



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-8

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-3850-01-14-S
BEST COAL INC
PO BOX 1253
CULLMAN AL 35056
(NARLEY MINE)

License No.: L-568

Pursuant to the
Permit map: 1 OF 1

Certified by: LESLIE G STEPHENS #14117

Date: 6-14-12

The permit is revised as follows:

1. Add 75.0 acres to Increment #4 for Mining Area.
2. Add 2.0 incidental acres to Increment #6 for Basin 026P.
3. Transfer 41.0 acres from Increment #2 to Increment #3 for Mining Spoil Area.
4. Update the Operations Plan.
5. Update the General Plan through the addition of Basin 026P and the re-evaluation of Basin 005E.
6. Update the Hydrologic Monitoring Plan.
7. Extend the Topsoil Variance to include the area added by this revision.
8. Extend Cross-Section E-E' to cover area added by Revision R-8.

CONDITION R-8-1: 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-8-2: 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-8-1: 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 (OAR) conducted a phase I cultural resource survey of approximately 34.5 acres in two separate tracts, that had not been previously surveyed, on February 2, 2011. No historic archaeological sites or structures were recorded during the survey. A finding of “no properties” is recommended and the proposed project activities will have no impact on any cultural resources. The State Historical Preservation Office (SHPO) concurred with OAR, that the proposed activities would have no adverse effect on cultural resources eligible or potentially eligible for the National Register of Historic Places (NRHP) in a letter dated February 1, 2012. PELA GeoEnvironmental, Inc previously did a phase I cultural resource survey in March 12-13, 2009 for the added approximately 45.5 acres. In a letter dated March 16, 2009 the results of the survey was no cultural resources eligible or potentially eligible for the NRHP were located within the survey area. SHPO concurred with PELA, that the proposed activities would have no adverse effect on cultural resources eligible or potentially eligible for the NRHP in a letter dated March 20, 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-8-2: The US Fish and Wildlife Service (FWS) determined that no federally listed species or critical habitat would be impacted by the proposed addition of acreage covered in this revision by comments dated March 11, 2009 and November 28, 2011. In letters dated March 3, 2009 and November 18, 2011 the Alabama Department of Conservation and Natural Resources (ADCNR) stated the closest sensitive species is 1.5 miles from the project area. The ADCNR has no objection to the proposed project as long as best Management Practices are use to prevent stream and wetlands degradation/loss. In a letter dated June 13, 2012 under Nationwide Permit: SAM-2012-00143-CMS, the US Army Corps of Engineers (USACE) stated the project will impact 2,995 liner feet (lf) of intermittent streams (0.165 acre) and 1,570 lf of ephemeral streams (0.046 acre) for a total impact of 4,565 lf of streams (0.21 acre). To offset impacts to streams caused by the proposed project the applicant shall purchase 0.086 wetland credits (0.058 credits required X 1.49 proximity factor) from the Big Sandy Mitigation Bank. The permittee shall implement the mitigation plan dated July 20, 2012. The mitigation shall consist of constructing at least 1,995 lf of intermittent stream on site, including 50-foot buffers, as compensatory mitigation for impacts to intermittent streams. This construction shall generate no less than 11, 508 stream SOP credits. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDINGS R-8-3: 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.

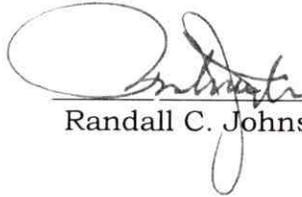
ACREAGE SUMMARY:

*	Increment #1 remains at -----	78 acres
*	Increment #2 decreases -----	62 acres
*	Increment #3 increases to -----	41 acres
*	Increment #4 increases to -----	264 acres
*	Increment #5 remains at -----	93 acres
*	Increment #6 increases to -----	<u>33 acres</u>
	TOTAL -----	571 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: August 31, 2012


Randall C. Johnson, Director

/ns

cc: I & E, Permit File

