

ASMC Use Only:  
Fee: \_\_\_\_\_  
Bond Required: \_\_\_\_\_  
Date Approved: \_\_\_\_\_

APPLICATION FOR PERMIT REVISION

Name of Permittee: GTM Energy Partners, LLC

License Number: L-780 Permit Number: P-3889-39-13-S

Permit Expiration Date: 03/12/2013 Mine Name: Mine No. 3

Revision Number: Revision R-3

Nature of Revision:

- 1) Add 16.0 Mining Acres to create Increment No. 4.
- 2) Add 1.0 Incidental Acre to Increment No. 1 for Basin 004P.
- 3) Transfer 1 Acre from Increment No. 2 to Increment No. 1 for a Primary Road 1P extension.
- 4) Submit Detailed Design Plans for Primary Road 1P Extension.
- 5) Request to update the drainage control plan with the addition of Basin 004P.
- 6) Update the Operations Plan and include Auger Mining of Final Highwall.
- 7) Request to extend the Topsoil Variance for previously disturbed area added by the Revision R-3 area.
- 8) Submit Detailed Design Plans for Basin 004P.

Attach Detailed estimate of effect of proposed revision on reclamation costs. The proposed changes will have no effect on reclamation cost.

Applicant: GTM Energy Partners, LLC  
Mine Name: Mine No. 3  
Permit Number: P-3889, Revision R-3

# STATE OF ALABAMA SURFACE MINING COMMISSION

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

## PART I A. IDENTIFICATION

### 1. PERMIT APPLICANT

Name: GTM Energy Partners, LLC  
Street Address: 6930 Cahaba Valley Road, Suite 200  
City: Birmingham State: AL Zip: 35242  
Mailing Address: 442 County Road 464  
City: Flat Rock State: AL Zip: 35966  
Telephone Number: ( 256 ) 632-2267  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: 20-8353893  
ASMC License#: I-780

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

Name: Applicant  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone Number: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_  
Social Security Number (Voluntary): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Employer Identification Number: \_\_\_\_\_  
ASMC License#: \_\_\_\_\_

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

Name: 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: Heath Franks c/o PERC Engineering Co., Inc.  
Mailing Address: Post Office Box 1712  
City: Jasper State: AL Zip: 35502-1712  
Telephone Number: (205) 295-3112

### ALSO PLEASE COPY:

GTM Energy Partners, LLC  
442 County Road 464  
Flat Rock, AL 35966  
Telephone: (256) 632-2267

Applicant: GTM Energy Partners, LLC  
Mine Name: Mine No. 3  
Permit Number: P-3889, Revision R-3

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 IA through Part IF 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: NOT APPLICABLE

- 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: Applicant  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Social Security Number (Voluntary): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Employer Identification Number: \_\_\_\_\_  
ASMC License Number: \_\_\_\_\_

Applicant: <u>GTM Energy Partners, LLC</u> Mine Name: <u>Mine No. 3</u> Permit Number: <u>P-3889, Revision R-3</u>
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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

Page 1 of 2

Legal description of property or permit map symbol: North Alabama Mineral Development Company, LTD (FEE)

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

Legal owner(s) of record: North Alabama Mineral Development Company, LTD

Address: 401 Franklin Street City: Huntsville State: Al Zip: 35801

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	North Alabama Mineral Development Company, LTD	GTM Energy Partners, LLC	11-01-06	No

Applicant: GTM Energy Partners, LLC  
 Mine Name: Mine No. 3  
 Permit Number: P-3889, Revision R-3

PART I C 1. (CONTINUED)

Legal description of property or permit map symbol: Michael & Diana Miles (S)

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

Legal owner(s) of record: Michael & Diana Mills

Address: 5061 Black Bluff Road SW City: Rome State: GA Zip: 30161

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.
Easement	Michael & Diana Mills	North Alabama Mineral Development Company, LTD	08-13-97	No
Lease	North Alabama Mineral Development Company, LTD	GTM Energy Partners, LLC	11-01-06	No

Legal description of property or permit map symbol: Wayne Walker (FEE)

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

Legal owner(s) of record: Wayne Walker

Address: 8337 Bellmill Road City: Ooltewah State: TN Zip: 37363

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	Wayne Walker	GTM Energy Partners, LLC	02-20-2009	No

COAL LEASE AGREEMENT

THIS COAL LEASE AGREEMENT (this "Lease") is made and entered into by and between Wayne Walker, ("LESSOR", whether one or more) and GTM ENERGY PARTNERS, LLC ("LESSEE") as of the 20<sup>th</sup> day of February, 2009.

