to be published in the Tuscaloosa News Newspaper on the following four (4) dates: August 31st, Sept. 7th, Sept. 14th, and Sept. 21st.