



STATE OF ALABAMA
SURFACE MINING COMMISSION

P.O. BOX 2390 - JASPER, ALABAMA 35502-2390
(205) 221-4130 • FAX: (205) 221-5077

Permit Revision Number: R-38

REVISION TO PERMIT FOR
SURFACE COAL MINING OPERATIONS

Pursuant to the Alabama Surface Mining Control and Reclamation Act, Act No. 81-435, and duly promulgated rules of the Commission, revision is hereby approved for permit:

P-3222-32-18-U
JIM WALTER RESOURCES INC
PO BOX 133
BROOKWOOD AL 35444
(NORTH RIVER NO.1 UNDERGROUND MINE)

License No.: L-613
Pursuant to the permit map: 5 OF 5
Certified by: TIMOTHY S THOMAS #18830
Date: 6-4-14

The permit is revised as follows:

1. Delete Sheet #5.
2. Update surface ownership on Sheets 2, 4 and 6.
3. Transfer 25.0 acres Well Site, Access, Basin 026, Associated Areas, and Fresh Water Line from Increment #1 to Increment #6 (See sheets 1, 2, 3 & 4).
4. Transfer 11.0 acres Basin B-12E, Associated Areas, Access and Slurry Lines from Increment #1 to Increment #6 (See Sheet #1).
5. Transfer 17.0 acres North River Pump Intake Site, Slurry Line, Excess Spoil Disposal Area No. 2 & Associated Areas, Basin 023, and Access Road from Increment #1 to Increment #6 (See Sheet #2).
6. Delete 63.0 acres from Increment #6 as undisturbed (See sheets #1 and #6).
7. Transfer 11.0 acres Tyro Creek Portal, Parking & Associated Areas, Excess Spoil Disposal Area No. 1, and Basin 022 from Increment #1 to Increment #5. (See Sheet #2).
8. Transfer 57.0 acres Coal Processing Plant, Loadout Facility, Coal Stockpiles, Haul Roads, Pond B-2E, B-3E & B-7E, and Associated Areas from Increment #1 to create new Increment #7 (See Sheet #1).
9. Transfer 26.0 acres Supply House, Supply Yard, Portal, Parking, Pond B-1E, and Associated Areas from Increment #1 to create new Increment #8 (See Sheet #1).
10. Submit Detail Design Modification to Coarse Refuse Disposal Area No. 1.
11. Change the post mining landuse of Basins B-1E, B-3E, 010, 010A, 012, 015, 016, 018, 018A, 022, 023 and 024 from Temporary to Permanent Water Impoundment/Fish and wildlife Habitat.
12. Transfer 3.0 acres Flat Creek Fan Shaft Site from Increment #5 to Increment #6. (See Sheet #1).
13. Change the post mining landuse of a portion of the Access Road to Basin 022 to Permanent Road (See Part IV-A-1 Post Mining Landuse Map Sheet #2).
14. Change the post mining landuse of all areas not currently designated as undeveloped, and which are transferred from Increment #1 to Increment #6 (as stated in Items 3, 4, and 5 above), to Undeveloped or no Current Use (with the exception of a portion of the Access Road to Basin 022 stated in Item #13 above, or Fresh Water Lines designated as Existing

- Roadway stated in Item #3 above, or Basins B-12E, 023, & 026). See Part IV-A-1 Post Mining Landuse Map Sheets 1, 2, 3, & 4.
15. Change the post mining landuse of all areas which are transferred from Increment #1 to Increment #5, and to create new Increment #7 and #8 (as stated in Items 7, 8 and 9 above) to Industrial/Commercial (with the exception of Basins B-1E, B-2E, B-3E, B-7E, and 022). See Part IV-A-1 Post Mining Landuse Map Sheets 1 & 2.
 16. Change the post mining landuse of a portion of the Main Facility Haul Road to Permanent Road (See Part IV-A-1 Post Mining Landuse Map Sheet #1).
 17. Change the post mining landuse of all areas not currently designated as undeveloped in Post R-38 Increment #1 to Undeveloped or no Current Use (with the exception of all the basins remaining in this increment, the Reservoir, or a portion of the Main Facility Haul Road stated in Item #16 above). See Part IV-A-1 Post Mining Landuse Map Sheet #1.
 18. Change the post mining landuse of a portion of the Fresh Water Pump Line from Existing Roadway to Undeveloped or no Current Use (See Part IV-A-1 Post Mining Landuse Map Sheet #2).
 19. Show correct location of property line from a 05-02-14 survey. Property line is located in the NW/NW of Section 29, and the NE/NE, SE/NE of Section 30, all within Township 17 South, Range 10 West, Tuscaloosa County, Alabama (See Sheet #2).
 20. Delete 10.0 acres from Increment #1 as undisturbed (See Sheet #2).

CONDITION R-38-1: The permittee shall conduct Surface Coal Mining and Reclamation Operations in accordance with the plans, provisions and schedules in the permit revision application.

CONDITION R-38-2: The permittee shall conduct operations in a manner to prevent damage or harm to the environment and public health and safety and shall notify ASMC and the public of any condition which threatens the environment or public health and safety.

CONDITION R-38-3: Surface coal mining operations are restricted to those areas for which sufficient bond has been posted with ASMC. On the date of issuance of this permit revision, bond was posted only for increment(s) 1, 5, 6, 7 & 8 consisting of 1,051 acres as defined on the permit map.

