



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-7

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-3831-67-12-S
BIRMINGHAM COAL & COKE CO INC
912 EDENTON STREET
BIRMINGHAM AL 35242
(BEAR CREEK MINE)

License No.: L-378
Pursuant to the permit map: 1 OF 1
Certified by: LESLIE G STEPHENS #14117-E
Date: 9-15-11

The permit is revised as follows:

1. Add 83.0 acres to Increment #5; mining area, diversions and Basin 019P.
2. Relocate Basin 009P.
3. Change the post mining landuse of Basin 009P from a temporary impoundment to a permanent water impoundment, fish and wildlife habitat.
4. Update the Operations Plan with regard to cut alignment.
5. Update the Drainage Control Plan.
6. Update the Hydrologic Monitoring Plan.
7. Extend the Topsoil Variance to include area added by Revision R-7
8. Delete 2 mining acres from Increment #5 as undisturbed.
9. Relocate Basin 010P.

CONDITION R-7-1: 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-7-2: 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, or if any modification of the permit will impact site 1FR686.

FINDING R-7-1: This revision adds 13 acres to the permit which were mined off the permitted mine area. This area was included in the original surveys for the permit which are described as follows:

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. A Site survey performed by P.E. LaMoreaux and Associates dated January 21, 2009 found no sites or structures listed or eligible for listing on the National Register of Historic Places exist on the permit area or will be impacted by the mining operation. The Alabama Historical Commission, State Historic Preservation Officer concurred in this finding by letter dated 2/9/2009. 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-7-2: The US Fish and wildlife service (FWS) provided comments dated January 5, 2009 on the proposed mining operation. The FWS indicated that there were no federally listed species occurring in the project area. The Alabama Department of Conservation and Natural Resources (ADCNR) commented by letters dated January 5, 2009 and January 16, 2009 on the proposed operation. The ADCNR provided a countywide listing of sensitive species but indicated no known species within 7 miles of the permit area. Absent the existence of habitat of unusual value or significance on or surrounding the permit area no site-specific survey was required by ASMC. The FWS recommended that the US Army Corps of Engineers be consulted regarding impacts to wetlands. The Corps authorized these activities under Nationwide Permit 49 LRN-2011-00481 dated December 21, 2011. A mitigation plan was approved under this permit requiring reconstruction of 3080 linear feet of streams and construction of 0.73 acres of wetlands, and construction of 3.03 acres of impoundments. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-7-3: 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.

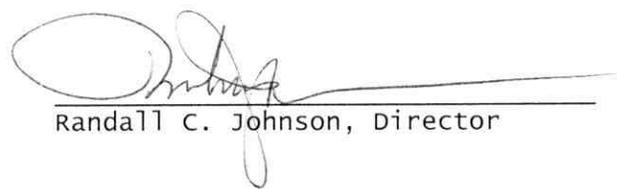
ACREAGE SUMMARY:

* Increment #1 remains at -----	100 acres
* Increment #3 remains at -----	189 acres
* Increment #5 increases to -----	465 acres
* Increment #6 remains at -----	18 acres
* Increment #7 remains at -----	9 acres
Total-----	<u>781 Acres</u>

* 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: January 3, 2012



Randall C. Johnson, Director

/ns
cc: I & E, Permit File