WITNESSETH:

WHEREAS, LESSOR is the owner of those certain lands, and the coal contained therein, situated in Jackson County, Alabama; and more particularly described on Exhibit "A" attached hereto and made a part hereof (said lands and coal being referred to hereinafter as the "Premises"); and

WHEREAS, LESSOR and LESSEE desire to enter into this lease to permit LESSEE to surface mine the Premises and engage in other activities thereon related to mining, removing, storing, transporting, and processing coal and reclaiming the lands.

NOW, THEREFORE, [REDACTED] in hand paid to LESSOR by LESSEE, the receipt and sufficiency whereof are hereby acknowledged, LESSOR and the LESSEE covenant and agree as follows;

1. LESSOR does hereby lease, let and demise the Premises to LESSEE for surface mining and such other uses of the Premises as are related to mining and reclamation.
2. The Initial Term of this Lease shall be for a period of three (3) years commencing on the date of execution of this Lease. LESSEE may at its option renew this Lease for 0 consecutive terms of 0 years each (each a "Renewal Term") by giving written notice to LESSOR on or before the end of the Initial Term or the preceding Renewal Term, providing that LESSEE is not then in default under this lease.
3. LESSEE shall pay to LESSOR as earned royalty ("Production Royalties") the sum of [REDACTED] of the sales price, if LESSOR owns both surface and mineral rights, less transportation costs, per 2,000 pound ton of coal shipped directly from pit or per washed ton shipped from processing plant. All such Production Royalties shall be due and payable on or before the thirtieth (30<sup>th</sup>) day of the month following the month of sale of coal mined from the Premises.
4. LESSEE covenants and agrees to conduct its mining operations on the Premises in conformity with all applicable laws and regulations of the State of Alabama and United States and to obtain and keep in force all necessary and proper permits from regulatory authorities. LESSEE specifically covenants and agrees to comply

AW  
WW

with all applicable laws and regulations, present or future, pertaining to reclamation, air and water pollution and mining and shall indemnify and hold LESSOR harmless from any loss, expense or damage resulting from failure to comply therewith.

5. LESSOR and LESSOR'S designated agents shall have the right to inspect and audit at all reasonable times the pertinent books and records of LESSEE in order to determine the correctness of the royalties that may become due under this Lease. Upon request, LESSEE shall furnish to LESSOR on the thirtieth (30<sup>th</sup>) day of each month copies of truck weight tickets showing the loads and weights of coal hauled from the Premises the preceding month.
6. LESSEE is an independent contractor and relationship between LESSOR and LESSEE is and shall at all times remain that of LESSOR and LESSEE.
7. If LESSEE shall make default in payment of any royalty to the LESSOR under this Lease, LESSOR may give written notice to LESSEE of such default and LESSEE shall have thirty (30) days after said written notice to correct said default and if the same is not corrected within the said thirty (30) days LESSOR shall have the right to immediately terminate this Lease by written notice to LESSEE and all rights of LESSEE hereunder shall thereupon terminate, provide that LESSEE shall have the right and obligation to remain on the Premises for the limited purpose of completing any reclamation work.
8. After mining is complete, LESSEE shall reclaim the Premises, and sow it down in grass, keep it fertilized and limed, fix all washes that may occur for a period of five (5) years, after mining is complete, and otherwise comply with the reclamation requirements of the Alabama Surface Mining Commission ("ASMC"). LESSEE has the right to enter upon the Premises for a period of five (5) years after mining is complete or for such longer period as may be required to complete reclamation as required by the ASMC.
9. Any notice provided for or permitted herein to be given by LESSOR or LESSEE shall be given in writing and shall be conclusively deemed to have been given upon deposit thereof in the United States Mail, Certified and return receipt requested, postage prepaid and addressed to the parties as follows;

Notice to LESSOR:

Wayne Walker  
8337 Bell Mill Rd  
Doltawah, TN 37363

Notice to LESSEE:

GTM ENERGY PARTNERS, LLC  
440 COUNTY ROAD 464  
FLAT ROCK, AL 35966

*pm*  
*w*

In event of a change of address of either party, the party making such change of address shall promptly notify the other party in writing of the new address.

10. LESSOR will not be responsible for any rules and regulations of Federal, State, and County Laws or landlines or to land and personal property belonging to others. LESSOR will not be responsible for any damage done that may occur to other land after mining is complete,

11. LESSOR will not hold LESSEE responsible for any damage that may occur to the Premises that is related to mining.

12. LESSOR or LESSOR'S authorized person shall have the right to enter upon the said Premises to inspect the mining operation along with an authorized person of LESSEE for safety reasons.

IN WITNESS WHEREOF, the parties hereto have executed this Lease in duplicate with each copy to be considered as an original for all purposes and set their hands and seal this 20<sup>th</sup> day of February 2009.

