

**ASMC Use Only:**

Fee: \_\_\_\_\_  
Bond Required: \_\_\_\_\_  
Date Approved: \_\_\_\_\_

APPLICATION FOR PERMIT REVISION

Name of Permittee: Birmingham Coal & Coke Co., Inc.

License Number: L-378 Permit Number: P-3831-67-12-S

Permit Expiration Date: 11-12-12 Mine Name: Bear Creek Mine

Revision Number: Revision R-7

Nature of Revision:

1. Add 83.0 acres to Increment No. 5; mining area, diversions, and Basin 019P.
2. Relocate Basin 009P.
3. Change the post mining landuse of Basin 009P from a temporary impoundment to a permanent water impoundment, fish and wildlife habitat.
4. Update the Operations Plan with regard to cut alignment.
5. Update the Drainage Control Plan.
6. Update the Hydrologic Monitoring Plan.
7. Extend the Top Soil Variance to include area added by Revision R-7.
8. Delete 2 mining acres from Increment No. 5 as undisturbed.
9. Relocate Basin 010P.

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

Applicant: Birmingham Coal & Coke Co., Inc.  
Mine Name: Bear Creek Mine  
Permit Number: P- 3831, Revision R-7

# STATE OF ALABAMA

## SURFACE MINING COMMISSION

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

### PART I A. IDENTIFICATION

#### 1. PERMIT APPLICANT

Name: Birmingham Coal & Coke Co., Inc.  
Street Address: 2477 Valleydale Road, Suite B3  
City: Birmingham State: AL Zip: 35244  
Mailing Address: 2477 Valleydale Road, Suite B3  
City: Birmingham State: AL Zip: 35244  
Telephone Number: ( 205 ) 982-8971  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: 63-\_\_\_\_\_  
ASMC License#: L-378

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

Name: Birmingham Coal & Coke Co., Inc.  
Street Address: 2477 Valleydale Road, Suite B3  
City: Birmingham State: AL Zip: 35244  
Mailing Address: 2477 Valleydale Road, Suite B3  
City: Birmingham State: AL Zip: 35244  
Telephone Number: ( 205 ) 982-8971  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: 63-\_\_\_\_\_  
ASMC License#: L-378

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

Name: Birmingham Coal & Coke Co., Inc.  
Street Address: 2477 Valleydale Road, Suite B3  
City: Birmingham State: AL Zip: 35244  
Mailing Address: 2477 Valleydale Road, Suite 3B  
City: Birmingham State: AL Zip: 35244  
Telephone Number: ( 205 ) 982-8971  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: 63-\_\_\_\_\_  
ASMC License#: L-378

#### 4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE

Name: Stephen Miles c/o PERC Engineering Co., Inc.  
Mailing Address: P. O. Box 1712  
City: Jasper State: AL Zip: 35502  
Telephone Number: ( 205 ) 295-3112

Also Please Copy: Thomas A. Lewis  
Birmingham Coal & Coke Co., Inc.  
2477 Valleydale Road, Suite B3  
Birmingham, AL 35244

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**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: \_\_\_\_\_

Annie Mae Hendrix Montgomery (S)

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

Legal owner(s) of record: Annie Mae Hendrix Montgomery (S)

Address: 14424 Highway 43 City: Russellville State: AL Zip: 35653

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 or No) If yes, explain.
Lease	Annie Mae Hendrix Montgomery	Birmingham Coal & Coke Company, Inc.	8/27/02	No

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**PART I C 1. (CONTINUED)**

Legal description of property or permit map symbol: Bobby Wise (S)

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

Legal owner(s) of record: Bobby Wise

Address: 495 Withlock Branch Road City: Russellville State: AL Zip: 35653

Holder(s) 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 or No) If yes, explain.
Lease	Bobby Wise	Birmingham Coal & Coke Company, Inc.	11/25/03	No

Legal description of property or permit map symbol: Earl Hughes (S)

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

Legal owner(s) of record: Earl Hughes

Address: Route 3 Box 328 City: Haleyville State: AL Zip: 35565

Holder(s) 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 or No) If yes, explain.
Lease	Earl Hughs	Birmingham Coal & Coke Company, Inc.	12/24/03	No

