



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-3933-01-14-S  
RAC MINING LLC  
259 SHADY GROVE ROAD  
QUINTON AL 35130  
(POWHATAN MINE NO. 2)

License No.: L-804  
Pursuant to the permit map: 1 OF 1  
Certified by: LESLIE G STEPHENS #14117-E  
Date: 1-13-12

The permit is revised as follows:

1. Add 15 mining acres to Increment #2.
2. Add 26 mining acres to Increment #3.
3. Add 25 mining acres to Increment #4.
4. Delete 3 mining acres from Increment #2.
5. Delete 4 mining acres from Increment #4.
6. Extend the topsoil variance to include the mining area added by Revision R-2.
7. Update the Operations Plan.
8. Renumber Basin 006P to Basin 017P to match the ADEM outfall numbering.
9. Re-evaluate and modify Basins 012E, 012AE, and 012BE.
10. Update mineral ownership.

**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. The University of Alabama, Office of Archaeological Research surveyed the area to be added (66 acres) on November 17, 2011. As a result of the survey, no archaeological sites were identified or documented. UA-OAR, recommended a finding of no properties. The State Historical Preservation Office concurred with Office of Archaeological Research in a letter dated December 19, 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-2-2:** The US Fish and wildlife service (FWS) determined that no federally listed species or critical habitat would be impacted by the proposed addition of acreage covered by this revision by comments dated November 17, 2011. The Alabama Department of Conservation and Natural Resources (ADCNR) reviewed the proposed addition of acreage and indicated that the closest occurrence of a species of concern (Cooper's Hawk) was approximately 2.2 miles from the area by letter dated November 2, 2011. ADCNR in a letter dated November 26, 2011 stated that the USACE be contacted if flowing stream, ditches or wetlands will be impacted by the proposed

activity. Also, that BMP be used to prevent degradation/loss of aquatic habitat. In a letter dated January 30, 2012 the proposed additional acreage is authorized by US Army Corps of Engineers (USACE) Nationwide Permit; SAM-2012-00012-CTM. These authorizations require the purchase of 0.10 wetland credits from Big Sandy Mitigation Bank to offset the 400 lf (0.0146 acre) of ephemeral stream and 0.17 acre of low quality wetland impacts. 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.

**FINDING R-2-4:** The applicant seeks to add 66 acres to the permit consisting essentially of a narrow rim around the permitted area. The areas to be added are steeply sloping and of poor quality soil, much already disturbed. It appears that rock overburden is the best available material for revegetation of this addition. The extension of the topsoil variance is hereby approved subject to the same terms and conditions applying to the original topsoil variance.

**CONDITION R-2-1:** 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-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.

**ACREAGE SUMMARY:**

* Increment #1 remains at -----	51 acres
* Increment #2 increases to -----	87 acres
Increment #3 increases to -----	71 acres
Increment #4 increases to -----	81 acres
* Increment #5 remains at -----	15 acres
Total -----	305 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:



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Randall C. Johnson, Director

/ns  
cc: I & E, Permit File