STATE OF ALABAMA

SURFACE MINING COMMISSION

P.O. BOX 2390 - JASPER, ALABAMA 35502-2390
(205) 221-4130 • FAX: (205) 221-5077

Permit Renewal Number: P-3990-01-27-S
RENEWAL 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, Renewal is hereby approved for permit:

P-3990-01-27-S

Issued to: Best Coal, Inc.
P.O. Box 1608
Jasper, AL 35502
(Narley Mine No. 3)

License No.: L-568

The permit is renewed for an additional term of 5 years.
All terms and conditions of the permit remain in effect.

Renewal Findings 1: By comments dated August 24, 2022 the U.S. Fish & Wildlife Service concurred the project is not likely to adversely affect the Indiana Bat and/or the Northern Long-Eared Bat if tree removal only occurs from October 15 through March 31.

Renewal Findings 2: Comments dated August 24, 2022 by the U.S. Fish & Wildlife Service: Additionally, this project area contains and lies adjacent to, both named and unnamed tributaries of the Locust Fork River, where critical habitat is designated for multiple fish, snails and mussel species. Our records show historical locations downstream and adjacent to the project area for the plicate rocksnail, orange-nacre mucket and Cahaba shiner. It is essential that adequate BMP's be implemented to protect aquatic resources and to prevent downstream sedimentation and turbidity in the Locust Fork. Therefore, we recommend that all practicable and regulatory measures be taken to avoid adverse impacts to aquatic species, including stringent sediment and erosion control measures and minimized use of herbicides. To minimize potential impacts to listed species, we recommend using the following BMP's to minimize the potential for sedimentation and erosion in the project area:

- Develop an erosion control plan tailored to the construction site and the dredge spoil dumping site (if any). Erosion and sedimentation controls should be installed and maintained between the construction site and any nearby, down-gradient surface waters. All erosion controls should be inspected routinely, especially during and immediately following significant rain events, to ensure no impacts to nearby surface

waters and aquatic habitat. Immediate corrective action should be taken if erosion or sedimentation is observed.

- Maintain natural, vegetated buffers on all streams and creeks adjacent to the project site. Immediately revegetate any disturbed areas with a native species or an annual grass. Consider establishing vegetative cover on the site that is beneficial to wildlife such as native warm season grasses. Based on the seed mix chosen for the vegetative cover, maintenance such as mowing may be needed. We suggest a maintenance schedule that occurs outside of nesting wildlife season and avoids maintenance between April 1 and October 1.
- Pesticides, fertilizers and other chemicals should not be used in wetland areas or near streams. If pesticides or chemicals will be used for site maintenance, then stormwater runoff from the site should be directed to bio-retention areas prior to discharge to streams or wetlands to provide additional protection for water quality and aquatic and terrestrial wildlife habitats.
- To the extent feasible, complete any work that results in exposed earth during periods when significant rainfall is not predicted.

Renewal Condition 1: The permittee may only conduct tree removal from October 15 through March 31.

Renewal Condition 2: If tree removal from the potential summer roosting habitat is necessary outside October 15 through March 31 timeframe an Indiana Bat and Northern Long-Eared Bat presence/absence survey must be conducted and the U.S. Fish & Wildlife Service approval must be submitted to ASMC prior to tree removal.

SM 12/20/2022

EFFECTIVE DATE: December 22, 2022
ISSUE DATE: December 22, 2022
EXPIRATION DATE: December 22, 2027

Kathy H. Love

Kathy H. Love, Director

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cc: I & E, Permit File
Dept. of Labor
Alabama Historical Commission
Jefferson County Commission