



**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-35

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:

Issued to: P-3260-63-13-U  
(Mine #4)

Jim Walter Resources, Inc.  
P. O. Box 133  
Brookwood, AL 35444

License No.: L-613

Pursuant to the  
permit map: 2 of 2

Certified by: R. A. Deerman, P.E. #16938

Date: 06/22/11

The permit is revised as follows:

- 1) Add two acres to Increment 1 for proposed ventilation shaft 4-12.
- 2) Add three acres to Increment 1 for proposed ancillary road to proposed shaft 4-12.
- 3) Waiver of 880-X-10D-.13 for the shaft site and the ancillary road.

**Condition R-35-1:** The permittee shall notify the ASMC and seek consultation with the U.S. Fish and Wildlife service if:

- a. The permit is modified in any way that causes an effect on species or Critical Habitat listed under the Endangered Species Act of 1973
- b. New information reveals the operation may affect Federally protected species or designated Critical Habitat in a manner or extent not previously considered or
- c. A new species is listed or Critical Habitat is designated under the Endangered Species Act that may be affected by the operation.

**Condition R-35-2:** The permittee shall contact the ASMC and consult with the Alabama Historic Preservation Officer if the permit is modified or if previously unknown archaeological or historic resources are discovered on the permit area. Upon discovery of previously unknown artifacts or archaeological features the permittee shall cease operations until the Alabama Historic Preservation Officer approves resumption of operations.

**Finding R-35-1:** 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. Previous site surveys performed for this mine found no sites eligible for listing on the National Register of Historic Places located on the mine site. The State Historic Preservation Officer concurred with these findings by letter dated 6/29/2011. 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-35-2:** The U.S Fish and Wildlife Service (FWS) provided comments dated 6/16/2011 on the proposed mining operation finding that no consultation on endangered or threatened species was required. The US Army Corps of Engineers issued Jurisdictional Determination SAM-2011-00667-CTM that no Army permit would be required for this revision. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

**Finding R-35-3:**

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:**

* Inc. #1 increases to .....	1,279 Acres
* Inc. #2 remains at .....	161 Acres
* Inc. #3 remains at.....	182 Acres
* Inc. #4 remains at.....	292 Acres
Inc. #5 remains at.....	<u>191 Acres</u>
<b>Total Acreage increases to</b>	<b>2,105 Acres</b>

\* Bonded to Date

**EFFECTIVE DATE: December 19, 2011**

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cc: I & E  
Permit File

  
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 Randall C. Johnson, Director