



**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-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-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: 07/03/2019

**The permit is revised as follows:**

- 1. Add 51.0 incidental acres to Increment 6 for additional spoil area.**
- 2. Add 4.0 incidental acres to Increment 7 for Basins 018 & 022.**
- 3. Add 10.0 Mining acres to Increment 4.**
- 4. Delete 12.0 Mining acres from Increment 3 as undisturbed.**
- 5. Relocate Basins 003.**
- 6. Addendum to the General Plan.**
- 7. Request to extend the approved Topsoil Variance to the newly added areas.**

R-5 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 November 16 & 19, 2018 and February 20, 2019 The University of Alabama, Office of Archaeological Research (OAR) states it conducted a cultural resource survey for approximately 56 and 57 acres in Walker County, Alabama on October 30 through November 7, 2018 and February 15, 2019. As a result of the field investigations, two new archaeological sites (1Wa299 and 1Wa300) were documented and two historic archaeological resources (HAR1 and HAR2) were identified within the boundaries of the area of potential effect (APE). Given the lack of intact subsurface features, light to lack of artifact density, and the disposition of the building sites 1Wa299 and 1Wa300 are recommended as ineligible for the National Register of Historic Places (NRHP). Har1 is not considered eligible for the NRHP due to its condition and the fact it is no longer used for chicken housing but is instead a storage space. HAR2 is recommended potentially eligible for listing to the NRHP based on Criterion C (design/construction). The opinion of OAR is that the Slate Creek Mine P-3929 (R-5) will not affect any significant historic properties and a finding of no properties is recommended, with the exception of HAR2. OAR's opinion is that the proposed revision will have an adverse effect on HAR2 and avoidance is recommended. By letters dated February 27, 2019 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. Furthermore, AHC disagrees with OAR's determination of eligibility of HAR2, as the bungalow does not appear to be eligible for the NR due to lack of integrity and addition of the cattle

shed. This structure type is quite common. Therefore, AHC concurs with the proposed project activities. 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.

R-5 Finding 2: In a letter dated October 25, 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 mile from the subject site. Dan Spaulding Environment Consultant (Spaulding) conducted a habitat survey for approximately 59 acres in Walker County, Alabama on October 22, 2018. A letter dated October 25, 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 December 17, 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 February 25, 2019 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.

R-5 Condition 1: Permittee shall only conduct tree removal from October 15 – March 31 within the area added by

**ACREAGE SUMMARY:**

*INCREMENT #1: remains at -----	37 acres
*INCREMENT #2: remains at -----	26 acres
*INCREMENT #3: decreases to -----	26 acres
*INCREMENT #4: increases to -----	53 acres
*INCREMENT #6: increases to -----	73 acres
*INCREMENT #7: increases to -----	14 acres

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**Total Acreage Increases to            229 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 3, 2019**

*Kathy H. Love*  
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 Kathy H. Love, Director

*SM 9/3/2019*

/mw  
 cc: I & E, Permit File