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**PART I C 1. (CONTINUED)**

Legal description of property or permit map symbol: \_\_\_\_\_  
Bankhead Development Co., Inc. (S)  
 Surface/Mineral/or Fee Simple (both): Surface  
 Legal owner(s) of record: Bankhead Development Co. Inc.  
 Address: P. O. Box 2385 City: Jasper State: AL Zip: 35502  
 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 or No) If yes, explain.
Lease	Bankhead Development Co., Inc.	Birmingham Coal & Coke Company, Inc.	02/26/04	No

Legal description of property or permit map symbol: \_\_\_\_\_  
Timothy & Michelle Maddox (S)  
 Surface/Mineral/or Fee Simple (both): Surface  
 Legal owner(s) of record: Timothy & Michelle Maddox  
 Address: 520 Highway 185 City: Haleyville State: AL Zip: 35565  
 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 or No) If yes, explain.
Lease	Timothy & Michelle Maddox	Birmingham Coal & Coke Company, Inc.	09/07/02	No

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**PART I C 1. (CONTINUED)**

Legal description of property or permit map symbol: Stratt & Lolita Barnes (S)

Surface/Mineral/or Fee Simple (both): Surface  
 Legal owner(s) of record: Stratt & Lolita Barnes  
 Address: 2117 Wilson Blvd. City: Russellville State: AL Zip: 35653  
 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 or No) If yes, explain.
Lease	Stratt & Lolita Barnes	Birmingham Coal & Coke Company, Inc.	8/23/02	No

Legal description of property or permit map symbol: Stratt & Lolita Barnes (Fee)

Surface/Mineral/or Fee Simple (both): Fee  
 Legal owner(s) of record: Stratt & Lolita Barnes  
 Address: 2117 Wilson Blvd. City: Russellville State: AL Zip: 35653  
 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 or No) If yes, explain.
Lease	Stratt & Lolita Barnes	Birmingham Coal & Coke Company, Inc.	8/23/02	No

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**PART I C 1. (CONTINUED)**

Legal description of property or permit map symbol: Henry W. Calmes Est. 1/2 Int. C/O of Morgan Keegan (S)  
 Surface/Mineral/or Fee Simple (both): Surface  
 Legal owner(s) of record: Charles Tweedy 1/2 Interest  
 Address: P. O. Box 1647 City: Jasper State: AL Zip: 35502  
 Legal owner(s) of record: Henry W. Calmes Est. 1/2 Int. C/O of Morgan Keegan  
 Address: PO Box 11566 City: Birmingham State: AL Zip: 35502  
 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 or No) If yes, explain.
Lease	Charles Tweedy 1/2 Int.	Birmingham Coal & Coke Company, Inc.	8/16/02	No
	Henry Calmes c/o Morgan Keegan 1/2 Int.		8/22/02	No

Legal description of property or permit map symbol: Lake Ronel Oil Company (M)

Surface/Mineral/or Fee Simple (both): Mineral  
 Legal owner(s) of record: Lake Ronel Oil Company  
 Address: P. O. Box 179 City: Tyler State: TX Zip: 75701  
 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 or No) If yes, explain.
Lease	Lake Ronel Oil Company	Birmingham Coal & Coke Company, Inc.	09/03/03	No

**PART I C 1. (CONTINUED)**

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**PART I C 1. (CONTINUED)**

Legal description of property or permit map symbol: Regions Morgan Keegan Bank (M)

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

Legal owner(s) of record: Regions Morgan Keegan Bank

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Holder(s) of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchaser(s) 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 or No) If yes, explain.
Lease	Regions Morgan Keegan Bank	Birmingham Coal & Coke Company, Inc.	07/08/05 and 08/22/02	No

Legal description of property or permit map symbol: \_\_\_\_\_

James A. Procuero (Fee)

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

Legal owner(s) of record: James A. Procuero

Address: 4692 Yeager Road City: Douglasville State: GA Zip: 30135

Holder(s) of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchaser(s) 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 or No) If yes, explain.
Lease	James A. Procuero	Birmingham Coal & Coke Company, Inc.	06/14/05	No

