



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-6

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-3886-67-13-S
NATIONAL COAL OF ALABAMA INC
1810 BIRMINGHAM AVENUE SUITE #101
JASPER AL 35501
(POPLAR SPRINGS NORTH MINE)

License No.: L-558
Pursuant to the permit map: 1 OF 1
Certified by: SANFORD M HENDON #18208
Date: 11-8-11

The permit is revised as follows:

1. Add 55 mining acres to Increment #3.
2. Transfer 58 mining acres from Increment #4 to Increment #3.
3. Modify (shorten) Primary Road #6.
4. Add Primary Road #6A & 3A (0 acres) to Increment #3.
5. Add Primary Road #4A (0 acres) to Increment #6.
6. Modify the operation plan and cut layout for Increment #3 and #4.
7. Add Diversion D-22B.
8. Add Sediment Basin 039P to Increment #3.
9. Extension of topsoil variance to 39 of 56 acres being added.
10. Show the correct location of Primary Road #3.

CONDITION R-6-1: 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-6-2: 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.

CONDITION R-6-3: Upon issuance of the NPDES modification (AL0077348), the Hydrologic Monitoring Plan must be updated to reflect additional parameters and set limits.

FINDING R-6-1: 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 area added (55 mining acres) by Revision #6 was approved by the State Historic Preservation Officer (SHPO) by letter dated June 27, 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-6-2: 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 18, 2011. The Alabama Department of Conservation and Natural Resources (ADCNR) reviewed the proposed addition of acreage and indicated that the closest occurrence of a species of concern was approximately 2.0 miles from the area by letter dated May 24, 2011. The US Army Corps of Engineers (USACE) issued Nationwide Permit Authorization SAM-2011-01071-CTM dated August 26, 2011. These authorizations require mitigation of 289 linear feet of ephemeral stream and 297 linear feet of intermittent stream. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-6-3: 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.

THE FOLLOWING RESPONSE IS PREPARED IN REPLY TO WRITTEN COMMENTS RECEIVED ON P-3886, REVISION #6:

In response to why permit information is kept in walker County: The Alabama Surface Mining Commission Office is located in Jasper. The ASMC does not have an office in every city or county.

In response to demanding payments: The ASMC does not get involved in a civil dispute. This is between the landowners and the permittee.

In response to on-site visit to permit P-3886: A letter was sent to Mr. Dunn on August 24th, 2011 explaining his question about his blasting complaint.

In response to statement that no blasting survey was offered: Gamble Seismograph Services, Inc., conducted a pre-blast survey on April 10th, 2008 at 12:00 P.M. A copy of this survey will be kept in P-3886 Revision #6 for further review.

In response to permit boundary crossing Mrs. Pitts' property: On permit map P-3886, Revision #6, the permit boundary does not cross Mrs. Pitts' property.

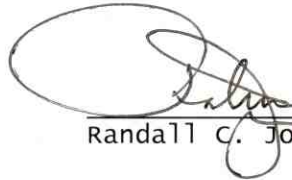
ACREAGE SUMMARY:

*	Increment #1	remains at -----	272 acres
*	Increment #2	remains at -----	290 acres
*	Increment #3	increases to -----	475 acres
*	Increment #4	decreases to -----	344 acres
	Increment #5	remains at -----	379 acres
	Increment #6	remains at -----	22 acres
*	Increment #7	remains at -----	7 acres
	Total	-----	1,789 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 9, 2011



Randall C. Johnson, Director

/ns

cc: I & E, Permit File