



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-2

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-3930-01-16-S
WB MINING LLC
120 KINGSLEY ROAD
ALABASTER AL 35007
(FISHTRAP MINE NO. 2)

License No.: L-760
Pursuant to the permit map: 1 OF 1
Certified by: LESLIE G STEPHENS #14117
Date: 3-8-12

The permit is revised as follows:

1. Transfer 17.0 mining acres from Increment #2 to Increment #1.
2. Add 3.0 mining acres to Increment #1.
3. Update Operations Plan.
4. Extend Topsoil Variance.
5. Add 1.0 incidental acre to Increment #6 for the constructed location of Primary Road 3P.
6. Delete 1.0 undisturbed incidental acre from Increment #6.
7. Transfer 1.0 acre from Increment #6 to Increment #1 for mining area.
8. Transfer 0 acres from Increment #2 to Increment #6 for the constructed location of Primary Road 5P.

CONDITION R-2-1: 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-2-2: 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-2-1: 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. PELA GeoEnvironmental, Inc. conducted a cultural resource survey on February 20, 2012 for an approximate 3 acres project area. In a letter dated February 20, 2012 PELA recommends that the project area be cleared from further cultural resource concerns as

no cultural materials were identified during the field investigation. The State Historical Preservation Officer concurred with PELA, that the proposed project would have no adverse effect on cultural resources eligible for or listed on the National Register of Historic Places (NRHP) in letters dated March 5 and 23, 2012. 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-2-2: The US Fish and wildlife Service (FWS) provided comments that no federally listed species or critical habitats are known to occur in the project areas by a letter dated February 23, 2012. In a letter dated February 15, 2012 the Alabama Department of Conservation and Natural Resources (ADCNR) notes the closest recorded sensitive species is approximately 5.6 miles from the subject site. By a letter dated April 27, 2012 the US Army Corps of Engineers (USACE) authorized the project by file number: SAM-2012-00398-CMS. The project will not require a Department of the Army permit. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-2-3: 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.

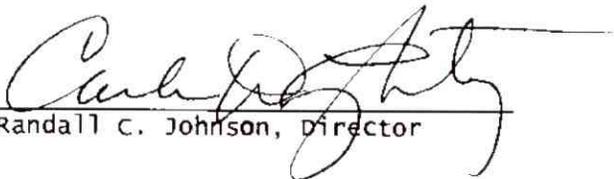
ACREAGE SUMMARY:

* Increment #1 increases to -----	88 acres
Increment #2 decreases to -----	50 acres
Increment #3 remains at -----	92 acres
Increment #4 remains at -----	112 acres
Increment #5 remains at -----	74 acres
Increment #6 decreases to -----	13 acres
Total -----	429 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: May 9, 2012


 Randall C. Johnson, Director

/ns

cc: I & E, Permit File