



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-20

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-3765-01-16-S  
C & H MINING COMPANY INC  
PO BOX 2328  
JASPER AL 35502  
(LINDBERGH MINE NO. 2)

License No.: L-410  
Pursuant to the permit map: 1 OF 1  
Certified by: LESLIE G STEPHENS #14117-E  
Date: 2-7-14

The permit is revised as follows:

1. Add 76 mining acres to Increment #2.
2. Add 10 mining acres to Increment #4.
3. Add 0 (less than 1 acre) mining acre to Increment #2.
4. Add 0 (less than 1 acre) incidental acre to Increment #6 for Primary Road 14P.
5. Update the General Plan through the re-evaluation of Basins 001E, 001AE, 001BE, 010E, and submit Modification Detailed Design Plans of Basin 001CP, and update the General Plan with regard to the construction timetable of Basin 001CP.
5. Update the Operations Plan.
6. Extend the topsoil variance to include the area added by R-20.
7. Update the Reclamation Plan to add cross-section D-D'.
8. Remove the permit condition for the maximum ungraded acres for Increment #2.
9. Submit the detailed design plans for Primary Road 14P.

**FINDING R-20-1:** 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. TerraXplorations, Inc. (TXI) conducted a Phase I Cultural Resource between March 25 and March 30, 2013 for the area to be added by R-20. By a letter dated April 19, 2013 TXI discovered four previously unrecorded archaeological sites (Je910, Je911, Je912, Je913) and two isolated finds (Isolated finds 1-2) during the course of the survey. All sites and isolated finds are considered ineligible for the National Register of Historic Places (NRHP). Based on the findings of the Phase I survey, TXI recommends no further archaeological studies for the subject property. In a letter dated May 13, 2013 The State Historic Preservation Officer (SHPO) concurred with the TXI that project activities would have no adverse effect on cultural resources eligible for or listed on the NRHP and therefore concur with the project. 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-20-2:** McGehee Engineering Corp (MEC) conducted a biological habitat assessment for threatened and endangered species and critical habitat for the area to be added by R-20 in March and April of 2013. MEC found no habitat for or presence of threatened or endangered species within the project area by a letter dated April 26, 2013. A habitat assessment for the Indiana Bat (*Myotis sodalis*) during the same dates referenced possible summer roosting habitat within the survey area by a letter dated June 14, 2013. In a follow up letter dated September 9, 2013 MEC provided detailed descriptions of the possible summer roosting habitat for the Indiana bat. All potential summer roosting habitat is approximately 2000 feet outside the boundary for acreages to be added by R-20. There is no suitable habitat for the Indiana bat on the proposed site. In a letter dated July 15, 2013 the Alabama Department of Conservation and Natural Resources (ADCNR) determined that the closest sensitive species occurs approximately 5.1 miles from the subject site. The US Fish and Wildlife Service (FWS) issued comments dated June 28, 2013 that no federally listed species/critical habitat are known to occur within the project area and therefore concur with the project. The US Army Corps of Engineers (USACE) previously authorized the proposed activities under Permit Number SAM-2013-00514-CMS and stated an USACE permit would not be required for the project as proposed by comments dated July 29, 2013. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

**FINDING R-20-3:** 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.

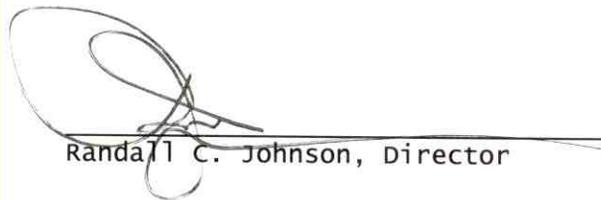
**ACREAGE SUMMARY:**

*	Increment #1	remains at -----	148	acres
*	Increment #2	increases to -----	426	acres
	Increment #3	remains at -----	4	acres
*	Increment #4	increases to -----	98	acres
	Increment #5	remains at -----	88	acres
*	Increment #6	remains at -----	62	acres
*	Increment #7	remains at -----	149	acres
	<b>Total</b>	-----	<b>975</b>	<b>Acres</b>

\* 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: February 12, 2014



Randall C. Johnson, Director

/ns  
cc: I & E, Permit File