[Signature]  
WITNESS

[Signature]  
LESSOR

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
LESSOR

GTM ENERGY PARTNERS, LLC  
LESSEE

\_\_\_\_\_  
WITNESS

By: [Signature]  
It's: \_\_\_\_\_

[Signature]  
NOTARY

7-25-11  
COMMISSION EXPIRES

[Signature]  
1/20

Copyright 2000

# Property Appraisal Link

## JACKSON COUNTY, AL

Current Date 2/20/2009

Tax Year 2008

### OWNER INFORMATION

**PARCEL** 18-01-11-0-000-008.000 **PPIN** 011645 **TAX DIST** 21  
**NAME** WALKER WAYNE  
**ADDRESS** 8337 BELL MILL RD  
 OOLTEWAH, TN 37363  
**DEED TYPE** BOOK 0085 **PAGE** 0003041  
**PREVIOUS OWNER** WALKER, CLARENCE  
**LAST DEED DATE** 2/16/1984

### DESCRIPTION

NE 1/4 OF SE 1/4 S-11 T-3 R-8

### PROPERTY INFORMATION

**PROPERTY ADDRESS**  
**NEIGHBORHOOD** CY  
**PROPERTY CLASS** SUB CLASS  
**LOT BLOCK**  
**SECTION/TOWNSHIP/RANGE** 11-03 -08  
**LOT DIMENSION**

### ZONING

### PROPERTY VALUES

**LAND:** [REDACTED] **CLASS 1:** **TOTAL ACRES:** 40.00  
**BUILDING:** [REDACTED] **CLASS 2:** **TIMBER ACRES:** 40.00  
 [REDACTED] **CLASS 3:** [REDACTED]  
**TOTAL PARCEL VALUE:** [REDACTED]

### DETAIL INFORMATION

<u>TYPE</u>	<u>REF</u>	<u>METHOD</u>	<u>DESCRIPTION</u>	<u>LAND USE</u>	<u>TC</u>	<u>HsPd</u>	<u>VALUE</u>
LAND	1	MA	LARGE TRACT CC3	40.00 acres	8300	3 N	[REDACTED]



[Back](#)

Applicant: GTM Energy Partners, LLC  
Mine Name: Mine No. 3  
Permit Number: P-3889, Revision R-3

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 AS NECESSARY IN THE FORMAT BELOW

PAGE 1 of 1

Name: North Alabama Mineral Development, LTD  
Address: 401 Franklin Street  
City: Huntsville State: AL Zip: 35765  
Interest owned (Surface, Coal or Fee Simple): Fee  
Type of Interest (Owner, Lease, or Other): Owner

Name: Michael & Diana Mills  
Address: 5061 Black Bluff Road SW  
City: Rome State: GA Zip: 30161  
Interest owned (Surface, Coal or Fee Simple): Surface  
Type of Interest (Owner, Lease, or Other): Owner

Name: Wayne Walker  
Address: 8337 Bellmill Road  
City: Ooltewah State: TN Zip: 37363  
Interest owned (Surface, Coal or Fee Simple): \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Interest owned (Surface, Coal or Fee Simple): \_\_\_\_\_  
Type of Interest (Owner, Lease, or Other): \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Interest owned (Surface, Coal or Fee Simple): \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Interest owned (Surface, Coal or Fee Simple): \_\_\_\_\_  
Type of Interest (Owner, Lease, or Other): \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Interest owned (Surface, Coal or Fee Simple): \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Interest owned (Surface, Coal or Fee Simple): \_\_\_\_\_  
Type of Interest (Owner, Lease, or Other): \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Interest owned (Surface, Coal or Fee Simple): \_\_\_\_\_

Applicant: GTM Energy Partners, LLC  
Mine Name: Mine No. 3  
Permit Number: P-3889, Revision R-3

PART I C. (CONTINUED)

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

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 AS NECESSARY IN THE FORMAT BELOW

PAGE    OF    Not Applicable

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: \_\_\_\_\_

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

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

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

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

Applicant: <u>GTM Energy Partners, LLC</u> Mine Name: <u>Mine No. 3</u> Permit Number: <u>P-3889, Revision R-3</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.

The SW 1/4 of the SW 1/4 of Section 1; the NE 1/4 of the NE 1/4, SE 1/4 of the NE 1/4, and the NE 1/4 of SE 1/4 of Section 11; the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 of Section 12; all within Township 3 South, Range 8 East, Jackson County, Alabama.

3. Give the acreage of the permit, each increment and the type of bonding.
  - a. Total permit acreage: 67 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>13</u>	<u>Certificate of Deposit</u>
2.	<u>19</u>	<u>Certificate of Deposit</u>
3.	<u>19</u>	<u>Certificate of Deposit</u>
4.	<u>16</u>	<u>Certificate of Deposit</u>

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Increment 2.
4. Has any acreage in the proposed permit area been previously disturbed by mining? (  ) 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>P-2806</u>	<u>5.0</u>	<u>Released</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).

