



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-39

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: 1 OF 1

Certified by: BRADLEY K SIMMONS #33277

Date: 8-25-14

The permit is revised as follows:

1. Add 1 acre to Increment #1 for a compressor site.
2. Add 2 acres to Increment #1 for rockdust borehole.
3. Transfer 286 incidental acres from Increment #1 to newly created Increment #6 which includes Shaft Rock Disposal, Shaft 4-6, Slurry Impoundment #5 and #6 and Sediment Basin #1, 016 & 016A.
4. Add 2 acres to Increment #1 for new Shaft Site 4-15 and access road.
5. Add 3 acres to Increment #1 for Sediment Basin 032 in the NE/SE, NW/SE of Section 27, T19S, R8W.
6. Add 3 acres to Increment #1 for Sediment Basin 033 in the SE/SE of Section 9, T19S, R8W.
7. Add 2 acres to Increment #1 for dewatering borehole.
8. Exemption of 880-X-10D-.13 for the construction of the dewatering borehole, shaft site 4-15, compressor site, rockdust borehole, and ancillary road access.
9. Change the post mining landuse of Sediment Basin 1 from temporary to permanent water impoundment (fish and wildlife habitat).
10. Transfer 292 incidental acres from Increment #4 to Increment #3.
11. Update the Hydrologic Monitoring Plan.
12. Delete 11 acres from Increment #1 as undisturbed.

CONDITION R-39-1: Basin 032 and Basin 033 cannot be constructed, pumped to, or discharge until NPDES approval from ADEM is submitted to ASMC.

FINDINGS R-39: The ASMC, acting by and through its Director, hereby finds, on the basis of information set forth in the application or from information otherwise available, that --

1. The permit application is complete and accurate and the applicant has complied with all requirements of the Act and the regulatory program.
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 application.
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.
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.
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.

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.
7. The applicant has paid all reclamation fees from previous and existing operations as required by 30 C.F.R., Subchapter R.
8. The applicant has satisfied the applicable requirements of Subchapter 880-X-8J.
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).
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.).
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.
12. For a proposed remining 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.
13. Surface coal mining and reclamation operations will not adversely affect a cemetery.
14. After application approval but prior to issue of permit, 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).

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.
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.
17. 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 letters dated May 3, 2013 and June 9, 2014 that the project activities would have no effect on properties listed or eligible for the National register of Historic Places (NRHP), 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.
18. McGehee Engineering Corp conducted biological habitat assessments for the added areas on April 10, 2013 and April 11, 2014. McGehee found that no habitat existed within or adjacent to the R-39 project boundaries for threatened and endangered species. No evidence was found or observed for the presence or possible presence of listed species. Based on the habitat assessment conducted by McGehee the US Fish and Wildlife Service (FWS) determined that no federally listed species/critical habitat are known to occur in the project areas by comments dated April 30, 2013 and May 15, 2014. 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 2.6 miles from the area by letters dated April 16, 2013 and February 17, 2014. The US Army Corps of Engineers (USACE) authorized these activities by, file number: SAM-2013-00223-LCB and SAM-2014-00267-CMS. USACE determined that mitigation will not be required because "waters of the United States" do not occur within the project areas. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.



FOR UNDERGROUND MINES:

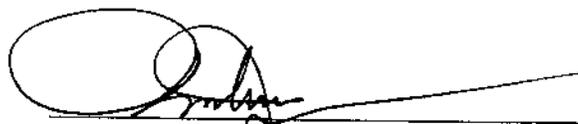
19. This permit does not constitute a determination that the operator has the legal right to cause material damage to or impair any surface lands or facilities above or adjacent to the mineral being mined, according to the Energy Policy Act of 1992, SMCRA Section 720(a)(1), 30 U.S. Code Section 1309a. In addition, by accepting this permit 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 -----	1,058 acres
*	Increment #2 remains at -----	161 acres
*	Increment #3 increases to -----	474 acres
	Increment #4 decreases to -----	0 acres
	Increment #5 remains at -----	191 acres
*	Increment #6 increases to -----	286 acres
	TOTAL -----	2,170 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.

DATE: November 20, 2014



Randall C. Johnson, Director

/ns
cc: I & E
Permit File