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**PART I C 1. (CONTINUED)**

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Legal description of property or permit map symbol: Charles E. & Emma Spears (Fee)

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

Legal owner(s) of record: Charles E. & Emma Spears

Address: 630 Piney Woods Road City: Russellville State: AL Zip: 35654

Holder(s) 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 or No) If yes, explain.
Lease	Charles E. & Emma Spears	Birmingham Coal & Coke Company, Inc.	11/17/06	No

Legal description of property or permit map symbol: Robert Batchelor (Fee)

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

Legal owner(s) of record: Robert Batchelor

Address: 2715 15th Ave. City: Haleyville State: AL Zip: 35565

Holder(s) 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 or No) If yes, explain.
Lease	Robert Batchelor	Birmingham Coal & Coke Company, Inc.	02/01/06	No

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**PART I C 1. (CONTINUED)**

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Legal description of property or permit map symbol: Donald L. Posey (Fee)

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

Legal owner(s) of record: Donald L. Posey

Address: 1700 28th Street City: Haleyville State: AL Zip: 35565

Holder(s) 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 or No) If yes, explain.
Lease	Donald L. Posey	Birmingham Coal & Coke Company, Inc.	11/11/05	No

Legal description of property or permit map symbol: \_\_\_\_\_

Murell Posey (Fee)

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

Legal owner(s) of record: Murell Posey

Address: 1606 Highland Lake Trail City: Birmingham State: AL Zip: 35246

Holder(s) 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 or No) If yes, explain.
Lease	Murell Posey	Birmingham Coal & Coke Company, Inc.	11/11/05	No

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**PART I C 1. (CONTINUED)**

Legal description of property or permit map symbol: \_\_\_\_\_  
Ken and Belinda Howard (S)

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

Legal owner(s) of record: Ken and Belinda Howard

Address: 2231 Highway 185 City: Haleyville State: AL Zip: 35565

Holder(s) 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 or No) If yes, explain.
Lease	Ken & Belinda Howard	Birmingham Coal & Coke Company, Inc.	12/21/05	No

Legal description of property or permit map symbol: \_\_\_\_\_  
Michael Stanford (Fee)

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

Legal owner(s) of record: Michael Stanford

Address: PO Box 1172 City: Russellville State: AL Zip: 35653

Holder(s) 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 or No) If yes, explain.
Lease	Michael Stanford	Birmingham Coal & Coke Co., Inc.	11-20-08	No

Applicant: Birmingham Coal & Coke Co., Inc.  
 Mine Name: Bear Creek Mine  
 Permit Number: P- 3831, Revision R-7

**PART I C 1. (CONTINUED)**

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Legal description of property or permit map symbol: \_\_\_\_\_  
Dewey Oliver, Jr. (Fee)  
 Surface/Mineral/or Fee Simple (both): Fee  
 Legal owner(s) of record: Dewey Oliver, Jr.  
 Address: 651 Edgehill Wood Court City: Manakin-Sabot State: VA Zip: 23103  
 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 or No) If yes, explain.
Lease	Dewey Oliver, Jr.	Birmingham Coal & Coke Co., Inc.	10/17/05	No

Legal description of property or permit map symbol: \_\_\_\_\_  
LB LLC (Fee)  
 Surface/Mineral/or Fee Simple (both): Fee Simple  
 Legal owner(s) of record: LB LLC c/o Lucy Batchelor  
 Address: 2715 15th Ave. City: Haleyville State: AL Zip: 35565  
 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 or No) If yes, explain.
Lease	LB LLC	Birmingham Coal & Coke Co., Inc.	02/01/06	No