CONDITION R-38-4: No mining disturbance is to occur on any part of the permit on which legal "right of entry" has not been obtained. When such rights are "pending" the applicant shall submit acceptable evidence, to the Director, that such rights have been obtained according to ASMC Regulation 880-X-8D-.07.

CONDITION R-38-5: No disturbance is to occur on any properties on which land use comments from legal owners of record are "pending" prior to the applicant providing acceptable comments.

CONDITION R-38-6: No disturbance is to occur in the 300' setback area to any occupied dwelling prior to the applicant providing acceptable evidence to ASMC of its having secured a waiver of each subject area signed by the owner of the dwelling.

CONDITION R-38-7: No mining disturbance shall occur within the 100' setback of any public road or the relocation of any public road prior to the applicant providing acceptable evidence, to the Director, of its having secured approval for a waiver from the appropriate jurisdictional

authority and specific written waiver from ASMC.

CONDITION R-38-8: No disturbance is to occur on any area that conforms to the U.S. Army Corps of Engineers (Corps) definition of wetlands until acceptable evidence is submitted, to the Director, of Corps approval.

CONDITION R-38-9: This permit revision in no way authorizes the operator to cause material damage to or otherwise impair any lands, facilities, or improvements located on the surface above or adjacent to the mineral being mined in violation of the property rights of any owner of surface lands or facilities.

CONDITION R-38-10: Any water supply impacted by subsidence or other causes associated with underground mining will be replaced or restored by the permittee.

The ASMC, acting by and through its Director, hereby finds, on the basis of information set forth in the revision application or from information otherwise available, that --

FINDING R-38-1: The permit revision application is complete and accurate and the applicant has complied with all requirements of the Act and the regulatory program.

FINDING R-38-2: The applicant has demonstrated that reclamation as required by the Act and the regulatory program can be accomplished under the reclamation plan contained in the permit revision application.

FINDING R-38-3: The proposed permit area is:

- (a) Not within an area under study or administrative proceedings under a petition, filed pursuant to Chapter 880-X-7 to have an area designated as unsuitable for surface coal mining operations;
- (b) Not within an area designated as unsuitable for mining pursuant to Chapter 880-X-7 or subject to the prohibitions or limitations of Section 880-X-7B-.06 and Section 880-X-7B-.07 of this chapter; or
- (c) Is within an area under study or designated as unsuitable for mining but the applicant has demonstrated valid existing rights.

FINDING R-38-4: For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Regulatory Authority the documentation required under Section 880-X-8D.07 and Section 880-X-8G-.07 of this chapter.

FINDING R-38-5: The Regulatory Authority has made an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

FINDING R-38-6: The applicant has demonstrated that any existing structure will comply with Section 880-X-2B-.01, and the applicable performance standards of Chapter 3 or 10.

FINDING R-38-7: The applicant has paid all reclamation fees from previous and existing operations as required by 30 C.F.R., Subchapter R.

FINDING R-38-8: The applicant has satisfied the applicable requirements of Subchapter 880-X-8J.

FINDING R-38-9: The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural, postmining land use, in accordance with the requirements of 880-X-10C-.58(4) and 880-X-10D-.52(4).

FINDING R-38-10: The operation will not affect the continued existence of endangered or threatened species, or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

FINDING R-38-11: The Regulatory Authority has taken into account the effect of the proposed permitting action on properties listed or eligible for listing on the National Register of Historic Places. This finding is supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Regulatory Authority has determined that no additional protection measures are necessary.

FINDING R-38-12: For a proposed remaining operation where the applicant intends to reclaim in accordance with the requirements of Section 880-X-10C-.56 or 880-X-10D-.49, the site of the operation is a previously mined area as defined in Section 880-X-2A-.06.

FINDING R-38-13: Surface coal mining and reclamation operations will not adversely affect a cemetery.

FINDING R-38-14: After application approval but prior to issue of permit revision, ASMC reconsidered its approval, based on the compliance review required by Section 880-X-8K-.10(2)(a) in light of any new information submitted under 880-X-8D-.05(8).

FINDING R-38-15: The applicant has submitted the performance bond or other equivalent guarantee required under Chapter 880-X-9 of the ASMC Rules prior to the issuance of the permit revision.

FINDING R-38-16: For mining operations where a waiver is granted from the 100' setback from a public road according to 880-X-7B-.07, the interests of the public and affected landowners have been protected.

FINDING R-38-17: This permit does not constitute a determination that the operator has the legal right to cause material damage to or impair any surface lands or facilities above or adjacent to the mineral being mined, according to the Energy Policy Act of 1992, SMCRA Section 720(a)(1), 30 U.S. Code Section 1309a. In addition, by accepting this permit revision the applicant agrees that any water supplies impacted

by subsidence be replaced according to the Energy Policy Act of 1992, SMCRA Section 720(a)(2) 30 U.S. Code Section 1309a.

ACREAGE SUMMARY:

*	Increment #1	decreases to -----	764 acres	
	Increment #2	remains at -----	26 acres	(Phase III)
	Increment #3	remains at -----	39 acres	(Phase III)
	Increment #4	remains at -----	115 acres	(Phase III)
*	Increment #5	increases to -----	11 acres	
*	Increment #6	decreases to -----	193 acres	
*	Increment #7	increases to -----	57 acres	
*	Increment #8	increases to -----	26 acres	
	Total	-----	1,231 Acres	

* Bonded to date

All other terms and conditions remain in effect as well as all Findings in the original permit and any Findings appropriate for this revision.

EFFECTIVE DATE: October 22, 2014


Randall C. Johnson, Director

/ns
cc: I & E, Permit File