



**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-23

**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- 3257-01-13-U
Alabama Land Resources, Inc.
46226 National Road
St Clairsville, OH 43950
(Mine No. 3)

License No.: L-878
Pursuant to the
Permit map: 1 of 1
Certified by: Bradley K. Simmons P.E. #33277
Date: 10/28/2021

The permit is revised as follows:

1. Correct the mapping error from previous revisions. Inc. 1 – From 132 acres to 264 acres, Inc. 2 – From 85 acres to 52 acres Inc. 5 – From 56 acres to 55 acres, Inc. 6 – From 198 acres to 143 acres, Inc. 8 – From 70 acres to 81 acres.
2. Transfer 55.0 acres from Inc. 5 to Inc. 6. (Shaft Site 53.0 acres, Basin 006 1.0 acre, Water Tank Site 1.0 acre)
3. Transfer 90.0 acres (79.0 acres Slurry Imp. No. 5), (1.0 acre Basin 11), (10.0 acres ancillary access) from Inc. No. 1 to Inc. No. 5.
4. Transfer 2.0 Acres from Increment No. 8 to Increment No. 5 for ancillary access.
5. Transfer 8.0 Acres from Increment No. 2 to Increment No. 5 for ancillary access.
6. Add 227.0 acres to Increment No. 5 for Slurry Impoundment No. 5 borrow area.
7. Add 1.0 acre to Increment No. 5 for ancillary access.
8. Modify the General Plan.

R-23-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 June 8, 2021, the Alabama Historical Commission (AHC), upon review of the cultural resource assessments conducted for the project, determined that the project activities will have no effect on cultural resources eligible for or listed on the National Register of Historical Places. Therefore, AHC concurs with the proposed project activities. 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-23-Finding 2: In a letter dated March 26, 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 6.5 miles from the subject site. McGehee engineering Corp (MEC) conducted a biological habitat assessment in April 2021 for the area to be added by R-23. The project area consists of approximately 300 acres a majority of the site has experienced management of numerous clear cutting and timber harvesting events over the years. Habitat was not found 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 70 acres of potential summer roosting habitat for the Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis Septentrionalis*). By comments dated April 19, 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 21, 2021 MEC certify that there are no proposed impacts to Waters of the U.S. (WOTUS) located within the area being added by R-23 to Alabama Land Resources, Inc., P-3257, Mine No. 3. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

R-23-Condition 1: The permittee may only conduct tree removal between October 15 and March 31 within project area.

R-23-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.

ACREAGE SUMMARY:

*INCREMENT #1: decreases to -----	174 acres
*INCREMENT #2: decreases to -----	44 acres
INCREMENT #3: remains at -----	98 acres Phase III
INCREMENT #4: remains at -----	34 acres Phase III
*INCREMENT #5: increases to -----	328 acres
*INCREMENT #6: increases to -----	198 acres
INCREMENT #7: remains at -----	51 acres Phase III
*INCREMENT #8: decreases to -----	79 acres

Total Acreage Increases to 1,006 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: October 29, 2021


Kathy H. Love, Director

/mw
cc: I & E, Permit File