**Surface Mining**

 **Irrevocable Letter of Credit**

Director

Environmental Protection Division

Georgia Department of Natural Resources

4244 International Parkway, Suite 104

Atlanta, Georgia 30354

Dear Director:

We hereby establish our Irrevocable Standby Letter of Credit No.       in your favor, at the request of and in lieu of surety bond for Permittee's name and address in the full amount of in words U.S. Dollars $ numeric amount, available upon presentation by you, or any Environmental Protection Division ("Division") employee acting under your authority, of:

(1) Your sight draft, or demand for payment, bearing reference to this Letter of Credit No. ;

(2) Your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to the Georgia Surface Mining Act of 1968, as amended, the regulations issued pursuant thereto and Mining Land Use Plan No.      .”

This letter of credit is effective as of dateand shall expire on date at least one year later, but such expiration date shall be automatically extended for a period of at least one year on date and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and Permitee's name by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, the credit established by this letter shall be available upon presentation of your sight draft or demand for payment for 120 days after the date of receipt of such notice by both you and Permitee's name, as shown on the signed return receipt.

The credit established by this letter and our obligation to pay same shall not be affected by the receivership, bankruptcy or insolvency of debtor or the attachment of his property. Nor shall this credit or our obligation to pay same be affected by any security agreement or other agreement between Permitee's name and our bank.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall pay the amount of the draft directly to you, as Director of the Division or in accordance with your instructions.

This letter of credit is subject to the Uniform Customs and Practice of Documentary Credits International Chamber of Commerce Publication No. 600 or Uniform Commercial Code, latest edition.

Sincerely,

Name, Title(s) of official(s) or Issuing Institution

Date