Applicant: <u>Birmingham Coal &amp; Coke Co., Inc.</u> Mine Name: <u>Bear Creek Mine</u> Permit Number: P- <u>3831, Revision R-7</u>
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**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.  
SW 1/4 of SE 1/4 and SE 1/4 of SW 1/4 of Section 17, NE 1/4 of NW 1/4, SE 1/4 of NW 1/4, NW 1/4 of NE 1/4, NE 1/4 of NE 1/4, SW 1/4 of NE 1/4, NW 1/4 of SW 1/4, NE 1/4 of SW 1/4, SW 1/4 of SW 1/4, SE 1/4 of SW 1/4, NW 1/4 of SE 1/4 and SW 1/4 of SE 1/4, SE 1/4 of NE 1/4, NE 1/4 of SE 1/4 of Section 20, NW 1/4 of NW 1/4, SE 1/4 of SW 1/4 and SW 1/4 of SE 1/4, SW 1/4 of NW 1/4 of Section 21, NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, SW 1/4 of NW 1/4, SE 1/4 of NW 1/4, NW 1/4 of NE 1/4, SW 1/4 of NE 1/4, NE 1/4 of SW 1/4, NW 1/4 of SW 1/4, SE 1/4 of SW 1/4, NW 1/4 of SE 1/4, NE 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Section 28, NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, NE 1/4 of NE 1/4, NW 1/4 of NE 1/4 and SE 1/4 of NE 1/4 of Section 29, all located in Township 8 South, Range 10 West, Franklin County, Alabama.

3. Give the acreage of the permit, each increment and the type of bonding.
  - a. Total revision acreage: add 83 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.	<u>100</u>	<u>Letter of Credit</u>
3.	<u>189</u>	<u>Letter of Credit</u>
5.	<u>465</u>	<u>Letter of Credit</u>
6.	<u>18</u>	<u>Letter of Credit</u>
7.	<u>9</u>	<u>Letter of Credit</u>

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Increment 5.
4. Has any acreage in the proposed permit area been previously disturbed by mining? (XXX)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.
- 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>Pre-Law</u>	<u>25.0</u>	<u>Unreclaimed</u>
_____	_____	_____
_____	_____	_____

- c. For each area which has not been reclaimed or received a 100% release, indicate whether you intend to assume responsibility for reclamation of the area under this permit and its performance bond(s). Birmingham Coal & Coke Company, Inc. will accept responsibility for all disturbance of the previously disturbed area on this permit.
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.

Applicant: <u>Birmingham Coal &amp; Coke Co., Inc.</u>
Mine Name: <u>Bear Creek Mine</u>
Permit Number: P- <u>3831, Revision R-7</u>

**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? (XX)YES ( )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.

See approval letter from Franklin County Engineer.

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>01-03162</u>	<u>M.S.H.A.</u>	<u>*</u>	<u>09-01-02</u>
<u>NPDES</u>	<u>AL0025399</u>	<u>A.D.E.M.</u>	<u>**</u>	<u>02-01-02</u>

\* 228 West Valley Avenue, Birmingham, AL 35209

\*\* 1400 Coliseum Blvd., Montgomery, AL 36130

8. Is the property in the permit covered by zoning or other land use restrictions?  
( )YES ( X )NO.  
If yes, indicate the jurisdictional authority and zoning or landuse area. If more than one zoning classification exists for the permit area, identify the boundaries of each 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: From the intersection of Alabama Highway 243 and Franklin County Road 185, travel south on Franklin County Road 185 approximately 1.0 mile. The mine site will be located on the right and left side of the road.

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

If YES, list SOAP I.D. Number: \_\_\_\_\_

11. Submit a certificate of proof of Liability Insurance with this application. See ASMC Master File

**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: \_\_\_\_\_  
ASMC website <http://surface-mining.alabama.gov/PermitApplications.html>

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: Franklin County Times  
See Attachment I-E-13

Applicant: <u>Birmingham Coal &amp; Coke Co., Inc.</u>
Mine Name: <u>Bear Creek Mine</u>
Permit Number: P- <u>3831, Revision R-7</u>

