



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-53

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- 3232-01-23-U
Crimson Oak Grove Resources, LLC.
46226 National Road
St. Clairsville, OH 43950
(Oak Grove Mine)

License No.: L-877
Pursuant to the
Permit map: 1 of 1
Certified by: Jared P. Johnsey P.E. 33239
Date: 08/3/2021

The permit is revised as follows:

- 1. Add 17 incidental acres to Increment No. 1 for 5 South Bleeder shaft including ancillary road access, substation, power transmission line, temporary stockpiles, and Cuttings Pond 001.**
- 2. Modify the operation plan.**
- 3. Modify the general plan.**

R-53 Finding 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. By letter dated September 21, 2021, the Alabama Historical Commission (AHC) stated, upon review of the cultural resource assessment conducted for the project, AHC concurs with the author's finding the project activities will have no effect on cultural resources eligible for or listed on the National Register of Historic Places. Therefore, AHC concurs with the determination of No Effect to Historical Properties. 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.

R-53 Finding 2: In a letter dated August 6, 2021 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 4.7 miles from the subject site. McGehee engineering Corp (MEC) conducted a biological habitat assessment in June 2021 for the area to be added by R-53. The project area consists of approximately 17 acres of mostly disturbed area through silviculture activities, existing power line and gas line access roads. There is no habitat for listed, threatened and endangered species and no evidence was found or observed for the presence or possible presence of listed species, with the exception of the approximately 9 acres of potential summer roosting habitat for the Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis Septentrionalis*). By comments dated June 30, 2021, the US Fish and Wildlife Service (FWS) acknowledges the permittee has stated that tree removal is only to occur between October 15 and

March 31, therefore FWS concurs that no impacts to the Indiana bat and/or NLEB are anticipated as a result of your proposed project. No other federally listed species/critical habitat are known to occur in the project area. By a letter dated October 29, 2021 MEC certify that there are no proposed impacts to Waters of the U.S. (WOTUS) located within the proposed new disturbances area being added by R-53 to Crimson Oak Grove Resources, LLC, P-3232, Oak Grove Mine. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

R-53 Condition 1: The permittee may only conduct tree removal from Oct. 15 - Mar. 31 within the P-3232 Revision 53 proposed new disturbances area, outlined in blue in the ACOE WATERS CERTIFICATION MAP.

R-53 Condition 2: If tree removal is necessary outside October 15 to March 31 the permittee must conduct an Indiana Bat and/or Northern Long-eared Bat Presence/Absence Survey and submit FWS approval of the survey to ASMC prior to tree removal within the project area.

R-53 Condition 3: Permittee must flag the area being added by R-53 existing disturbances map corrections area, outlined in red in the ACOE WATERS CERTIFICATION MAP, in a color different than that of the permit boundary.

R-53 Condition 4: Permittee may not disturb the area being added by R-53 existing disturbances map corrections area, outlined in red in the ACOE WATERS CERTIFICATION MAP, except for routine maintenance of power lines.

ACREAGE SUMMARY:

*INCREMENT #1: increases to -----	953 acres
*INCREMENT #2: remains at -----	8 acres
INCREMENT #3: remains at -----	2 acres
*INCREMENT #4: remains at -----	5 acres

Total Acreage Increases to 968 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.

SM 11/23/2021
EFFECTIVE DATE: November 23, 2021

Kathy H. Love

Kathy H. Love, Director

/mw
cc: I & E, Permit File