



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-3948-01-15-S
SHANNON LLC
PO BOX 621
JASPER AL 35502
(SHANNON MINE NO. 3)

License No.: L-813
Pursuant to the permit map: 1 OF 1
Certified by: STEVEN R INGLE
Date: 4-19-12

The permit is revised as follows:

1. Transfer five (5) mining acres from Increment #3 to Increment #1 as incidental acres for Primary Road 14 located in: NW/SW, NE/SW, NW/SE, SW/SE Section 20, Township 19 South, Range 5 West; Jefferson County, Tuscaloosa County, Alabama.
2. Add eight (8) incidental acres to Increment #1 for Primary Road 14 located in NW/SW Section 20, NE/SE, SE/SE, SW/SE Section 19, NW/NE, NE/NW, NW/NW Section 30, Township 19 South, Range 5 West, NE/NE Section 25, Township 19 South, Range 6 West.
3. Add four (4) incidental acres to Increment #1 for Primary Road 15P located in SW/NE, NW/SE, SW/SE Section 21, Township 19 South, Range 5 West.
4. Add one (1) incidental acre to Increment #1 for Primary Road 16P located in SW/NE Section 21, Township 19 South, Range 5 West.
5. Add one (1) incidental acre to Increment #1 for Primary Road 17P located in SE/NW, SW/NE, Section 21, Township 19 South, Range 5 West.
6. Add one (1) incidental acre to Increment #1 for Dewatering Site and Access located in NE/SE, SE/SE, Section 19, Township 19 South, Range 5 West; Jefferson County, Alabama.
7. Transfer four (4) incidental acres from Increment #3 to Increment #2 for Basins 025A, 025, access roads and diversion ditches located in SW/NW, SE/NW, NW/SW, NE/SW Section 20, Township 19 South, Range 5 West; Jefferson County, Alabama.
8. Transfer two (2) mining acres from Increment #3 to Increment #2.
9. Update Operations Plan.

CONDITION R-5-1: 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-5-2: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-5-1: 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 (OAR) conducted a Phase I cultural resource survey on November 3-7, 2011 and December 12, 2011 for areas labeled revision 5 and revision 5-A, respectively. In a letter dated December 5, 2011 the results of the survey for revision 5 showed a historical cemetery, site: 1Je851, originally added to the Alabama State Site File (ASSF) in 2010 and no other cultural resources eligible or potentially eligible for the National Register of Historic Places (NRHP) were located within the survey area. OAR revisited site 1Je851 and defined and flagged the cemetery buffer zone for mining avoidance. An established road runs along the western border of the cemetery, OAR recommends that Shannon LLC stay within the right of way of the existing roadbed to avoid effecting the cemetery with the proposed activities. In a letter dated January 4, 2012 for the area labeled revision 5-A OAR results were the proposed activities would have no effect on historic properties. The State Historical Preservation Office concurred with OAR, that the proposed buffer for the cemetery is appropriate, and the proposed activities would have no adverse effect on cultural resources eligible or potentially eligible for the NRHP in letters dated January 18 and February 29, 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-5-2: 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 11, 2011. In letters dated February 9 and 18, 2010 the Alabama Department of Conservation and Natural Resources (ADCNR) based on review of the project proposal has no objection. The nearest sensitive species occurs 4.8 miles for the subject site. The US Army Corps of Engineers (USACE) stated no mitigation-required for the area labeled revision R-5, covered by NWP SAM2011-01776-CMS, as impacts will be minimal in a letter dated December 21, 2011. The USACE also stated that no permit was required for the area labeled revision R 5-A in a letter dated December 27, 2011 file number SAM-2011-01915-CMS. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-5-3: 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 -----	366 acres
* Increment #2 increases to -----	118 acres
Increment #3 decreases to -----	176 acres
Increment #4 remains at -----	53 acres
Increment #5 remains at -----	86 acres
TOTAL -----	799 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: April 20, 2012



 Randall C. Johnson, Director

/ns
cc: I & E, Permit File