Attachment I-E-13

PUBLIC NOTICE OF FILING OF PERMIT APPLICATION

In accordance with the provisions of Act No.81-435 of the State of Alabama and the regulations promulgated under this act, Birmingham Coal & Coke Company, Inc. 2477 Valleydale Road, Birmingham, Alabama 35244, hereby gives notice that it has filed an application with the Alabama Surface Mining Commission to revise permit P-3831-67-12-S for its Bear Creek Mine located in the SW 1/4 of SE 1/4 and SE 1/4 of SW 1/4 of Section 17, NE 1/4 of NW 1/4, SE 1/4 of NW 1/4, NW 1/4 of NE 1/4, NE 1/4 of NE 1/4, SW 1/4 of NE 1/4, NW 1/4 of SW 1/4, NE 1/4 of SW 1/4, SW 1/4 of SW 1/4, SE 1/4 of SW 1/4, NW 1/4 of SE 1/4 and SW 1/4 of SE 1/4, SE 1/4 of NE 1/4, NE 1/4 of SE 1/4 of Section 20, NW 1/4 of NW 1/4, SE 1/4 of SW 1/4 and SW 1/4 of SE 1/4, SW 1/4 of NW 1/4 of Section 21, NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, SW 1/4 of NW 1/4, SE 1/4 of NW 1/4, NW 1/4 of NE 1/4, SW 1/4 of NE 1/4, NW 1/4 of SW 1/4, NE 1/4 of SW 1/4, SW 1/4 of SW 1/4, SE 1/4 of SW 1/4, NW 1/4 of SE 1/4, NE 1/4 of SE 1/4, SW 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Section 28, NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, NE 1/4 of NE 1/4, NW 1/4 of NE 1/4 and SE 1/4 of NE 1/4 of Section 29, all located in Township 8 South, Range 10 West, Franklin County, Alabama.

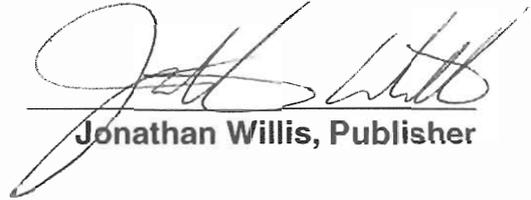
Revision R-7 includes: 1)Add 81 acres to Increment No. 5; mining area, diversions, and Basin 019P, 2)Delete 7 acres from Increment No. 5 as undisturbed; mining area, diversions and Basin 010P, 3)Relocate Basin 009P, 4)Change the post mining landuse of Basin 009P from a temporary impoundment to a permanent water impoundment, fish and wildlife habitat, 5)Update the Operations Plan with regard to cut alignment, 6)Update the Drainage Control Plan, 7)Update the Hydrologic Monitoring Plan and 8)Extend the Top Soil Variance to include area added by Revision R-7.

A copy of the permit revision application is available for public inspection at the Alabama Surface Mining Commission website <http://surface-mining.alabama.gov/PermitApplications.html> Written comments, objections, or requests for informal conferences should be submitted to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, within 30 days from the last publication of this notice.

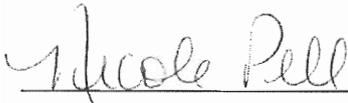
STATE OF ALABAMA

FRANKLIN COUNTY

Before me a Notary Public, in and for said state and county, Personally, appeared Jonathan Willis, Publisher of the Franklin County Times, a newspaper published in said state and county, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin County Times for 4 consecutive weekly issues beginning with the issue of April 9, 2011 and ending with the issue of April 30, 2011.

  
Jonathan Willis, Publisher

Subscribed and sworn to before me, this the 30<sup>th</sup> day of April, 2011 at Russellville, Alabama.



Notary Public

My Commission Expires  
January 21, 2015

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1/4, SW 1/4 of NW 1/4, SE 1/4 of NW 1/4, NW 1/4 of NE 1/4, SW 1/4 of NE 1/4, NW 1/4 of SW 1/4, NE 1/4 of SW 1/4, SW 1/4 of SW 1/4, SE 1/4 of SW 1/4, NW 1/4 of SE 1/4, NE 1/4 of SE 1/4, SW 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Section 28, NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, NE 1/4 of NE 1/4, NW 1/4 of NE 1/4 and SE 1/4 of NE 1/4 of Section 29, all located in Township 8 South, Range 10 West, Franklin County, Alabama.

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4/9, 4/16, 4/23, 4/30/11