



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:

Issued to: P-3922-64-14-S  
BLACK WARRIOR MINERALS INC  
PO BOX 1190  
SUMITON AL 35148  
(MANCHESTER EAST MINE)

License No.: L-698

Pursuant to the  
Permit map: 1 OF1

Certified by: LESLIE G STEPHENS #14117

Date: 5-9-12

The permit is revised as follows:

1. Add 7.0 mining acres to Increment #4.
2. Add 2.0 incidental acres to Increment #6 for Basin 043P.
3. Transfer 25.0 mining acres and 2.0 incidental acres from Increment #4 for Basin 038P and access to Increment #2 for mining area.
4. Transfer 27.0 mining acres from Increment #5 to Increment #2.
5. Transfer 19.0 mining acres from Increment #2 to Increment #4.
6. Transfer 2.0 mining acres from Increment #5 to Increment #4.
7. Transfer 97.0 mining acres from Increment #2 to Increment #1.
8. Transfer 3.0 mining acres from Increment #2 to Increment #6 for the extension of Primary Road 2P and coal yard.
9. Delete Basin 039P and transfer acreage to mining acres.
10. Delete Basin 040P and transfer acreage to mining acres.
11. Delete Basin 041P and transfer acreage to mining acres.
12. Delete Basin 009P and drainage course east of Basin 009P and transfer acreage to mining acres.
13. Delete 0.0 incidental acres (a portion of Basin 039) as undisturbed.
14. Update the General Plan through the addition of Basin 043P.
15. Submit Detailed Design Plans for Basin 043P.
16. Update the Hydrologic Monitoring Plan.
17. Update the Operations Plan.
18. Extend Primary Road 2P from Station 27+44 to 52+45 at coal yard.
19. Submit Detailed Design Plans for the extension of Primary Road 2P.
20. Extend Topsoil Variance to include acreage added by this revision.

**CONDITION R3-1:** The permittee shall notify the ASMC and seek consultation with the US 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.

**CONDITION R-3-3:** Permittee must provide proof of lease for all Increment #2 (Region's Bank) (m) prior to bonding and conducting any mining activities in Increment #2.

**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. A site survey performed by Terry L. Lolley, RPA dated March 13, 2008 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 July 24, 2008. This finding is supported in part by inclusion of appropriate 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 February 26, 2008 on the proposed operation. The FWS identified several threatened or endangered species, which might be affected by the mining operation and requested a site survey be performed. Based on a site survey report dated March 29, 2008 by Yokley Environmental Consulting Services, the FWS granted ESA clearance by letter dated August 6, 2008. By a letter dated March 14, 2012 the US Army Corps of Engineers (USACE) authorized this project by Nationwide Permit 21, permit number SAM-2012-00134-CMS. The project will impact 1,540 linear feet (LF) of intermittent stream (0.067 acre). The applicant shall purchase 9,471 stream credits (6,314 credits required \*1.5 proximity factor) from the Big Sandy Mitigation Bank. The ADCNR provided comments dated July 18, 2008. Concerns and recommendations of the ADCNR have been addressed in the permit. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

**FINDING R3-3:** 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 -----	131 acres
	Increment #2 decreases to-----	54 acres
*	Increment #3 remains at -----	100 acres
*	Increment #4 increases to -----	144 acres
	Increment #5 decreases to -----	90 acres
*	Increment #6 increases to -----	<u>41 acres</u>
	<b>TOTAL -----</b>	<b>560 ACRES</b>

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: May 15, 2012

/ns  
cc: I & E, Permit File

  
 \_\_\_\_\_  
 Randall C. Johnson, Director