



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-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:

Issued to: P- 3944-63-21-S
Southland Resources, Inc.
P.O. Box 770
Cottondale AL, 35453
(Swann's Crossing Mine)

License No.: L-652
Pursuant to the
Permit map: 1 of 1
Certified by: Jared P. Johnsey PE # 33239
Date: 09/23/2021

The permit is revised as follows:

1. Delete 4.0 mining acres from Increment No. 2 as undisturbed.
2. Delete 3.0 mining acres from Increment No. 1 as undisturbed.
3. Delete 25 incidental acres & Sediment Basin 019 (3.0 acres) from Increment No. 6 as undisturbed.
4. Transfer 16.0 mining acres from Increment No. 3 to Increment No. 1.
5. Transfer 6.0 mining acre from Increment No. 4 to Increment No. 1.
6. Transfer 15.0 incidental acres from Increment No. 6 to Increment No. 1.
7. Transfer 1.0 acre from Increment No. 6 to Increment No. 4 for Sediment Basin 012.
8. Transfer 9.0 incidental acres from Increment No. 6 to Increment No. 5.
9. Transfer 0.4 incidental acres (no acreage change) from Increment No. 3 to Increment No. 4 for Sediment Basin 012.
10. Modify the Hydrologic Monitoring Plan.
11. Modify the Operation Plan to request a delay in contemporaneous reclamation.
12. Modify the General Plan to add Sediment Basins 004 and 012.
13. Transfer 7.0 mining acres from Increment No. 4 to Increment No. 3.
14. Transfer 0.2 mining acres (No acreage change) from Increment No. 3 to Increment No. 5.
15. Transfer 0.1 mining acres (No acreage change) from Increment No. 4 to Increment No. 5.
16. Transfer 2.0 incidental acres and 1.0 acre for Sediment Basin 004 from Increment No. 6 to Increment No. 3.

Finding 1: McGehee Engineering Corp (MEC) conducted an environmental assessment for the habitat and the possible presence of federally listed and state protected sensitive species for Tuscaloosa County, Alabama in November 2016. During the survey of the approximately 336 acres no habitat was found for the listed aquatic threatened and endangered species (T&E). No evidence was found or observed for the presence or possible presence of the listed species. No habitat was found for the listed terrestrial T&E species, with the exception of the approximately 187 acres of potential summer roosting habitat for the Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis Septentrionalis*). Southland Resources, Inc. has stated that timber removal will only occur from October 15 – March 31 for the proposed Searles Mine No. 10. In the event timber removal is necessary outside the stated timeframe Southland Resources, Inc. will contract a qualified Biologist to conduct a Presence/Absence Survey prior to any tree removal within the proposed project area. By comments dated May 14, 2019 the US Fish and Wildlife Service (FWS), project number 2009-TA-0795, the project site contains suitable spring/summer habitat for the endangered Indiana Bat and/or Northern Long-eared Bat. However tree removal will occur between October 15 and March 31, therefore no impacts to the Indiana Bat and/or Northern Long-eared Bat are anticipated as a result of the proposed project. No other federally listed species/critical habitat are known to occur in the project area. The US Army Corps of Engineers (USACE) issued Permit No.: SAM-2019-00498-CMS on March 18, 2021. The project involves the discharge of fill material into 970 linear feet (lf) intermittent stream, 5,497 lf of perennial stream, and 2.27 acres of forested wetland associated with the construction of sediment basins and the mine-through activities incidental to surface coal mining. The time limit for completing the work authorized ends on October 21, 2025. Prior to conducting work in waters of the U.S. the applicant shall purchase 19,106.24 stream credits from Mud Creek Mitigation bank (Mb) and 0.005 wetland credits from the Big Sandy Mb for USACE Inc. 1 (**PURCHASED ON JUNE 17 & MARCH 30, 2021**) and 2,986.06 stream credits from Mud Creek Mb, 7,731.51 stream credits from Westervelt Mb, and 1.54 wetland credits from Canoe Creek Mb for USACE Inc. 2. The Alabama Surface Mining Commission finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

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

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.

Condition 3: Permittee shall provide proof of purchase of 2,986.06 stream credits from Mud Creek Mitigation bank, 7,731.51 stream credits from Westervelt Mitigation bank, and 1.54 wetland credits from Canoe Creek Mitigation bank for USACE Inc. 2, prior to bonding and conducting mining activities in ASMC Inc. 3 & 5.

ACREAGE SUMMARY:

*INCREMENT #1: increases to -----	304 acres
INCREMENT #2: decreases to -----	35 acres
INCREMENT #3: decreases to -----	14 acres
INCREMENT #4: decreases to -----	1 acres
INCREMENT #5: increases to -----	69 acres
INCREMENT #6: decreases to -----	4 acres
*INCREMENT #7: remains at -----	11 acres

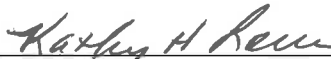
Total Acreage Decreases to 438 Acres

***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 13, 2021

SA 10/13/2021



Kathy H. Love, Director

/mw

cc: I & E, Permit File