

NATIONAL COAL OF ALABAMA, INC.

BUTTAHATCHEE MINE NO. 1, P-3893

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

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Email: staff's first name@mcgehee.org

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: National Coal of Alabama, Inc.
Street Address: 1810 Birmingham Ave, Suite 101
City: Jasper State: AL Zip: 35501
Mailing Address: 1810 Birmingham Ave, Suite 101
City: Jasper State: AL Zip: 35501
Telephone Number: (205) 221-4676
Social Security Number (Voluntary): - -
Employer Identification Number: _____
ASMC License#: L-558

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

Name: National Coal of Alabama, Inc.
Street Address: 1810 Birmingham Ave, Suite 101
City: Jasper State: AL Zip: 35501
Mailing Address: 1810 Birmingham Ave, Suite 101
City: Jasper State: AL Zip: 35501
Telephone Number: (205) 221-4676
Social Security Number (Voluntary): - -
Employer Identification Number: _____
ASMC License#: L-558

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
Email Address: staff's first name@mcgehee.org

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: National Coal of Alabama, Inc.
Street Address: 1810 Birmingham Ave, Suite 101
City: Jasper State: AL Zip: 35501
Mailing Address: 1810 Birmingham Ave, Suite 101
City: Jasper State: AL Zip: 35501
Telephone Number: (205) 221-4676
Social Security Number (Voluntary): - -
Employer Identification Number: _____
ASMC License#: L-558

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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Legal description of property or permit map symbol: S-4
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): SURFACE
 Legal owner(s) of record: MOLAG TIMERPROP LLC
 Address: 260 PEACHTREE ST. NE SUITE 1800 City: ATLANTA State: GA Zip: 30303
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: AL 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	MOLAG TIMERPROP LLC	NATIONAL COAL OF ALABAMA, INC.	11/24/08	NO

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

Legal description of property or permit map symbol: S-158
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): SURFACE
 Legal owner(s) of record: WAYNE MILES
 Address: 24911 STATE HWY. 129 City: HALEYVILLE State: AL Zip: 35565
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: AL 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 MILES	NATIONAL COAL OF ALABAMA, INC.	8-1-08	NO

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

Legal description of property or permit map symbol: S-175
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): SURFACE
 Legal owner(s) of record: LOUISE TAYLOR
 Address: 13667 STATE HWY. 233 City: BRILLIANT State: AL Zip: 35548
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: AL 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
PENDING	CARMOL & LOUISE TAYLOR	NATIONAL COAL OF ALABAMA, INC.	6-22-10	NO

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

Legal description of property or permit map symbol: S-177

SEE PERMIT MAP

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

Legal owner(s) of record: HAROLD & IDELL BASS

Address: 3711 CO. HWY 59 City: HALEYVILLE State: AL Zip: 35565

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL 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	HAROLD & IDELL BASS	NATIONAL COAL OF ALABAMA, INC.	6-22-10	NO

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

Legal description of property or permit map symbol: M-1
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): MINERAL
 Legal owner(s) of record: DEEPWATER TRUST C/O AMSOUTH BANK
 Address: P.O. BOX 11426 City: BIRMINGHAM State: AL Zip: 35202
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: AL 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	DEEPWATER TRUST C/O AMSOUTH BANK	NATIONAL COAL OF ALABAMA, INC.	11-24-08	NO

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

Legal description of property or permit map symbol: M-7

SEE PERMIT MAP

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

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

Address: P. O. Box 361370 City: BIRMINGHAM State: AL Zip: 35236-1370

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL 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.	NATIONAL COAL OF ALABAMA, INC.	7-11-12	NO

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

Legal description of property or permit map symbol: M-10
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): MINERAL
 Legal owner(s) of record: WALTER H. GREEN
 Address: 4315 COUNTY HIGHWAY 36 City: BRILLIANT State: AL Zip: 35548
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: AL 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 H. GREEN	NATIONAL COAL OF ALABAMA, INC.	PENDING	NO

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

Legal description of property or permit map symbol: M-15

SEE PERMIT MAP

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

Legal owner(s) of record: JOHN WILLIAM WHITE

Address: P. O. BOX 1098 City: WINFIELD State: AL Zip: 35594

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL 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	JOHN WILLIAM WHITE	NATIONAL COAL OF ALABAMA, INC.	2-7-11	NO

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

Legal description of property or permit map symbol: M-17

SEE PERMIT MAP

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

Legal owner(s) of record: JACQUELINE O'REAR LEWIS TESTAMENTARY TRUST c/o MR. J. THEODORE JACKSON, JR.

