



**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-4

**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-3929-64-22-S  
Yellowhammer Energy Solutions, LLC  
912 Edenton Street  
Birmingham, AL 35242  
(Slate Creek Mine)

License No.: L-838  
Pursuant to the  
Permit map: 1 of 1  
Certified by: Rich Weaver P.E. # 33285  
Date: 09/17/2018

**The permit is revised as follows:**

1. Delete 15.0 Mining acres from Increment No.3 as undisturbed,
2. Delete 1.0 acre from Increment No. 7 for Basin 001 as not constructed,
3. Add 1.0 acre to Increment No. 7 for Basin 021,
4. Add 1.0 acre to Increment No. 7 for 2 ancillary roads,
5. Add 25.0 mining acres to Increment No. 4,
6. Addendum to the Operation Plan,
7. Add Auger Mining to the Operation Plan,
8. Addendum to the General Plan,
9. Request to extend the approved Topsoil Variance to the newly added area
10. Request to Delay Contemporaneous Reclamation for the highwall being created along the northern forty line of the west half of the NE/SE and the NW/SE of Section 28, Township 14 South, Range 8 West all in Walker County, Alabama.

Revision 4 Finding 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. In a letter dated July 16, 2018 The University of Alabama, Office of Archaeological Research (OAR) states it conducted a cultural resource survey for approximately 27 acres in Walker County, Alabama on June 7-8, 2018. As a result of the field investigations, one new archaeological site (1Wa296) was documented and isolated find was recovered. Given the lack of intact subsurface features, non-existent artifact density, and the condition of the buildings site 1Wa296 is recommended as ineligible for the National Register of Historic Places (NRHP). The opinion of OAR is that the Slate Creek Mine P-3929 (R-4) will not affect any significant historic properties and a finding of no properties is recommended. By letter dated September 10, 2018 the Alabama Historical Commission (AHC), AHC 08-0301, determined that project activities will have no effect on any cultural resources listed on or eligible for the NRHP. 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.

Revision 4 Finding 2: Dan Spaulding Environment Consultant (Spaulding) conducted a habitat survey for approximately 27 acres in Walker County, Alabama on April 15, 2018. A letter dated April 18, 2018 states that there is no potential habitat for Threatened and Endangered species with the exception of summer roosting habitat for the Indiana bat and Northern Long-eared Bat. Spaulding advises that tree clearing only be conducted from

October 15–March 31 to avoid adverse effects to possible summer roosting habitat of the bats. By a comment letter dated April 26, 2018 the US Fish and Wildlife Service (FWS) concur that no impacts the Indiana bat and/or Northern Long-eared bat are anticipated as a result of the proposed project, since tree removal is only to occur between October 15 and March 31. No other federally listed species/critical habitat occur in the project area. In a letter dated April 2, 2018 the Alabama Department of Conservation and Natural Resources (ADCNR) suggested a biological survey be conducted by trained professionals for the project area. The closest sensitive species is recorded in the ADCNR database as occurring approximately 1.6 miles from the subject site. In a letter dated June 18, 2018 the U.S. Army Corps of Engineers (USACE) by File No. SAM-2008-00823-HWL determined the project area does not include waters of the U.S. and therefore an USACE authorization is not required. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

Revision 4 Condition 1: Permittee shall only conduct tree removal from October 15 – March 31 within the area added by R-4.

**ACREAGE SUMMARY:**

*INCREMENT #1: remains at -----	37 acres
*INCREMENT #2: remains at -----	26 acres
*INCREMENT #3: decreases to -----	38 acres
*INCREMENT #4: increases to -----	43 acres
*INCREMENT #6: remains at -----	22 acres
*INCREMENT #7: increases to -----	10 acres

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**Total Acreage Increases to 176 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: September 27, 2018**

  
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 Jennathan E. Hall, Director

*S. R.*  
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cc: I & E, Permit File