



**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-29

**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-558  
Pursuant to the permit map: 1 OF 2  
Certified by: ROBERT W USHER #15917  
Date: 2-22-13

The permit is revised as follows:

1. Transfer Increment #7, 12 acres to Increment #6.
2. Modify the Operation Plan to address highwall mining in Increment #6.
3. Add 53 acres to Increment #6 for highwall mining.
4. Add Sediment Basins 022, 023 and modify the general plan.
5. Modify the Hydrologic Monitoring Plan.

**CONDITION R-29-1:** 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-29-2:** 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-29-1:** 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 University of Alabama, Office of Archaeological Research conducted a cultural resource reconnaissance survey from September 17-19, 2012 for approximately 211 acres. In a letter dated September 25, 2012 the

results of the survey were no new archaeological sites, isolated finds, or historical standing structures were recorded within the survey area. Based on the findings, OAR recommends a finding of no properties. The State Historical Preservation Office concurred with OAR, that the proposed project would have no adverse effect on cultural resources eligible or potentially eligible for the National Register of Historic Places (NRHP) in a letter dated October 22, 2012. 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-29-2:** A biological habitat assessment was conducted by McGehee Engineering Corp., at the request of the US Fish and wildlife Service (FWS), for approximately 211 acres on August 31, 2012 for the habitat and possible presence federally listed endangered, threatened, or species of concern. Results of the survey show no habitat for the listed threatened and endangered species, and no evidence was found or observed for the presence or possible presence of the listed species. The FWS requested that a habitat survey for 19 federally listed and candidate species by letter on October 15, 2012. The FWS determined that no federally listed species or critical habitat is known to occur in the proposed project by comments dated November 2, 2012. In a letter dated August 24, 2012 the Alabama Department of Conservation and Natural Resources (ADCNR) stated the closest sensitive species is approximately 0.9 miles from subject site. The US Army Corps of Engineers (USACE) stated in a letter dated December 13, 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-29-3:** The proposed permit area is:

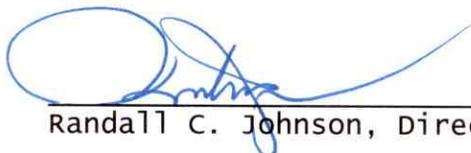
- (a) Not within an area under study or administrative proceedings under a petition, filed pursuant to Chapter 880-X-7 to have an area designated as unsuitable for surface coal mining operations;
- (b) Not within an area designated as unsuitable for mining pursuant to Chapter 880-X-7 or subject to the 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 remains at -----	117 acres
*	Increment #5 remains at -----	14 acres
*	Increment #6 increases to -----	102 acres
*	Increment #7 decreases to -----	4 acres
	Total -----	<b>729 Acres</b>

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: FEBRUARY 28, 2013

  
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 Randall C. Johnson, Director

/ns  
cc: I & E, Permit File