



**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-33

**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- 3666-01-21-U  
Drummond Company, Inc.  
P.O. Box 1549  
Jasper, AL 35502  
(Shoal Creek Mine)

License No.: L-018

Pursuant to the  
Permit map: 1 of 3

Certified by: L. Wade Keeton PE # 17019

Date: 02/20/2018

The permit is revised as follows:

1. Add 108 incidental acres to Increment No. 1 for Slurry Impoundment H.
2. Add 25 incidental acres to Increment No. 1 for Borrow Area.
3. Add 35 incidental acres to Increment No. 1 for Slurry Pipelines, Injection Wells, and Access.
4. Add 27 incidental acres to Increment No. 1 for Primary Road 7P and Slurry Line.
5. Add 4 incidental acres to Increment No. 1 for Sediment Basin 066P, Drainage Course, and Access.
6. Add 5 incidental acres to Increment No. 1 for Bore Hole Sites and Access.
7. Transfer 5 incidental acres (3 acres Slurry Pipeline and 2 acres Access) from Increment No. 2 to Increment No. 1 for Slurry/Injection Pipelines and access.
8. Request an exemption of ASMC Regulation 880-X-10D-.13(3) for alternate sediment control around four (4) bore holes, slurry pipelines, injection wells, access and along the outslope of Slurry Impoundment H for two (2) small areas not reaching a sediment basin.
9. Request to change the Postmine Landuse on all property owned by Drummond Company, Inc. from Forest to Undeveloped/No Current Use.
10. Request to Disturb within the 100' setback of Coon Hollow and within Coon Hollow for the installation of a culvert.
11. Correct a mapping error within Increment No. 1. Post R-32 Bond Legend should have shown 77 acres for shafts, boreholes, and dewatering holes.

Revision Finding R-33-1: 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 (NRHP). In letters dated December 2017 the University of Alabama, Office of Archaeological Research (OAR), project number 17-192 and 18-107, conducted a Phase I Cultural Resource Survey in Jefferson and Tuscaloosa Counties, Alabama, on March 23-24, 27-28, October 19-20, 24 and November 14, 2017 for approximately 237 acres. As a result of the cultural resources surveys no new archaeological sites or historic standing structures were identified or documented within the boundaries of the area of potential effect (APE). The survey area was mostly moderately to steeply sloping terrain and was extensively impacted due to past mining and logging-related activities. Based on these findings, it is OAR's opinion that the proposed development of the project areas will not have an adverse effect of any significant historic properties within the APE and a finding of no properties is recommended. By letters dated November 20 and December 15, 2017 the Alabama Historic Commission (AHC), Re: AHC 18-0192 and 18-310, upon review of the cultural resource assessments conducted for the project area, AHC determined that the project activities will have no adverse effect on cultural resources eligible for or listed on the NRHP. Therefore AHC concurs with the project activities. This finding is supported in part by inclusion of appropriate conditions placed on the permit or changes in the operation plan that protect historic resources or, alternatively by 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.

Revision Finding R-33-2: By comments dated December 23, 2016, April 25, September 11, and November 22, 2017 the US Fish and Wildlife Service states that the project site contains suitable spring/summer roosting habitat for the endangered Indiana bat and/or threatened Northern Long-eared bat. Conservation Services of Alabama, LLC (CSA) conducted habitat assessments for the endangered Indiana bat (*Myotis sodalis*) and Northern Long-eared bat (*Myotis septentrionalis*) for approximately 150 acres and 26 well sites on October 31, 2016 and November 2 and 13, 2017. The findings of the habitat assessments indicate that potential suitable summer maternity roosting habitat for the Indiana bat and Northern Long-eared bats was not present on the sites as surveyed. By comments dated November 24, 2017 FWS agrees with CSA findings that no federally listed species/critical habitat occur in the project area. In letters dated February 22, August 16 and 31, and November 7, 2017 the Alabama Department of Conservation and Natural Resources (ADCNR) states the closest sensitive species as occurring approximately 1.8 miles from the subject site. ADCNR suggest that a biological survey be conducted by trained professionals to ensure that no sensitive species are jeopardized by the development activities. By a letter dated March 29, 2017 the ADCNR Wildlife and Freshwater Fisheries Division (WFD) state that the Flattened musk turtle (*Sternotherus depressus*) occurs within 3-miles of the project site and the utmost care should be taken to avoid impacts, directly or indirectly, at the project site. By letters dated December 6, 2016 and September 6, 2017 WFD states they have no comments in addition to the letters from Ms. Ashley Peters at ADCNR. US Army Corps of Engineers (USACE) issued a Preliminary Jurisdictional Determination-Project Number SAM-2016-01565-CMS on October 31, 2018 for Shoal Creek Mine, stating the project would impact 305 linear feet (lf) of ephemeral stream, 3770 lf of intermittent stream, and 200 lf of perennial stream. Prior to conducting work in waters of the U. S., the permittee shall purchase stream

mitigation credits from the respective mitigation banks for the appropriate phasing of the project. Phase I is 4,276.28 credits with proximity factor from Big Sandy Mitigation Bank II. Phase II is 2,411.48 credits with proximity factor from Mulberry Fork Mitigation Bank. Phase III is 1,913.86 credits with proximity factor from Mulberry Fork Mitigation Bank, 4,181.63 credits with proximity factor from Locust Fork Mitigation Bank, and 5,779.79 credits with proximity factor from Cahaba River Mitigation Bank. The culvert for the haul road shall be installed in Coon Branch below grade to allow fish passage and unimpeded water flow. The Alabama Surface Mining Commission finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

Revision Condition R33-1: The permittee shall flag each USACE phase in a color different than the permit boundary and unique to each phase.

Revision Condition R-33-2: The permittee shall submit copies of the mitigation certificates to ASMC prior to conducting any mining activities in each USACE phase of the project. Phase I, 4,276.28 credits with proximity factor from Big Sandy Mitigation Bank II. Phase II, 2,411.48 credits with proximity factor from Mulberry Fork Mitigation Bank. Phase III, 1,913.86 credits with proximity factor from Mulberry Fork Mitigation Bank. Phase III, 4,181.63 credits with proximity factor from Locust Fork Mitigation Bank, Phase III, 5,779.79 credits with proximity factor from Cahaba River Mitigation Bank.

**ACREAGE SUMMARY:**

\*INCREMENT #1: increases to ----- 1,275 acres  
INCREMENT #2: decreases to ----- 400 acres

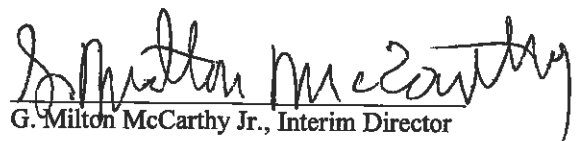
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**Total Acreage Increases to 1,675 Acres**

**\*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: November 1, 2018**

  
G. Milton McCarthy Jr., Interim Director

  
/mw

cc: I & E, Permit File