

**TUSCALOOSA RESOURCES, INC.**

**EAST BROOKWOOD MINE, R-7**

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

Email: staff's first [name@mcgehee.org](mailto:staff@mcgehee.org)

ASMC USE ONLY

Fee: \_\_\_\_\_

Bond Required: \_\_\_\_\_

Date Approved: \_\_\_\_\_

APPLICATION FOR PERMIT REVISION

Name of Permittee: **Tuscaloosa Resources, Inc.**

License Number: L-674 Complete Permit Number: P-3852-63-15-S

Expiration Date of Permit: December 7, 2015 Revision Number: R-7

Mine Name: East Brookwood Mine

The nature of Revision R-7 is as follows:

1. Add Slurry Impoundment No. 4 to Increment No. 4 (no additional acres)
2. Transfer 23 mining acres from Increment No. 2 to Increment No. 1.
3. Transfer 3 mining acres from Increment No. 1 to Increment No. 2.
4. Transfer Sediment Basin 003 and access (3.0 acres) from Increment No. 2 to Increment No. 3.
5. Request a delay in contemporaneous reclamation for approximately 12 months to allow the design and approval of Slurry Impoundment No. 4.
6. Update the property ownership.

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

None.

# STATE OF ALABAMA SURFACE MINING COMMISSION

- 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: Tuscaloosa Resources, Inc.  
Street Address: 3 Office Park Circle, Suite 112  
City: Birmingham State: AL Zip: 35253  
Mailing Address: P.O. Box 531187  
City: Birmingham State: AL Zip: 35253  
Telephone Number: (205) 870-5275  
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: 3 Office Park Circle, Suite 112  
City: Birmingham State: AL Zip: 35253  
Mailing Address: P.O. Box 531187  
City: Birmingham State: AL Zip: 35253  
Telephone Number: (205) 870-5275  
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: 3 Office Park Circle, Suite 112

City: Birmingham State: AL Zip: 35253

Mailing Address: P.O. Box 531187

City: Birmingham State: AL Zip: 35253

Telephone Number: ( 205 ) 870-5275

Social Security Number (Voluntary): - - -

Employer Identification Number: 63-1144869

ASMC License#: L-674

**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**

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**Page 1 of 2**

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Legal description of property or permit map symbol: S-1, M-1

**(SEE PERMIT MAP)**

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

Legal owner(s) of record: WALTER MINERALS, INC.

Address: 3300 1<sup>ST</sup> AVENUE NORTH City: BIRMINGHAM State: AL Zip: 35222

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	WALTER MINERALS, INC.	TUSCALOOSA RESOURCES INC.	AUG. 29, 2001	NO

**TUSCALOOSA RESOURCES, INC.  
EAST BROOKWOOD MINE, P-3852, R-7**

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

Page 2 of 2

Legal description of property or permit map symbol: \_\_\_\_\_ S-2 \_\_\_\_\_

(SEE PERMIT MAP)

Surface/Mineral/or Fee Simple (both): \_\_\_\_\_ SURFACE \_\_\_\_\_

Legal owner(s) of record: GEORGE W. BALLARD & THOMAS H. YARBROUGH

Address: P.O. BOX 880 City: CARROLLTON State: AL Zip: 35447

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	GEORGE W. BALLARD & THOMAS H. YARBROUGH	TUSCALOOSA RESOURCES INC.	APR. 14, 2005	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: **UNITED LAND CORP.**  
Address: **3300 1<sup>ST</sup> AVENUE NORTH**  
City: **BIRMINGHAM** State: **AL** Zip: **35222**  
Interest owned (Surface, Coal or Fee Simple): **SURFACE & MINERAL**  
Type of Interest (Owner, Lease, or Other): **OWNER**

Name: **GEORGE W. BALLARD & THOMAS H. YARBROUGH**  
Address: **P.O. BOX 880**  
City: **CARROLLTON** State: **AL** Zip: **35447**  
Interest owned (Surface, Coal or Fee Simple): **SURFACE**

**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 1**  
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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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

=====  
Legal description: \_\_\_\_\_  
\_\_\_\_\_

Describe the nature of the interest: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 SW/NW, NW/SW, NE/SW, SE/SW & SW/SE OF SECTION 28, SE/NE & NE/SE OF SECTION 29, NE/NE OF SECTION 32, NW/NW & NE/NW OF SECTION 33, ALL IN TOWNSHIP 20 SOUTH, RANGE 7 WEST, ALL IN TUSCALOOSA COUNTY, ALABAMA.

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

a. Total permit acreage: 397.0 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.	77.0	Certificate of Deposit
2.	40.0	Certificate of Deposit
3.	70.0	Certificate of Deposit
4.	112.0	Certificate of Deposit
5.	13.0	Certificate of Deposit
6.	85.0	No Bond Required

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Inc. No. 4

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>59.0</u>	<u>Pre-Law</u>
<u>P-3648</u>	<u>17.0</u>	<u>Phase III</u>
<u>P-3190</u>	<u>14.0</u>	<u>Phase II</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.

**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
MSHA ID	<u>01-03196</u>	<u>MSHA</u>	228 West Valley Ave. Birmingham, AL 35209	<u>Issued 7-26-00</u>
NPDES	<u>AL0074349</u>	<u>ADEM</u>	1400 Coliseum Drive Montgomery, AL 36110	<u>Issued 9-11-02</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 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 east on Alabama Highway 216 approximately 2.1 miles to the mine entrance on the right. 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 (XX) 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: Tuscaloosa Public Library
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.  
EAST BROOKWOOD MINE, P-3852, R-7  
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, Tuscaloosa Resources, Inc., P.O. Box 361370, Birmingham, Alabama 35244 is filing an application to revise its East Brookwood Mine, P-3852-63-15-S, Surface Mine. Access to the mine is as follows:

From the intersection of Alabama Highway 216 and Tuscaloosa County Road 59, travel east on Alabama Highway 216 approximately 2.1 miles to the mine entrance on the right. The mine entrance will be marked and signs will be posted.

THE SW/NW, NW/SW, NE/SW, SE/SW & SW/SE OF SECTION 28, SE/NE & NE/SE OF SECTION 29, NE/NE OF SECTION 32, NW/NW & NE/NW OF SECTION 33, ALL IN TOWNSHIP 20 SOUTH, RANGE 7 WEST, ALL IN TUSCALOOSA COUNTY, ALABAMA.

The nature of Revision R-7 is as follows:

1. Add Slurry Impoundment No. 4 to Increment No. 4 (no additional acres)
2. Transfer 23 mining acres from Increment No. 2 to Increment No. 1.
3. Transfer 3 mining acres from Increment No. 1 to Increment No. 2.
4. Transfer Sediment Basin 003 and access (3.0 acres) from Increment No. 2 to Increment No. 3.
5. Request a delay in contemporaneous reclamation for approximately 12 months to allow the design and approval of Slurry Impoundment No. 4.
6. Update the property ownership.

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 Saturday January 28<sup>th</sup>, January 30<sup>th</sup>, February 6<sup>th</sup> and February 13<sup>th</sup>. Please send invoice and notarized proof of publication to:

Tuscaloosa Resources, Inc.  
P.O. Box 361370  
Birmingham, Alabama 35244  
Telephone (205) 745-2668

**TUSCALOOSA RESOURCES, INC.  
EAST BROOKWOOD MINE, P-3852, R-7  
ATTACHMENT I-E-13**

If you should have any questions or need additional information, please call:

McGehee Engineering Corp.  
P. O. Box 3431  
Jasper, AL 35502-3431  
Telephone (205) 221-0686