

ASMC Use Only:

Fee: _____
Bond Required: _____
Date Approved: _____

APPLICATION FOR PERMIT REVISION

Name of Permittee: Black Warrior Minerals, Inc.
License Number: L-698 Permit Number: P-3937-63-15-S
Permit Expiration Date: 01/12/2015 Mine Name: Seaboard Mine
Revision Number: Revision R-5

Nature of Proposed Revision:

- 1) Add 26 Mining Acres to Increment No. 4
- 2) Add 2 Incidental Acres to Increment No. 6 for Drainage Control and Primary Road 2P
- 3) Transfer 1 Mining Acre to increment No. 6 from Increment No. 5 for Drainage Course
- 4) Transfer 3 Mining Acre to increment No. 6 from Increment No. 4 for Basin 021P and Drainage Course
- 5) Update the General Plan through the Re-Evaluation of Basin 021P to include the R-5 revision area disturbance.
- 6) Update the Operations Plan
- 7) Extend the topsoil variance to include the area added by R-5
- 8) Submit the detailed design plans for Primary Road 2P.

Attach Detailed estimate of effect of proposed revision on reclamation costs.

Applicant: Black Warrior Minerals, Inc.
Mine Name: Seaboard Mine
Permit Number: P-3937 - Revision R-5

STATE OF ALABAMA

SURFACE MINING COMMISSION

- (X) 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: Black Warrior Minerals, Inc.
Street Address: 4788 Hwy. 78 West
City: Cordova State: AL Zip: 35550
Mailing Address: P. O. Box 1190
City: Sumiton State: AL Zip: 35148
Telephone Number: (205) 648-2290
Social Security Number(Voluntary): _____
Employer Identification Number: 63-0906486
ASMC License#: L-698

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

Name: Black Warrior Minerals, Inc.
Street Address: same as above
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: Black Warrior Minerals, Inc.
Street Address: same as above
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: Pete Parrish, c/o PERC Engineering Co., Inc.
Mailing Address: P O Box 1712
City: Jasper State: AL Zip: 35502-1712
Telephone Number: (205) 384-5553

Applicant: Black Warrior Minerals, Inc.
Mine Name: Seaboard Mine
Permit Number: P-3937 - Revision R-5

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: Black Warrior Minerals, Inc.
Street Address: 4788 Hwy. 78 West
City: Cordova State: AL Zip: 35550
Mailing Address: P O Box 1190
City: Sumiton State: AL Zip: 35148
Telephone: (205) 648 - 2290
Social Security Number (Voluntary): - - -
Employer Identification Number: 63-0906846
ASMC License Number: L-698

Applicant: Black Warrior Minerals, Inc.
 Mine Name: Seaboard Mine
 Permit Number: P-3937 - Revision R-5

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 3

Legal description of property or permit map symbol: United Land Corporation (M)

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

Legal owner(s) of record: Walter Minerals, Inc.

Address: 3500 35th Avenue City: Birmingham State: AL Zip: 35207

Holders of leasehold interest: Black Warrior Minerals, Inc.

Address: P O Box 1190 City: Sumiton State: AL Zip: 35148

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.	Black Warrior Minerals, Inc.	8/11/08	No

Applicant: Black Warrior Minerals, Inc.
 Mine Name: Seaboard Mine
 Permit Number: P-3937 - Revision R-5

PART I C 1. (CONTINUED)

Legal description of property or permit map symbol: AlaWest, LLC (S), (M) & (FEE)
 Surface/Mineral/or Fee Simple (both): Surface, Mineral & Fee Simple
 Legal owner(s) of record: AlaWest, LLC
 Address: P O Box 412 City: Northport State: AL Zip: 35476
 Holders of leasehold interest: Black Warrior Minerals, Inc.
 Address: P O Box 1190 City: Sumiton State: AL Zip: 35148
 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	AlaWest, LLC	Black Warrior Minerals, Inc.	7/20/99	No

