



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-18

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-3859-01-14-S
SHANNON LLC
PO BOX 621
JASPER AL 35502
(SHANNON MINE)

License No.: L-813
Pursuant to the permit map: 4 OF 4
Certified by: STEVEN R INGLE #18213
Date: 6-25-12

The permit is revised as follows:

1. Add 710.0 incidental acres (Dragline Deadhead walkway) to newly created Increment #7.
2. Transfer 11.0 incidental acres (Basins 001, 014, 022, drainage courses and access) from Increment #1 to Increment #6.
3. Transfer 11.0 incidental acres (Basins 037, 038, 040, 041, drainage courses and access) from Increment #2 to Increment #6.
4. Delete 48.0 incidental acres (coal loading and stockpile area) from Increment #6 as double permitted and double bonded under P-3959.
5. Delete 14.0 incidental acres (Primary Roads No. 6 and No. 10) from Increment #6 as double permitted and double bonded under P-3959.
6. Delete 13.0 incidental acres (Basin 003, drainage courses and access) from Increment #6 as double permitted and double bonded under P-3959.
7. Delete 183.0 unbonded and undisturbed mining and incidental acres (Basins 012, 013, 017, 019, 020, 025, 026, drainage courses, and access) from Increment #4.
8. Add Basin 024 to Increment #6 (no acreage change).
9. Transfer 9.0 acres from Increment #3 to Increment #7.
10. Update the drainage control plan through the addition of Basin 024 and the deletion of Basins 003, 012, 013, 017, 019, 020, 025 and 026.
11. Update the Hydrologic Monitoring.
12. Exemption of Rule 880-X-10C-.13(3) for areas located along dragline walkway.

CONDITION R-18-1: All 100' setbacks of right-of-way of public roads shall be maintained until waiver of setback is submitted to ASMC for County and State roads.

CONDITION R-18-2: All right-of-way of railroad tracks shall be maintained until a waiver of the right-of-way is submitted to ASMC for the railroad tracks.

CONDITION R-18-3: 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-18-4: 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-18-1: 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 in August 2011 for the added 807 acres. In a letter dated 9/12/11 the results of the survey was no cultural resources eligible or potentially eligible for the National Register of Historic Places (NRHP) were located within the survey area. The State Historical Preservation Office 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 October 5, 2011. 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-18-2: 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 by this revision by comments dated July 28, 2011. In a letter dated July 22, 2011 the Alabama Department of Conservation and Natural Resources (ADCNR) has no objection to the proposed activities, based on a letter provided by Drummond Company, Inc., dated June 29, 2011. The US Army Corps of Engineers (USACE) stated no permit was required as long as best management practices (BMP) are used to minimize effects to aquatic environments. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-18-3: 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.

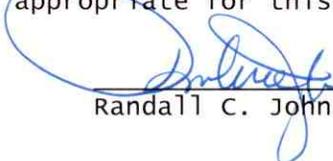
FINDING R-18-4: The use of flagmen with radios will be used at all railroad crossings, in both directions at 500' from the crossing, to ensure public safety.

ACREAGE SUMMARY:

* Increment #1 decreases to -----	156 acres
* Increment #2 decreases to -----	200 acres
Increment #3 decreases to -----	58 acres
Increment #4 decreases to -----	0 acres
* Increment #5 remains at -----	102 acres
* Increment #6 decreases to -----	197 acres
Increment #7 increases to -----	719 acres
* Bonded to date	Total -----1,432 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: June 28, 2012
/ns



Randall C. Johnson, Director

cc: I & E, Permit File