Address: 184 COMMERCE STREET City: MONTGOMERY State: AL Zip: 36104

Legal owner(s) of record: JANE O'REAR YARBROUGH

Address: 3344 BOXWOOD DRIVE City: MONTGOMERY State: AL Zip: 36111

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL 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	JACQUELINE O'REAR LEWIS TESTAMENTARY TRUST & JANE O'REAR YARBROUGH	NATIONAL COAL OF ALABAMA, INC.	01-28-11	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 2
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Name: MOLAG TIMBERPROP LLC
Address: 260 PEACHTREE ST. NE SUITE 1800
City: ATLANTA State: GA Zip: 30303
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: WAYNE MILES
Address: 24911 STATE HWY 129
City: HALEYVILLE State: AL Zip: 35565
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: LOUISE TAYLOR
Address: 13667 STATE HWY 233
City: BRILLIANT State: AL Zip: 35548
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: HAROLD & IDELL BASS
Address: 3711 CO. HWY 59
City: HALEYVILLE State: AL Zip: 35565
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: DEEPWATER TRUST C/O AMSOUTH BANK
Address: P.O. BOX 11426
City: BIRMINGHAM State: AL Zip: 35202
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest (Owner, Lease, or Other): OWNER

Name: WALTER MINERALS
Address: P. O. BOX 361370
City: BIRMINGHAM State: AL Zip: 35236-1370
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest (Owner, Lease, or Other): OWNER

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 2 of 2
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Name: WALTER H. GREEN
Address: 4315 COUNTY HIGHWAY 36
City: BRILLIANT State: AL Zip: 35548
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest (Owner, Lease, or Other): OWNER

Name: JOHN WILLIAM WHITE
Address: P. O. BOX 1098
City: WINFIELD State: AL Zip: 35594
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest (Owner, Lease, or Other): OWNER

Name: JACQUELINE O'REAR LEWIS TESTAMENTARY TRUST c/o J. THEODORE JACKSON
Address: 184 COMMERCE STREET
City: MONTGOMERY State: AL Zip: 36104
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest (Owner, Lease, or Other): OWNER

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/NW & NW/NW OF SECTION 1, SE/NE, SW/NE, NW/NE & NE/SE OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 11 WEST, MARION COUNTY, ALABAMA.

3. Give the acreage of the permit, each increment and the type of bonding.
 - a. Total permit acreage: 502.0 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.	99.0	Certificate of Deposit
2.	195.0	Certificate of Deposit
3.	183.0	Certificate of Deposit
4.	0.0	Certificate of Deposit
5.	0.0	Certificate of Deposit
6.	24.0	Certificate of Deposit
7.	1.0	Certificate of Deposit

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Inc. No. 2

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.
SEE PERMIT MAP
- 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>
Pre-Law	<u>21.0</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </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.

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, National Coal of Alabama, Inc., 1810 Birmingham Ave., Suite 101, Jasper, Alabama 35501 is filing an application to renew its Buttahatchee Mine No. 1 (P-3893), Surface Mine. Access to the mine is as follows:

From the intersection of US Hwy. 278 and County Road 59, travel approximately 2.0 miles north on County Road 59 to the mine entrance on the left.

THE NW/NW, SW/NW & NW/SW OF SECTION 1, THE NW/NW, NE/NW, SE/NW, SW/NW, NW/NE, NE/NE, SE/NE, SW/NE, NW/SE, NE/SE, NW/SW, NE/SW, SE/SW & SW/SW OF SECTION 2, THE NE/NE, SE/NE & NE/SE OF SECTION 3, ALL IN TOWNSHIP 11 SOUTH, RANGE 11 WEST, THE SW/SW, SE/SW & SW/SE OF SECTION 35, ALL IN TOWNSHIP 10 SOUTH, RANGE 11 WEST, MARION 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 Journal Record Newspaper.

TO THE JOURNAL RECORD NEWSPAPER:

Please run this notice once a week for four (4) consecutive weeks beginning 3/30, 4/06, 4/13 & 4/20. Please send invoice and notarized proof of publication to:

National Coal of Alabama, Inc.
1810 Birmingham Ave., Suite 101
Jasper, Alabama 35501
Telephone (205) 221-4676

Also, please send a notarized proof of publication to:

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

If you should have any questions or need additional information, please call: (205) 221-0686