



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:

Issued to: P-3941-01-15-U
WARRIOR INVESTMENT CO INC
218 HIGHWAY #195
JASPER AL 35503
(MAXINE-PRATT MINE)

License No.: L-661

Pursuant to the
Permit map: 1 OF 1

Certified by: ROBERT W USHER #15917

Date: 7-29-10

The permit is revised as follows:

1. Add 0.60 acres for parking area.
2. Add 1 acre for ancillary road and fresh water pump line, 0.25 acres for shaft site and fresh water pump.
3. Disturb within the 100 ft. offset of Alliance Road for the purpose of installing a fresh water pump line and pump on an abandoned shaft.

CONDITION R-1-1: 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-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 or human remains 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-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. A site survey performed by P.E. Lamoreaux and Associates dated June 2009 found no sites potentially eligible for listing on the National Register of Historic Places located on the mine site. The State Historic Preservation Officer (SHPO) concurred with this finding by letter dated June 25, 2009. The SHPO reviewed the proposal to add acreage under Revision #1 provided comments dated August 10, 2010 finding no resources listed on or eligible for listing on the NRHP would be effected. 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 dated July 16, 2009. Based on a field study conducted by L.J. Davenport dated June 2009, the FWS found that no federally listed species or critical habitat as defined by the Endangered Species Act occur on the proposed permit area. The FWS reviewed the proposal to add acreage under this revision and concurred on August 8, 2010. The Alabama Department of Conservation and Natural Resources provided comments dated May 29, 2009 indicating that no sensitive species were known to occur within 3.3 miles of the proposed permit area. The US Army Corps of Engineers issued authorization under Nationwide Permit 21 SAM-2009-01116-CTM dated August 3, 2009 for activities under this permit which will impact 1474 feet of stream and 0.05 acres of wetland. A mitigation plan approved by the Corps was reviewed by ASMC and found to be consistent with the provisions of this permit. The USACE provided a finding dated September 30, 2010 that the addition of acreage would not require 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-3-3: The proposed permit 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.

All other terms and conditions remain in effect as well as all Findings in the original permit and any Findings appropriate for this revision.

ACREAGE SUMMARY:

*	Increment #1 increases to -----	<u>10 acres</u>
	TOTAL -----	10 ACRES

EFFECTIVE DATE: DECEMBER 2, 2010

/ns
cc: I & E, Permit File



Randall C. Johnson, Director