



**STATE OF ALABAMA**  
**SURFACE MINING COMMISSION**

P.O. BOX 2390 - JASPER, ALABAMA 35502-2390  
(205) 221-4138 • FAX: (205) 221-5077

Permit Revision Number: R-40

**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-3232-01-13-U  
OAK GROVE RESOURCES LLC  
% CLIFFS NORTH AMERICAN COAL LLC  
200 PUBLIC SQUARE SUITE #3300  
CLEVELAND OHIO 44114  
(OAK GROVE MINE)

License No.: L-737  
Pursuant to the permit map: 1 OF 2  
Certified by: LESLIE G STEPHENS #14117-E  
Date: 3-18-14

The permit is revised as follows:

1. Add 5.0 acres to Increment #1 for one (1) site with a utility bore hole and an ancillary road.
2. Exemption of Rule 880-x-10D-.13(3) for one (1) site with a utility bore hole and an ancillary road added by this revision.
3. Delete 15.0 acres from Increment #1 as undisturbed area.
- 4.

**CONDITION R-40-1:** The waters of the United States as shown in the USACE Nationwide Permit SAM-2013-01407-TMB shall be flagged in a color different than flagging used for the ASMC permit boundary. This area represents waters of the United States being avoided, as credits are not being purchased to place fill material in these areas.

**FINDING R-40-1:** 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. TerraXplorations, Inc. conducted a phase I cultural resource survey on September 16, 2013 for approximately 27 acres. In the survey dated September 2013 TerraX recommends that no further cultural resource studies are recommended for the subject property, as no cultural resources were found during the survey. The State Historical Preservation Officer concurred with TerraX, that project activities would have no adverse effect on cultural resources eligible for or listed on the National Register of Historic Places (NRHP) in a letter dated October 11, 2013. 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. Concerns for unknown resources, which might be discovered during mining, have been made conditions of the permit.



**FINDING R-40-2:** Yokley Environmental Consulting Service conducted an environmental assessment for the Indiana Bat (*Myotis sodalis*) on March 20, 2014. There was no suitable habitat for the Indiana Bat and no bats were observed during the survey. Mr. Yokley determined the construction of the proposed sites will have no adverse effects on the listed bat species in a letter dated March 20, 2014. The US Fish and Wildlife Service (FWS) determined that no federally listed species or critical habitats are known to occur in the project area by comments dated December 27, 2013. In a letter dated February 3, 2014 the Alabama Department of Conservation and Natural Resources (ADCNR) has no objection to the proposed mine, as long as BMP are utilized to prevent degradation/loss of aquatic habitat. In a letter dated October 15, 2013 the ADCNR notes the nearest occurring sensitive species is approximately 3 miles from the subject site. By a letter dated March 27, 2014 the US Army Corps of Engineers (USACE) authorized the project activities by Nationwide Permit 50, permit number: SAM-2013-01407-TMB. The project will impact approximately 140 Linear Feet (lf) of intermittent stream (.01 acre), 400 lf of ephemeral stream (0.02 acre), and 0.131 acre of wetland will be impacted. The applicant shall purchase 501.7 (452\*1.11 proximity factor) stream credits and 0.0483 wetland credits (0.131 acres\*0.333 WRAP\*1.11 proximity factor) from Big Sandy Mitigation Bank. The permittee has opted to avoid placing fill materials into waters of the United States, and negating the necessity to purchase credits. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

**FINDING R-40-3:** 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.

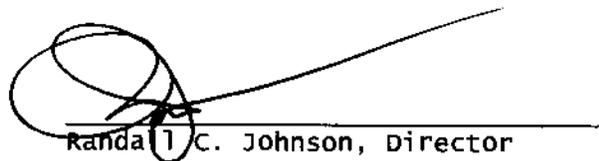
**ACREAGE SUMMARY:**

* Increment #1 decreases to -----	788 acres
* Increment #2 remains at -----	8 acres
Increment #3 remains at -----	2 acres
* Increment #4 remains at -----	5 acres
Total -----	803 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: April 24, 2014

  
 Randall C. Johnson, Director

/ns

cc: I & E, Permit File

