



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-3895-63-12-S  
CAHABA RESOURCES LLC  
PO BOX 122  
VANCE AL 35490  
(JOHNSON MINE)

License No.: L-755  
Pursuant to the permit map: 1 OF 1  
Certified by: ROBERT W USHER #15917  
Date: 9-8-11

The permit is revised as follows:

1. Add 66 mining acres and 2 incidental acres (Sediment Basin 002 and its access) to Increment #4.
2. Transfer 33 mining acres from Increment #2 to Increment #3.
3. Transfer 2 acres (Sediment Basin 004 and its access) from Increment #3 to Increment #6.
4. Transfer 0.2 acres from Increment #2 to Increment #6 for ancillary road.
5. Modify the Operation Plan.
6. Modify the General Plan.
7. Update the hydrologic monitoring plan.
8. Request to extend the approved Topsoil Variance to include the area added by Revision R-3.
9. Place a 20 acre grading condition on Increment #4.
10. Transfer 8 mining acres from Increment #5 to Increment #3.

**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. Site surveys performed by P.E. LaMoreaux, & Assoc, Inc., dated April 14, 2011 found no sites potentially eligible for listing on the National Register of Historic Places located on this proposed mine site. The State Historic Preservation Officer concurred with these findings by letter dated May 10, 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-3-2:** The US Fish and wildlife Service (FWS) provided comments dated May 5, 2011 on the proposed operation. The FWS identified no threatened or endangered species, which might be affected by the operation and concurred with the permit. Nationwide Permit 21 SAM-2011-00779-CTM was issued by the US Army Corps of Engineers on August 19, 2011 for impacts to 671 linear feet of ephemeral stream and 1091 linear feet of intermittent stream. Mitigation will involve construction of an equal amount of ephemeral and intermittent stream on site and preservation in a restrictive covenant of 0.195 acres of depressional outflow/palustrine enhanced wetland. The ADCNR provided comments dated March 11, 2011 finding that no species of concern were known to exist closer than 8.2 miles to the permit area. 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.

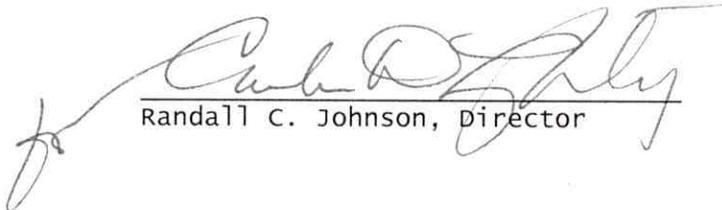
**ACREAGE SUMMARY:**

* Increment #1 remains at -----	51 acres
* Increment #2 decreases to -----	54 acres
Increment #3 increases to -----	41 acres
Increment #4 increases to -----	68 acres
Increment #5 remains at -----	34 acres
* Increment #6 increases to -----	<u>25 acres</u>
<b>Total -----</b>	<b>273 Acres</b>

\* 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: January 4, 2012



Randall C. Johnson, Director

/ns  
cc: I & E, Permit File