Legal description of property or permit map symbol: V. Day, III (S) & (M)
 Surface/Mineral/or Fee Simple (both): Surface & Mineral
 Legal owner(s) of record: V. Day, III
 Address: 1651 McFarland Blvd. N. City: Tuscaloosa State: AL Zip: 35404
 Holders of leasehold interest: Black Warrior Minerals, Inc.
 Address: P O Box 1190 City: Sumiton State: AL Zip: 35148
 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	V. Day, III	Black Warrior Minerals, Inc.	10/7/2010	No

Applicant: Black Warrior Minerals, Inc.
 Mine Name: Seaboard Mine
 Permit Number: P-3937 - Revision R-5

PART I C 1. (CONTINUED)

Page 3 of 3

Legal description of property or permit map symbol: The Westervelt Company (FEE)
 Surface/Mineral/or Fee Simple (both): Fee Simple
 Legal owner(s) of record: The Westervelt Company, Attn: Bill Walker
 Address: P O Box 48999 City: Tuscaloosa State: AL Zip: 35404
 Holders of leasehold interest: Black Warrior Minerals, Inc.
 Address: P O Box 1190 City: Sumiton State: AL Zip: 35148
 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	The Westervelt Company	Black Warrior Minerals, Inc.	Pending	No

Legal description of property or permit map symbol: _____
 Surface/Mineral/or Fee Simple (both): _____
 Legal owner(s) of record: _____
 Address: _____ City: _____ State: _____ Zip: _____
 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.

Applicant: Black Warrior Minerals, Inc.
Mine Name: Seaboard Mine
Permit Number: P-3937 - Revision R-5

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: AlaWest, LLC
Address: P O Box 412
City: Northport State: AL Zip: 35475
Interest owned (Surface, Coal or Fee Simple) Mineral & Fee Simple
Type of Interest(Owner, Lease , or Other): Owner

Name: V. Day, III
Address: 1651 McFarland Blvd. N.
City: Tuscaloosa State: AL Zip: 35404
Interest owned (Surface, Coal or Fee Simple) Mineral
Type of Interest(Owner, Lease , or Other): Owner

Name: The Westervelt Company
Address: Attn: Bill Walker, P O Box 48999
City: Tuscaloosa State: AL Zip: 35404
Interest owned (Surface, Coal or Fee Simple) Fee Simple
Type of Interest(Owner, Lease , or Other): Owner

Name: Walter Minerals, Inc.
Address: 3500 35th Avenue
City: Birmingham State: AL Zip: 35207
Interest owned (Surface, Coal or Fee Simple) Mineral
Type of Interest(Owner, Lease , or Other): Owner

Applicant: Black Warrior Minerals, Inc.
Mine Name: Seaboard Mine
Permit Number: P-3937 - Revision R-5

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 1 OF _____

Legal description: _____

Describe the nature of the interest: _____

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Legal description: _____

Describe the nature of the interest: _____

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Legal description: _____

Describe the nature of the interest: _____

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Legal description: _____

Describe the nature of the interest: _____

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Legal description: _____

Describe the nature of the interest: _____

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Legal description: _____

Describe the nature of the interest: _____

Applicant: <u>Black Warrior Minerals, Inc.</u> Mine Name: <u>Seaboard Mine</u> Permit Number: <u>P-3937 - Revision R-5</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.

Tuscaloosa County, Alabama, Township 20 South, Range 8 West, Section 32, SE 1/4 of SE 1/4; Section 33, SW 1/4 of SW 1/4, NW 1/4 of SW 1/4, NE 1/4 of SW 1/4, SE 1/4 of SW 1/4; Township 21 South, Range 8 West, Section 5, NW 1/4 of NE 1/4, NE 1/4 of NE 1/4, SE 1/4 of NW 1/4, SW 1/4 of NE 1/4, SE 1/4 of NE 1/4, NW 1/4 of SW 1/4, NE 1/4 of SW 1/4, SW 1/4 of SW 1/4, SE 1/4 of SW 1/4, NW 1/4 of SE 1/4, SW 1/4 of SE 1/4; Section 4, NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, SW 1/4 of NW 1/4; Section 8, NE 1/4 of NW 1/4.

