



STATE OF ALABAMA
SURFACE MINING COMMISSION

P.O. BOX 2390 - JASPER, ALABAMA 35602-2390
(205) 221-4130 • FAX: (205) 221-5077

Permit Revision Number: R-6

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- 3970-33-17-S
Birmingham Coal & Coke Company, Inc.
912 Edenton Street
Birmingham, AL 35242
(Knight Mine)

License No.: L-378
Pursuant to the
Permit map: 1 of 1
Certified by: J. Rich Weaver PE # 33285
Date: 09/27/2016

The permit is revised as follows:

1. Add 10.0 Mining acres to Inc. 2.
2. Add 1.0 acre to Inc. 6 for Basin C56.
3. Update property ownership.
4. Transfer 1.0 acres from Inc. 1 to Inc. 6 for ancillary road.
5. Transfer 1.0 acres from Inc. 4 to Inc. 6 for ancillary road.

Finding R-6-1: 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. In a letter dated August 2, 2016. The University of Alabama, Office of Archaeological Research (OAR) documented a Phase I Cultural Resource Survey for approximately 11 acres in Winston County, Alabama, conducted July 11, 2016. During the cultural resources survey, no new archaeological sites or historic standing structures were identified or documented within the boundaries of the area of potential effect (APE). The majority of terrain within the APE has been heavily impacted by previous agricultural activities and terracing, silviculture, timber harvesting, and strip mining. These activities has removed much of the topsoil within the APE; therefore the lack of cultural resource identification is not unexpected. Based on these findings, it is the opinion of OAR the proposed 11 acre revision area for the Knight Mine Surface Coal Mine will not have an adverse effect on any significant historic properties within the APE and a finding of no properties is recommended. By letter dated August 31, 2016 the Alabama Historical Commission (SHPO) concur that the proposed project activities will have no effect on any cultural resources listed on or eligible for the National Register of Historic Places (NRHP). 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.

Findings R-6-2: By letter dated July 7, 2016 Dan Spaulding Environmental Consultant (Spaulding) conducted a biological habitat assessment for Threatened and Endangered species/critical habitat (T&E) for approximately 11 acres in Winston County, Alabama on July 3, 2016. Possible summer roosting habitat for the Indiana bat and northern long-eared bat was present within the project area. To avoid adverse effects to possible summer roosting habitat of the Indiana and Long-eared bats, it is recommended tree removal activities be limited to October 15-March 31. By a comment letter dated July 8, 2016 the US Fish and Wildlife Service (FWS) stated that since tree removal was to occur between October 15 and March 31; FWS concurred that the proposed project is not likely to adversely affect the Indiana bat and/or northern long-eared bat. No other federally listed species/critical habitat occur in the project area. In a letter dated July 18, 2016 the Alabama Department of Conservation and Natural Resources (ADCNR) suggested a biological survey be conducted by trained professionals for the project area. The closest sensitive species is recorded in the ADCNR database as occurring approximately 4.5 miles from the subject site. In a letter dated August 8, 2016 the U.S. Army Corps of Engineers (USACE) by File No. LRN-2012-00024 determined the project area does not include waters of the U.S. and therefore an USACE authorization is not required. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

Findings R-6-3: 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.

Condition R-6-1

The area added by R-6 is to be flagged in a color different than that of the permit boundary to protect the possibly summer roosting habitat of the Indiana bat and the Northern Long-eared bat.

Condition R-6-2

Tree removal within the approximately 11 acres added by R-6 shall only occur October 15 – March 31.

AREAGE SUMMARY:

*INCREMENT #1: decreases to _____	92 acres
*INCREMENT #2: increases to _____	52 acres
*INCREMENT #3: remains at _____	18 acres
*INCREMENT #4: decreases to _____	12 acres
*INCREMENT #5: remains at _____	20 acres
*INCREMENT #6: increases to _____	18 acres
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Total Acreage Increases to	212 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: January 20, 2017

A.H.
/mw

cc: I & E, Permit File



Johnathan E. Hall, Director