GTM Energy Partners, LLC, will accept the reclamation responsibility for the previously disturbed areas which they redisturb.
5. Is disturbance to be conducted within 300 feet, measured horizontally from an occupied dwelling? (  ) 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.

Applicant: <u>GTM Energy Partners, LLC</u>
Mine Name: <u>Mine No. 3</u>
Permit Number: <u>P-3889, Revision R-3</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? ( ) 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 of issuance
<u>MSHA ID</u>	<u>01-03384</u>	<u>MSHA</u>	<u>*</u>	<u>02/21/08</u>
<u>NPDES</u>	<u>AL0078026</u>	<u>ADEM</u>	<u>**</u>	<u>09/01/07</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 land use 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 117 and Jackson County Road 81 near Flat Rock Alabama travel northwest on Jackson County Road 81 approximately 2.4 miles. The mine entrance will be on the left.

10. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application?

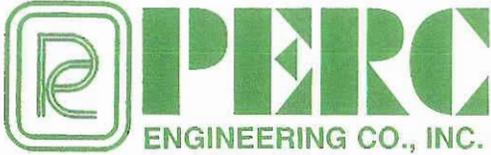
(XXX) YES ( ) NO  
 If YES, list SOAP I.D. Number: 05C327001

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: Scottsboro Public Library, Scottsboro, Alabama

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: The Daily Sentinel. See Attachment for I.E.13.



Telephone: (205) 384-5553  
Facsimile: (205) 295-3114 - Main Building  
(205) 295-3115 - Water Lab  
Web Address: [www.percengineering.com](http://www.percengineering.com)

May 29, 2009

Scottsboro Public Library  
Scottsboro, Alabama

RE: GTM Energy Partners, LLC  
Mine No. 3  
P-3889  
Permit Revision, R-3

Attention: Librarian

According to the rules and regulations of the Alabama Surface Mining Commission, we are required to publicly display a copy of our mining permit applications. We are asking you to display a copy of our permit in your library and would greatly appreciate you signing this letter as proof of our performance as to these requirements. Please return this page in the envelope attached.

We would like to thank you in advance for your cooperation in this matter.

Sincerely,  
PERC Engineering Co., Inc.

A handwritten signature in blue ink that reads "Stephen Miles".

Stephen Miles, E.I.

A handwritten signature in blue ink that reads "Nancy Gregory".

Librarian

Applicant: <u>GTM Energy Partners, LLC</u>
Mine Name: <u>Mine No. 3</u>
Permit Number: <u>P-3889, Revision R-3</u>

Attachment I.E.13.

PUBLIC NOTICE OF FILING OF PERMIT REVISION APPLICATION

In accordance with the provisions of Act No.81-435 of the State of Alabama and the regulations promulgated under this act, GTM Energy Partners, LLC, 442 County Highway 464, Flat Rock, Alabama 35966, hereby gives notice that it has filed an application to revise permit P-3889-39-13-S for its Mine No. 3 Mine located in Jackson County, Alabama. The permit lies within the SW 1/4 of the SW 1/4 of Section 1; the NE 1/4 of the NE 1/4, SE 1/4 of the NE 1/4, and the NE 1/4 of the SE 1/4 of Section 11; the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 of Section 12; all within Township 3 South, Range 8 East, Jackson County, Alabama, as shown by the Flat Rock and Stevenson, Alabama United States Geological Survey quadrangle maps.

The Revision is as follows: 1) Add 15.0 Mining Acres to create Increment No. 4. 2) Add 1.0 Incidental Acre to Increment No. 1 for Basin 004P. 3) Transfer 1.0 Acre from Increment No. 2 to Increment No. 1 for Primary Road 1P extension. 4) Submit Detailed Design Plans for Primary Road 1P Extension. 5) Request to update the drainage control plan through the addition of Basins 004P. 6) Update the operations plan and include auger mining of the final highwall. 7) Request to extend the topsoil variance for previously disturbed area added by this revision R-3 area. 8) Submit Detailed Design Plans for Basin 004P.

A copy of the permit application is available for public A copy of the permit application is available for public inspection at the Scottsboro Public Library located in Scottsboro, Alabama. 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.

# THE DAILY SENTINEL

701 Veterans Drive \* Scottsboro, AL 35768

256-259-1020 FAX 256-259-2709

## Proof of Publication

State of Alabama

County of Jackson

Before me, the undersigned authority in and for said County in said State, this day personally appeared Brad Shurett, who, being by me first duly sworn, deposes and says that he is Publisher of The Daily Sentinel, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for 4 successive week(s), said notice having appeared in the issues of said paper, May 29, June 2, 9 and 16, 2009.

Sworn to and subscribed before me June 24, 2009.

Robert L. Lay Notary

Commission Expires: MY COMMISSION EXPIRES 6/14/2011

Brad Shurett

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