

AFFIDAVIT OF PUBLICATION

THE BIRMINGHAM NEWS COMPANY

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LEGAL NOTICE

In accordance with the provisions of Act No.81-435 of the State of Alabama and the regulations promulgated under this act, Evergreen Mining, LLC, P.O. Box 621, Jasper, Alabama 35502, hereby gives notice that it has filed an application with the Alabama Surface Mining Commission to revise permit P-3674-58-11-S for its Toby Mine located in the Sections 15, 16, 21, and 22, Township 21 South, Range 4 West, Shelby County, Alabama, as shown by the Pea Ridge, Alabama United States Geological Survey quadrangle map.

The revision is as follows: 1) Update the surface ownership within the NW 1/4 of SW1/4, SW 1/4 of SW1/4, and SE 1/4 of SW 1/4 of Section 15, the NE 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Section 16, Township 21 South, Range 4 West, Shelby County, Alabama; 2) Request to change the post mine landuse of Sediment Basins 010, 014, 020, and 022 from temporary to permanent water impoundments.

A copy of the permit application is available for public inspection at the Harrison Regional Public Library in Columbiana, Alabama and on the Alabama Surface Mining Commission website <http://surface-mining.alabama.gov> 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. Bham News: May 26, 29, June 4, 11, 2012

On this 11th day of June

A.D. Two Thousand , and Twelve, Vickie Webb declares that she is an Accounting Clerk of "The Birmingham News" published in the City of Birmingham, in the County of Jefferson, in the State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham News" on the following dates:

June 11, 2012
June 4, 2012
May 29, 2012
May 26, 2012

Vickie Webb
Signed- Vickie Webb

State of Alabama
County of Jefferson

On 6-11-, 2012, Vickie Webb

personally appeared before me, who is personally known to me to be the signer of the above document, and she acknowledged that she signed it.

Nancy S. Bridgman
Nancy S Bridgman, Notary Public

NANCY S BRIDGMAN
NOTARY PUBLIC
STATE OF ALABAMA
MY COMMISSION EXPIRES DEC. 22, 2014