



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-37

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-3260-63-13-U
JIM WALTER RESOURCES INC
PO BOX 133
BROOKWOOD AL 35444
(MINE NO. 4)

License No.: L-613
Pursuant to the permit map: 2 OF 2
Certified by: ROBERT W USHER #15917
Date: 4-27-12

The permit is revised as follows:

1. Add 20 acres to Increment #1 for portal site, elevator site and proposed Sediment Basin 027.
2. Add 5 acres to Increment #1 for a fan site and proposed Sediment Basin 029.
3. Add 9 acres for Primary Road No. 3 to Increment #1.
4. Add 11 acres for ancillary roads to Increment #1.
5. Exemption of 880-X-10D-.13 for the construction of the shaft sites.
6. Update the Hydrologic Monitoring Plan.
7. Add Underground Development Waste Site 1.
8. Create Sheet 2 of 2 of the Permit Map.

CONDITION R-37-1: The permittee shall notify the ASMC and seek consultation with the US 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-37-2: 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-37-1: 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. The State Historic Preservation Officer (SHPO) determined, by letter dated March 19, 2012, that the project activities would have no adverse effect on any known cultural resources listed or eligible for the National register of Historic Places and therefore concur with the 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.

FINDING R-37-2: The US Fish and Wildlife Service (FWS) determined that no federally listed species or critical habitat would be impacted by the proposed addition of acreage (approximately 45 acres) covered by this revision by comments dated January 20 and March 21, 2012. The Alabama Department of Conservation and Natural Resources (ADCNR) reviewed the proposed addition of acreage and indicated that the closest occurrence of a species of concern was approximately 1.3 miles from the area by letter dated December 28, 2011. The US Army Corps of Engineers (USACE) authorized these activities by Nationwide Permit 50, file number: SAM-2012-00354-CMS. USACE determined that mitigation will not be required because of the minimal impact associated with the project. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-37-3: 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 increases to -----	1331 acres
* Increment #2 remains at -----	161 acres
* Increment #3 remains at -----	182 acres
* Increment #4 remains at -----	292 acres
Increment #5 remains at -----	191 acres
* Bonded to date	Total----- 2,157 Acres

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: January 18, 2013



Randall C. Johnson, Director

/ns

cc: I & E, Permit File