



**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-1

**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-3934-01-16-S  
C CLAY INC  
PO BOX 314  
DORA AL 35062  
(SKELTON CREEK MINE)

License No.: L-778  
Pursuant to the permit map: 1 OF 1  
Certified by: LESLIE G STEPHENS #14117-E  
Date: 10-3-12

The permit is revised as follows:

1. Add 7.0 acres to create Increment #5 for coal fines area and Basin 006P.
2. Add 5.0 incidental acres to create Increment #6 for Primary Roads 4P and 5P.
3. Update the General Plan and Hydrologic Monitoring Plan for the addition of Basin 006P as a permanent water impoundment, fish and wildlife habitat.
4. Update the Operations Plan.
5. Submit detailed design plans for Basin 006P.
6. Submit detailed design plans for Primary Roads 4P and 5P.
7. Update the surface ownership.

**CONDITION R-1-1:** 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-1-2:** 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-1-3:** The permittee shall provide ASMC with a bill of sale for 0.247 wetland credits (0.184 x 1.49 proximity factor) and 60 stream credits (40 credits x 1.49 proximity factor) from the Big Sandy Mitigation Bank, prior to bonding and conducting mining activities in Increment 05.

**FINDING R-1-1:** 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 conducted a cultural resource reconnaissance survey on February 3, 2012 for approximately 3 acres. In a letter dated March 6, 2012 the results of the survey, one new archaeological site, Site 1Je883, and Isolated Find #1, were discovered within the boundaries of the proposed project area. However, neither the site nor the isolated find are considered eligible for inclusion to the National Register of Historic Places (NRHP). Based on these findings, the proposed access road will not have an adverse effect on any significant historic properties. The State Historical Preservation Office concurred with OAR, that the proposed project would have no adverse effect on cultural resources listed or eligible for the NRHP in a letter dated March 20, 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-1-2:** The FWS determined that no federally listed species or critical habitat is known to occur in the project area by comments dated February 3, 2012. In a letter dated January 26, 2012 the Alabama Department of Conservation and Natural Resources (ADCNR) stated the closest sensitive species is approximately 1.9 miles from subject site. In a second letter dated March 7, 2012 ADCRN has no objection to the project provided best management practices are performed to prevent degradation/loss of aquatic habitat and no state or federally protected species is adversely impacted by the project. The US Army Corps of Engineers (USACE) stated in a letter dated June 18, 2012 that Nationwide Permit 14: Permit Number SAM-2012-00638-CMS was issued for this project. The project will involve the installation of a culvert and associated fill in 50 linear feet of intermittent stream and the placement of a culvert and associated fill in 0.37 acre of scrub shrub wetlands. To mitigate for the impacts, the permittee shall purchase 0.247 wetland credits (0.184 x 1.49 proximity factor) and 60 stream credits (40 credits x 1.49 proximity factor) from the Big Sandy Mitigation Bank before commencing work in waters of the United States. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

**FINDING R-1-3:** 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.

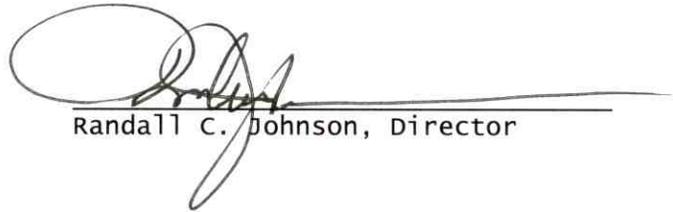
**ACREAGE SUMMARY:**

* Increment #1	remains at -----	25 acres
Increment #2	remains at -----	2 acres
Increment #3	remains at -----	3 acres
Increment #4	remains at -----	6 acres
Increment #5	remains at -----	7 acres
Increment #6	increases to -----	5 acres
<b>Total -----</b>		<b>48 Acres</b>

**\* 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: March 13, 2013

  
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Randall C. Johnson, Director

/ns  
cc: I & E, Permit File