

MCWANE, INC.

NO BUSINESS CREEK MINE, P-3904

**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
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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: MCWANE, INC.
Street Address: 1201 Vanderbilt Road
City: Birmingham State: AL Zip: 35234
Mailing Address: 1201 Vanderbilt Road
City: Birmingham State: AL Zip: 35234
Telephone Number: (205)323-2400
Social Security Number(Voluntary): - -
Employer Identification Number: 63-0139000
ASMC License#: L-603

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

Name: MCWANE, INC.
Street Address: 1201 Vanderbilt Road
City: Birmingham State: AL Zip: 35234
Mailing Address: 1201 Vanderbilt Road
City: Birmingham State: AL Zip: 35234
Telephone Number: (205)323-2400
Social Security Number(Voluntary): - -
Employer Identification Number: 63-0139000
ASMC License#: L-603

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: MCWANE, INC.
Street Address: 1201 Vanderbilt Road
City: Birmingham State: AL Zip: 35234
Mailing Address: 1927 1st Avenue North, Suite 900
City: Birmingham State: AL Zip: 35203
Telephone Number: (205) 323-2400
Social Security Number (Voluntary): - -
Employer Identification Number: 63-0139000
ASMC License#: L-603

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-1, M-1, F-1** _____

(SEE PERMIT MAP)

Surface/Mineral/or Fee Simple (both): _____ **SURFACE, MINERAL, FEE** _____

Legal owner(s) of record: _____ **EMPIRE COKE COMPANY** _____

Address: **1201 Vanderbilt Road** City: **BIRMINGHAM** State: **AL** Zip: **35234**

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	EMPIRE COKE COMPANY	MCWANE, INC.	02-26-08	NO

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

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Legal description of property or permit map symbol: _____ S-5 _____

SEE PERMIT MAP

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

Legal owner(s) of record: _____ NANCY PHILLIPS _____

Address: _____ 371 PHILLIPS LANE _____ City: _____ SIPSEY _____ State: _____ AL _____ Zip: _____ 35063 _____

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	NANCY PHILLIPS	MCWANE, INC.	PENDING	NO

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

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Legal description of property or permit map symbol: S-18

SEE PERMIT MAP

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

Legal owner(s) of record: CHARLES TWEEDY, JR.

Address: PO BOX 1647 City: JASPER State: AL Zip: 35502

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	CHARLES TWEEDY, JR.	MCWANE, INC.	9-18-07	NO

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

Legal description of property or permit map symbol: S-30

SEE PERMIT MAP

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

Legal owner(s) of record: WILLIAM SIDNEY & WAYNE ALLEN TRIMBLE

Address: 812 2ND STREET SE City: CULLMAN State: AL Zip: 35055

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 SIDNEY & WAYNE ALLEN TRIMBLE	MCWANE, INC.	PENDING	NO

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

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Legal description of property or permit map symbol: _____ **S-31** _____
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ **SURFACE** _____
 Legal owner(s) of record: _____ **JIMMY & REGINA PHILLIPS** _____
 Address: _____ **126 FENNELL ST.** _____ City: _____ **SUMITON** _____ State: _____ **AL** _____ Zip: _____ **35148** _____
 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	JIMMY C. AND REGINA PHILLIPS	CARBON RESOURCES, INC.	9-4-07	NO
ASSIGNMENT	CARBON RESOURCES, INC.	MCWANE, INC.	3-1-08	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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Name EMPIRE COKE COMPANY
Address: 1927 1ST AVE. N., SUITE 900
City: BIRMINGHAM State: AL Zip: 35203
Interest owned (Surface, Coal or Fee Simple): SURFACE, MINERAL, FEE
Type of Interest (Owner, Lease, or Other): OWNER

Name: NANCY PHILLIPS
Address: 371 PHILLIPS LANE
City: SIPSEY State: AL Zip: 35063
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: CHARLES TWEEDY, JR.
Address: P.O. BOX 1647
City: JASPER State: AL Zip: 35502
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: WILLIAM SIDNEY & WAYNE ALLEN TRIMBLE
Address: 812 2ND STREET SE
City: CULLMAN State: AL Zip: 35055
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: JIMMY & REGINA PHILLIPS
Address: 126 FENNELL ST.
City: SUMITON State: AL Zip: 35148
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

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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Legal description: _____

Describe the nature of the interest: _____

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Legal Description: _____

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Describe the nature of the interest: _____

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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.

NW/NW, SW/NW, SE/NW, NW/SW, NE/SW, SE/SW, SW/SW, NW/SE, NE/SE, SE/SE, SW/SE of Section 1, SW/NE, SE/NE, NE/SE, NW/SE, SW/SE, SE/SE, SE/SW of Section 2, NW/NW, NE/NW, SE/NW, SW/NW, NW/NE, NE/NE, SE/NE, SW/NE of Section 11, NW/NW, NE/NW, SE/NW, SW/NW, NW/SW, NE/SW, of Section 12, Township 14 South, Range 5 West, all in Walker County, Alabama

3. Give the acreage of the permit, each increment and the type of bonding.
 - a. Total permit acreage: 639.0 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.	221.0	Certificate of Deposit
2.	157.0	Certificate of Deposit
3.	74.0	Certificate of Deposit
4.	167.0	Certificate of Deposit
6.	20.0	Certificate of Deposit

c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Inc. No. 1

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>
<u>Pre-law</u>	<u>215</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, MCWANE, INC., 1201 Vanderbilt Road, Birmingham, Alabama 35234 is filing an application to renew its No Business Creek Mine (P-3904), Surface Mine for a term of 5 years. Access to the mine is as follows:

From the intersection of county road 22 and county road 81 Road travel northeast 4.0 miles. Turn left onto Philips Town Road and travel approximately 0.75 miles to the mine entrance on the left. The mine entrance will be marked and signs will be posted.

NW/NW, SW/NW, SE/NW, NW/SW, NE/SW, SE/SW, SW/SW, NW/SE, NE/SE, SE/SE, SW/SE of Section 1, SW/NE, SE/NE, NE/SE, NW/SE, SW/SE, SE/SE, SE/SW of Section 2, NW/NW, NE/NW, SE/NW, SW/NW, NW/NE, NE/NE, SE/NE, SW/NE of Section 11, NW/NW, NE/NW, SE/NW, SW/NW, NW/SW, NE/SW, of Section 12, Township 14 South, Range 5 West, all in Walker 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 Daily Mountain Eagle Newspaper.

TO THE DAILY MOUNTAIN EAGLE:

Please run this notice 11/13, 11/20, 11/27 & 12/04, 2013. Please send invoice and notarized proof of publication to:

McWane, INC.
1201 Vanderbilt Road
Birmingham, Alabama 35234
Telephone (205) 323-2400

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