



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-3

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-3889-39-13-S
GTM ENERGY PARTNERS LLC
442 COUNTY ROAD #464
FLAT ROCK AL 35966
(MINE NO. 3)

License No.: L-780
Pursuant to the permit map: 1 OF 1
Certified by: LESLIE G STEPHENS #14117-E
Date: 1-31-12

The permit is revised as follows:

1. Add 16.0 mining acres to create Increment #4.
2. Add 1.0 incidental acre to Increment #1 for Basin 004P.
3. Transfer 1 acre from Increment #2 to Increment #1 for a Primary Road 1P Extension.
4. Submit detailed design plans for Primary Road 1P Extension.
5. Update the drainage control plan with the addition of Basin 004P.
6. Update the Operations Plan and include Auger Mining of Final Highwall.
7. Extend the topsoil variance for previously disturbed area added by the Revision #3 area.
8. Submit detailed design plans for Basin 004P.

CONDITION R-3-1: 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-3-2: 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-3-1: 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 (17 total acres) by Revision #3 was approved by the State Historic Preservation Officer (SHPO) by letter dated June 9, 2009 based on a Jacksonville State University Archaeological Research Laboratory (JSU-ARL) resource assessment. JSU-ARL

surveyed the area on May 15, 2009 and recommended a finding of no Historic properties, due to the area being previously strip-mined. 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-3-2: 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 16, 2009. 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 2.9 miles from the area by letter dated May 13, 2009. In a letter dated May 14, 2009 the ADCNR recommended that the USACE be consulted regarding impacts to wetland areas, and that Best Management Practices be followed to degradation of aquatic habitat. The US Army Corps of Engineers (USACE) determined that a permit was not required for the project area in a letter dated June 12, 2009. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-3-3: 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.

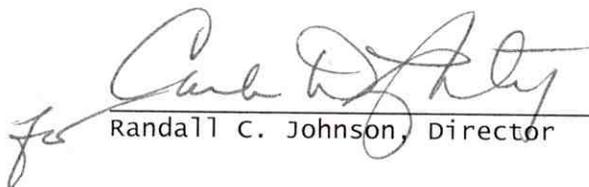
ACREAGE SUMMARY:

*	Increment #1 increases to -----	13 ACRES
*	Increment #2 decreases to -----	19 ACRES
	Increment #3 remains at -----	19 ACRES
	Increment #4 increases to -----	<u>16 ACRES</u>
	TOTAL -----	67 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: April 24, 2012


 for _____
 Randall C. Johnson, Director

/ns
cc: I & E, Permit File