3. Give the acreage of the permit, each increment and the type of bonding.
 - a. Total permit acreage: 305 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>66</u>	<u>Letter of Credit</u>
2.	<u>46</u>	<u>Letter of Credit</u>
3.	<u>52</u>	<u>Letter of Credit</u>
4.	<u>79</u>	<u>Letter of Credit</u>
5.	<u>40</u>	<u>Letter of Credit</u>
6.	<u>13</u>	<u>Letter of Credit</u>
7.	<u>9</u>	<u>Letter of Credit</u>

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Inc. 4
4. Has any acreage in the proposed permit area been previously disturbed by mining? (XXX)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 mining</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).

Black Warrior Minerals, Inc. will assume reclamation responsibility on all areas disturbed by them on permit P-3937.

5. Is disturbance to be conducted within 300 feet, measured horizontally from an occupied dwelling? ()YES (X)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>Black Warrior Minerals, Inc.</u> Mine Name: <u>Seaboard Mine</u> Permit Number: <u>P-3937 - Revision R-5</u>
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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>01-011379</u>	<u>MSHA</u>	<u>*</u>	<u>01-14-00</u>
<u>NPDES</u>	<u>AL0071358</u>	<u>ADEM</u>	<u>**</u>	<u>12-02-99</u>
				Renewed 12/2/99 & modified

- * 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 (XXX)NO.

If yes, indicate the jurisdictional authority and zoning or landuse 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: Beginning in the City of Tuscaloosa, at State Highways 215 and 216, travel St. Hwy. 216 approximately 6 miles to the Fleetwood Road. Travel south on Fleetwood Road approximately 1 mile. Access road to pit will be on left (east) side of Fleetwood Road. Signs will identify the mine site.

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

()YES (XXX)NO

If YES, list SOAP I.D. Number: _____

11. Submit a certificate of proof of Liability Insurance with this application. On file at ASMC

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:

ASMC website: <http://surface-mining.alabama.gov/PermitApplications.html>

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: Tuscaloosa News. See Attachment I-D-13.

Applicant: <u>Black Warrior Minerals, Inc.</u> Mine Name: <u>Seaboard Mine</u> Permit Number: <u>P-3937 - Revision R-5</u>
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Attachment I-D-13.

PUBLIC NOTICE OF APPLICATION TO REVISE A COAL SURFACE MINING PERMIT

In accordance with the provisions of Act No. 81-435 of the State of Alabama and the regulations promulgated under this act, Black Warrior Minerals, Inc., P.O. Box 1190, Sumiton, AL 35148, hereby gives notice that it has filed an application with the Alabama Surface Mining Commission to revise permit P-3937-63-15-S, Seaboard Mine located in Tuscaloosa County, Alabama, Township 20 South, Range 8 West, Section 32, SE 1/4 of SE 1/4; Section 33, SW 1/4 of SW 1/4, NW 1/4 of SW 1/4, NE 1/4 of SW 1/4, SE 1/4 of SW 1/4; Township 21 South, Range 8 West, Section 5, NW 1/4 of NE 1/4, NE 1/4 of NE 1/4, SE 1/4 of NW 1/4, SW 1/4 of NE 1/4, SE 1/4 of NE 1/4, NW 1/4 of SW 1/4, NE 1/4 of SW 1/4, SW 1/4 of SW 1/4, SE 1/4 of SW 1/4, NW 1/4 of SE 1/4, SW 1/4 of SE 1/4; Section 4, NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, SW 1/4 of NW 1/4; Section 8, NE 1/4 of NW 1/4.

The nature of revision is as follows:

- 1) Add 26 Mining Acres to Increment No. 4.
- 2) Add 2 Incidental Acres to Increment No. 6 for Drainage Control and Primary Road 2P.
- 3) Transfer 1 Mining Acre to increment No. 6 from Increment No. 5 for Drainage Course.
- 4) Transfer 3 Mining Acres to increment No. 6 from Increment No. 4 for Basin 021P and Drainage Course.
- 5) Update the General Plan through the Re-Evaluation of Basin 021P to include the R-5 revision area disturbance.
- 6) Update the Operations Plan.
- 7) Extend the topsoil variance to include the area added by R-5.
- 8) Submit the detailed design plans for Primary Road 2P.

A copy of the permit revision application is available for public inspection at the Alabama Surface Mining Commission website <http://surface-mining.alabama.gov/PermitApplications.html> 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.