

TUSCALOOSA RESOURCES, INC.

HOWTON MINE

ALABAMA SURFACE MINING COMMISSION

SURFACE MINING PERMIT APPLICATION

P A R T I

Prepared by:

MCGEHEE ENGINEERING CORP.

P. O. Box 3431

450 19th Street West

Jasper, Alabama 35502-3431

Telephone (205) 221-0686

STATE OF ALABAMA SURFACE MINING COMMISSION

- Renewal Application for a Surface Coal Mine**
 Renewal Application for an Underground Coal Mine
 Renewal Application for a Preparation Facility

PART I A. IDENTIFICATION

1. PERMIT APPLICANT

Name: Tuscaloosa Resources, Inc.
Street Address: 3000 Riverchase Galleria, Suite 1700
City: Birmingham State: AL Zip: 35244
Mailing Address: P. O. Box 361370
City: Birmingham State: AL Zip: 35236-1370
Telephone Number: (205) 745-2668
Social Security Number(Voluntary): - -
Employer Identification Number: 63-1144869
ASMC License#: L-674

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

Name: Tuscaloosa Resources, Inc.
Street Address: 3000 Riverchase Galleria, Suite 1700
City: Birmingham State: AL Zip: 35244
Mailing Address: P. O. Box 361370
City: Birmingham State: AL Zip: 35236-1370
Telephone Number: (205) 745-2668
Social Security Number(Voluntary): - -
Employer Identification Number: 63-1144869
ASMC License#: L-674

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

Name: SAME AS PERMITTEE
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: McGehee Engineering, Corp.
Mailing Address: P. O. Box 3431, 450 19th Street West
City: Jasper State: AL Zip: 35502
Telephone Number: (205) 221-0686

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: Tuscaloosa Resources, Inc.
Street Address: 3000 Riverchase Galleria, Suite 1700
City: Birmingham State: AL Zip: 35244
Mailing Address: P. O. Box 361370
City: Birmingham State: AL Zip: 35236-1370
Telephone Number: (205) 745-2668
Social Security Number(Voluntary): - -
Employer Identification Number: 63-1144869
ASMC License#: L-674

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: F-2

(SEE PERMIT MAP)

Surface/Mineral/or Fee Simple (both): SURFACE & MINERAL

Legal owner(s) of record: MARTIN RAY

Address: P. O. BOX 20065 City: TUSCALOOSA State: AL Zip: 35402

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	MARTIN RAY	TUSCALOOSA RESOURCES INC.	01-16-04	NO

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: F-3

(SEE PERMIT MAP)

Surface/Mineral/or Fee Simple (both): SURFACE & MINERAL

Legal owner(s) of record: WILLIAM H. LINEBARGER

Address: 11907 TIDEWATER DRIVE City: COTTONDALE State: AL Zip: 35453

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	WILLIAM H. LINEBARGER	TUSCALOOSA RESOURCES INC.	PENDING	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 IN THE FORMAT BELOW AS NECESSARY

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Page 1 of 1

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Name: **WALTER MINERALS, INC.**

Address: **P. O. BOX 361370**

City: **BIRMINGHAM** State: **AL** Zip: **35244**

Interest owned (Surface, Coal or Fee Simple): **SURFACE & MINERAL**

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

Name: **MARTIN RAY**

Address: **P. O. BOX 20065**

City: **TUSCALOOSA** State: **AL** Zip: **35402**

Interest owned (Surface, Coal or Fee Simple): **SURFACE & MINERAL**

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

Name: **WILLIAM H. LINEBARGER**

Address: **11907 TIDEWATER DRIVE**

City: **COTTONDALE** State: **AL** Zip: **35453**

Interest owned (Surface, Coal or Fee Simple): **SURFACE & MINERAL**

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

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Page 1 of _
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Legal description: _____

Describe the nature of the interest: _____

=====
Legal description: _____

Describe the nature of the interest: _____

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Legal description: _____

Describe the nature of the interest: _____

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Legal description: _____

Describe the nature of the interest: _____

**TUSCALOOSA RESOURCES, INC.
HOWTON MINE, P-3839**

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.

THE NE/NE & SE/NE OF SECTION 21, THE NW/NW, SW/NW, SE/NW, NE/NW, NW/SW, NE/SW, NW/SE, SW/SE, & SE/SE OF SECTION 22, THE NW/NW, SW/NW, SE/NW, NE/NW, NW/SW, NE/SW, SW/SW, SE/SW, SW/NE, NW/SE, & SW/SE OF SECTION 26, THE NW/NE, SW/NE, SE/NE, NE/NE, NE/NW, NW/SE, NE/SE, & SE/SE OF SECTION 27, THE NE/NE, & SE/NE OF SECTION 34, AND THE NW/NW, NE/NW, & SW/NW OF SECTION 35, ALL IN TOWNSHIP 20 SOUTH, RANGE 8 WEST, ALL IN TUSCALOOSA COUNTY, ALABAMA.

