



STATE OF ALABAMA
SURFACE MINING COMMISSION

P.O. BOX 239B - JASPER, ALABAMA 35582-2390
(205) 221-4138 • FAX: (205) 221-5077

Permit Revision Number: R-5

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-3887-58-16-U
KODIAK MINING COMPANY LLC
PO BDX 245
130 INVERNESS PLAZA
BIRMINGHAM AL 35242
(COKE MINE NO. 1)

License No.: L-765
Pursuant to the permit map: 1 OF 1
Certified by: BRADLEY K SIMMONS #33277
Date: 5-22-14

The permit is revised as follows:

1. Transfer Sediment Basin 018A from Inc. #3 to Inc. #1 (1 acre).
2. Transfer 7 acres from Inc. #3 to Inc. #1 for newly added Primary Road No. 2.
3. Add 0.1 acres to Inc. #1 for Primary Road No. 2.
4. Add 1 incidental acre to Inc. #1 for future conveyor belt line and railroad spur.
5. Add 11 incidental acres to Inc. #1 for substation, transmission line, and conveyor belt line.
6. Add 2 incidental acres to Inc. #3 for borrow area.
7. Add 15 incidental acres to Inc. #4 for railroad spur and borrow areas.
8. Add 40 incidental acres to Inc. #5 for Thompson underground mine face-up, Coarse Refuse Disposal Area No. 5, and drainage course.
9. Modify the Operation Plan.
10. Modify the General Plan.
11. Extend the approved Topsoil Variance to include the areas added by R-5 which have been previously mined.
12. Submit modification plans for Sediment Basin 015 & 108A.

CONDITION R-5-1: 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-5-2: 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-5-1: 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. Panamerican Consultants, Inc. (PCI) conducted a Phase I Cultural Resource Survey for approximately 637 acres from February 9 to 12, 1998. This survey includes most of the area to be added by R-5. PCI found sites 1SH364, 1SH365, and hoist house and other structures associated with Boothton Nos. 3 and 4 Mine. PCI recommended that sites 1SH364 and 1SH365 have no further archaeological work conducted. The hoist house and related structures were recommended to be avoided or have a Phase II Cultural Survey conducted for this area. By letter dated February 19, 2014 the State Historic Preservation Office (SHPO) agreed that Boothton Mine No. 4 is eligible for the National Register of Historic Places (NRHP), and should be avoided or consult with SHPO to determine mitigation and that site 1SH364 is not eligible for the NRHP. The University of Alabama, Office of Archaeological Research (OAR) conducted a Phase I Cultural Resource Survey for approximately 391 acres that covered the remaining areas of R-5 on June 26 and 27, 2008. OAR recommended that the project area be considered as one that contained no properties eligible for the NRHP. OAR conducted a Phase II Documentation of the hoist house and related structures on June 12, 17, and 18 of 2014. The documentation represents mitigative recording results from the imminent demolition of the Boothton Hoist House and the associated No. 3 and No. 4 Mines due to current development. SHPO concurs with the project activities based on the review of the OAR documentation by letter dated September 2, 2014. 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-5-2: McGehee Engineering Corp. (MEC) conducted Biological Habitat Assessments for approximately 80 acres for R-5, in October 2013. MEC determined that habitat for threatened and endangered species does not exist in the project boundary. No evidence was found or observed for the presence or possible presence of the listed species within the project boundary. The US Fish and Wildlife Service (FWS) agreed with MEC findings that no federally listed species/critical habitat occur in the project area by comments dated January 6, 2014. 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 0.2 miles from the area by letters dated March 28, 2014. The US Army Corps of Engineers (USACE) determined that a permit was not required for the R-5, project number JAM-2014-00093-CMS, by comments dated February 25, 2014. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-5-3: 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;

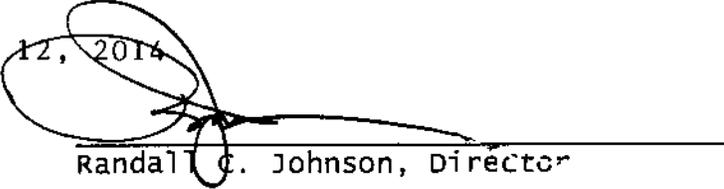
(b) Not within an area designated as unsuitable for mining pursuant to Chapter 880-X-7 or subject to the prohibitions or limitations of Section 880-X-7B-.06 and Section 880-X-7B-.07 of this chapter.

ACREAGE SUMMARY:

* Increment #1 increases to -----	159 acres
* Increment #2 remains at -----	59 acres
Increment #3 decreases to -----	437 acres
Increment #4 increases to -----	15 acres
Increment #5 increases to -----	40 acres
* Bonded to date	Total ----- 710 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: December 12, 2014



Randall C. Johnson, Director

/ns
cc: I & E, Permit File