



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-46

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- 3232-01-23-U
Oak Grove Resources, LLC
8360 Taylors Ferry Road
Hueytown, AL 35023
(Oak Grove Mine)

License No.: L-737
Pursuant to the
Permit map: 1 of 1
Certified by: Robert W. Usher P.E. 15917
Date: 08/09/2016

The permit is revised as follows:

1. Add 9 acres of incidentals to Increment No. 1 for Breaker Rock Disposal Area No. 3 modification.
2. Modify Breaker Rock Disposal Area No. 3.
3. Submit Modification to Sediment Basin 019B.

R-46 Finding 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. In a letter dated May 27, 2016 MRS Consultants, LLC (MRS) documented a Phase I Cultural Resource Survey for approximately 10 acres in Jefferson County, Alabama, conducted on May 24, 2016. No archaeological sites were discovered during the investigation of the proposed Oak Grove Mine, Revision R-46. The majority of the survey area is moderately sloped to steeply sloping terrain or has been impacted by past logging activities and is highly disturbed and eroded. MRS recommends that the proposed Oak Grove Mine, Revision R-46, be cleared in regards to cultural resources. No significant cultural resources will be affected.

By a letter dated June 24, 2016, the State Historical Preservation Office (SHPO), based on the cultural resource assessments conducted by the MRS, determined that the project activities will have no adverse effect on cultural resources eligible for or listed on the National Register of Historical Places and therefore concur with the proposed project activities. 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.

R-46 Finding 2: McGehee Engineering Corp (MEC) conducted a biological habitat assessment for Threatened and Endangered species/critical habitat (T&E) for approximately 10 acres in Jefferson

County, Alabama in April 2016. Possible summer roosting habitat for the Indiana bat and northern long-eared bat was present within the project area. No habitat was found for the remaining listed, threatened and endangered species within the project boundary. No evidence was found or observed for the presence or possible presence of the remaining listed species. In a letter dated May 19, 2016, MEC requested US Fish and Wildlife Service (FWS) concur that the project will not have any adverse effect on any T&E species as long as timber is only removed during the months from October 15th through March 31st. By comments dated May 31, 2016, FWS concurred that the proposed project is not likely to adversely affect the Indiana bat and/or northern long-eared bat, as tree removal will occur between October 15 and March 31. No other federally listed species/critical habitat are known to occur in the project area. In a letter dated May 23, 2016, the Alabama Department of Conservation and Natural Resources (ADCNR) suggested a biological survey be conducted by trained professionals for the project area. The closest sensitive species is recorded in the ADCNR database as occurring approximately 2.5 miles from the subject site.

The US Army Corps of Engineers (USACE) stated the no USACE permit was required, pursuant to their regulations for the proposed project by File Number SAM-2016-00489-CMS in a letter dated May 12, 2016. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

R-46 Condition 1: Tree removal for the approximately 10 acres to be added by Oak Grove Mine, R-46 shall only occur from October 15th through March 31st.

ACREAGE SUMMARY:

*INCREMENT #1: increases to -----	815 acres
*INCREMENT #2: remains at -----	8 acres
INCREMENT #3: remains at -----	2 acres
*INCREMENT #4: remains at -----	5 acres

Total Acreage increases to 830 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: June 19, 2018

J.N.
/mw

cc: I & E, Permit File



Johnathan E. Hall, Director