3. Give the acreage of the permit, each increment and the type of bonding.
 - a. Total permit acreage: 679.0 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.	27.0	Certificate of Deposit
2.	163.0	Certificate of Deposit
3.	142.0	Certificate of Deposit
4.	152.0	Certificate of Deposit
5.	186.0	Certificate of Deposit
6.	9.0	Certificate of Deposit

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Inc. No. 3

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.
 - 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>N/A</u>	<u>428.0</u>	<u>Pre-Law</u>
<u>P-3613</u>	<u>19.0</u>	<u>P-3648</u>

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

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

**TUSCALOOSA RESOURCES, INC.
HOWTON MINE, P-3839**

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 NO. Not at this time. In the future, a request will be made of the Tuscaloosa County Commission to abandon the north leg of Howton Loop Road contained within Increment No. 5. Prior to abandonment, a permit revision will be submitted to ASMC for approval.

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
MSHA ID	<u>01-03260</u>	<u>MSHA</u>	228 West Valley Ave. Birmingham, AL 35209	<u>03-05-03</u>
NPDES	<u>AL0075043</u>	<u>ADEM</u>	1400 Coliseum Drive Montgomery, AL 36110	<u>Issued 2-1-03</u>

8. Is the property in the permit covered by zoning or other land use restrictions? YES NO.
 If yes, indicate the jurisdictional authority and zoning or landuse 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
<u>N/A</u>	<u></u>	<u></u>

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

From the intersection of Alabama Highway 216 and Tuscaloosa County Road 59, travel west on Alabama Highway 216 approximately 1.8 miles to Old Alabama Highway 216. Turn right on Old Alabama Highway 216 and travel approximately 0.2 miles to Howton Loop Road. Turn right on Howton Loop Road and travel approximately 0.1 miles to the fork of Howton Loop Road. Take the left fork of Howton Loop Road and travel approximately 0.2 miles to mine entrance on the left. The mine entrance will be marked and signs will be posted.

10. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application?
 YES NO
 If YES, list SOAP I.D. Number: _____

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

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 and Alabama Surface Mining Commission website <http://surface-mining.alabama.gov>
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](#)

**TUSCALOOSA RESOURCES, INC.
HOWTON MINE, P-3839**

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, Tuscaloosa Resources, Inc., 3000 Riverchase Galleria, Suite 1700, Birmingham, AL 35244 is filing an application to renew its permit at Howton Mine (P-3839), Surface Mine. Access to the mine is as follows:

From the intersection of Alabama Highway 216 and Tuscaloosa County Road 59, travel west on Alabama Highway 216 approximately 1.8 miles to Old Alabama Highway 216. Turn right on Old Alabama Highway 216 and travel approximately 0.2 miles to Howton Loop Road. Turn right on Howton Loop Road and travel approximately 0.1 miles to the fork of Howton Loop Road. Take the left fork of Howton Loop Road and travel approximately 0.2 miles to mine entrance on the left. The mine entrance will be marked and signs will be posted.

THE NE/NE & SE/NE OF SECTION 21, THE NW/NW, SW/NW, SE/NW, NE/NW, NW/SW, NE/SW, SE/SW, SW/SW, NW/SE, SW/SE, & SE/SE OF SECTION 22, THE SW/SW OF SECTION 23, THE NW/NW, SW/NW, SE/NW, NE/NW, NW/SW, NE/SW, SW/SW, SE/SW & SW/SE OF SECTION 26, THE NW/NE, SW/NE, SE/NE, NE/NE, NE/NW, NW/SE, NE/SE, & SE/SE OF SECTION 27 AND THE NW/NW & NE/NW OF SECTION 35, ALL IN TOWNSHIP 20 SOUTH, RANGE 8 WEST, ALL IN TUSCALOOSA COUNTY, ALABAMA.

A copy of the permit 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 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.

TO THE TUSCALOOSA NEWS:

Please run this notice once a week for four (4) consecutive weeks beginning September 28th, Oct. 5th, Oct. 12th, and Oct. 19th. Please send invoice and notarized proof of publication to: **McGehee Engineering Corp.**, P. O. Box 3431 Jasper, AL 35502-3431.