



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-25

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-3666-01-16-U
DRUMMOND COMPANY INC
PO BOX 1549
JASPER AL 35501
(SHOAL CREEK MINE)

License No.: L-018

Pursuant to the
Permit map: 1 OF 1

Certified by: STEVEN R INGLE #18213

Date: 12-9-11

The permit is revised as follows:

1. Add five (5) incidental acres total for boreholes (5) to deliver concrete to the underground works of Shoal Creek Mine. Each site (1 acre each) are located in: NW/SE Section 32; Township 17 South, Range 7 West; Walker County; NE/NE, SE/NE Section 5; Township 18 South, Range 7 West; Tuscaloosa County; SE/SE Section 5; Township 18 South, Range 7 West; Jefferson County; SE/NE Section 8; SW/NW, SW/SW, SE/SW Section 9; Township 18 South, Range 7 West; Jefferson County, Alabama.
2. Also proposed is to disturb within the 100 ft. setback to Big Bend Trail (SE/NE Section 8; SW/NW Section 9; T18S, Range 7 West) and Nancy Ann Bend road (SE/SE Section 5; T18S; Range 7 West).

CONDITION R-25-1: 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-25-2: 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-25-3: There is an approval to get within the 100' setback of Big Bend Trail in the SE/NE Section 8 and the SW/NW Section 9, T18S, Range 7 West and only SE/SE of Section 5, T18S, Range 7 West Jefferson County, Alabama.

FINDING R-25-1: 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. PELA GeoEnvironmental, Inc. did a phase I cultural resource survey on December 21, 2011 for the approximately 5 added acres. In a letter dated December 23, 2011 PELA recommends that the areas be cleared from further cultural resource investigation due to the lack of any resources eligible or potentially eligible for the National Register of Historic Places (NRHP). The State Historical Preservation Officer concurred with PELA, that the proposed project would have no adverse effect on cultural resources eligible or potentially eligible for the NRHP in a letter dated January 31, 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-25-2: The US Fish and Wildlife Service (FWS) determined that no federally listed species or critical habitat would be impacted by the proposed project by comments dated November 2, 2011. In a letter dated November 18, 2008 the Alabama Department of Conservation and Natural Resources (ADCNR) has no objection to the proposed mine, as long as BMP are utilized to prevent degradation/loss of aquatic habitat. In a letter dated March 19, 2008 and November 16, 2011 the ADCNR recommends contacting FWS for federally protected species. The US Army Corps of Engineers (USACE) does not require a permit for this project in a letter dated November 16, 2011. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-25-3: 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.

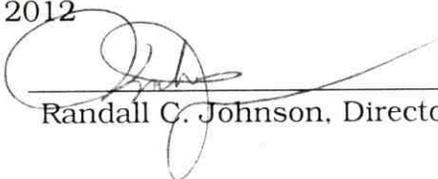
FINDING R-25-4: An informal conference was held and no comments were made against this revision or permit to be noted.

ACREAGE SUMMARY:

* Increment #1 increases to -----1011 Acres
Total -----1011 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: March 30, 2012



Randall C. Johnson, Director

/ns
cc: I & E, Permit File