



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-27

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-3663-58-16-U
NEW CENTURY MINING INC
1669 MISSION HILLS ROAD
ALABASTER AL 35007
(GHOLSON MINE)

License No.: L-771
Pursuant to the permit map: 1 OF 2
Certified by: ROBERT W USHER #15917
Date: 3-15-12

The permit is revised as follows:

1. Add 94 mining acres to Increment #4 for highwall mining on the Coke and Atkins coal seams.
2. Add 11 acres to Increment #4 for the purpose of adding Sediment Basin 022 and ancillary roads.
3. Add 4 acres to Increment #4 for the purpose of adding Primary Road No. #14, #15 and #16.
4. Modify the Hydrologic Monitoring Plan, Operation Plan and General Plan.
5. Transfer 3 acres from Increment #6 to Increment #7 for an ancillary road.

CONDITION R-27-1: 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-27-2: 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.

CONDITION R-27-3: No more than 500' linear feet of highwall can be disturbed and left un-graded at any given time within Increment #4.

FINDING R-27-1: 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. Panamerican Consultants, Inc did a phase I cultural resource survey February 9-12, 1998 for the approximately 109 acres to be added by this revision. In a letter dated February 20, 1998 the results of the survey were; no historical sites

or structures eligible or potentially eligible for the National Register of Historic Places (NRHP) were located within the survey area. The State Historical Preservation Officer concurred with Panamerican Consultants, that the proposed project would have no adverse effect on cultural resources eligible or potentially eligible for the NRHP in a letter dated July 14, 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-27-2: The US Fish and wildlife Service (FWS) determined that no federally listed species or critical habitat is known to occur in the proposed project by comments dated January 4, 2012. In a letter dated April 19, 2010 the Alabama Department of Conservation and Natural Resources (ADCNR) stated the closest sensitive species is approximately 0.5 miles from subject site. The US Army Corps of Engineers (USACE) stated in a letter dated January 5, 2012 that a Department of the Army permit is not required. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-27-3: 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.

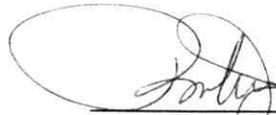
ACREAGE SUMMARY:

* Increment #1 remains at -----	17 acres
* Increment #2 remains at -----	354 acres
* Increment #3 remains at -----	125 acres
Increment #4 increases to -----	109 acres
* Increment #5 remains at -----	14 acres
Increment #6 decreases to -----	37 acres
* Increment #7 increases to -----	<u>12 acres</u>
Total -----	668 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 9, 2012



Randall C. Johnson, Director

/ns
cc: I & E, Permit File