



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-7

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-3948-01-15-S  
SHANNON LLC  
PO BOX 621  
JASPER AL 35502

License No.: L-813  
Pursuant to the permit map: 1 OF 1  
Certified by: STEVEN R INGLE #18213  
Date: 9-4-12

The permit is revised as follows:

1. Add 172.0 incidental acres to Increment #1 for Excess Spoil Disposal Area No. 3 and No. 4.
2. Add 4.0 incidental acres to Increment #1 for Primary Roads 18P, 19P and 20P.
3. Add 8.0 incidental acres (Basins 057, 058, 059, 060, 061, 062, 063 and 063A) to Increment #1.
4. Add 7.0 mining acres to Increment #1.
5. Add 0.4 incidental acres to Increment #1 (no acreage change).
6. Transfer 2.0 mining acres from Increment #3 to Increment #1.
7. Update the Operations Plan.
8. Extend the Topsoil Variance to cover the newly added area.
9. Update the drainage control plan through the addition of Basins 057, 058, 059, 060, 061, 062, 063, 063A and the modification of Basins 027 and 029.
10. Update the Hydrologic Monitoring Plan.
11. Disturb within the 100 foot setback of an unnamed tributary located in the NW ¼ of SE ¼, SE ¼ of NE ¼ and NE ¼ of SE ¼ of section 16, Township 19 South, Range 5 West.

CONDITION R-7-1: The permittee shall notify the ASMC and seek consultation with the U.S. Fish and wildlife service if:

- a. The permit is modified in any way that causes an effect on species or Critical Habitat listed under the Endangered Species Act of 1973.
- b. New information reveals the operation may affect Federally protected species or designated Critical Habitat in a manner or extent not previously considered, or

- c. A new species is listed or Critical Habitat is designated under the Endangered Species Act that may be affected by the operation.

**CONDITION R-7-2:** The permittee shall contact the ASMC and consult with the Alabama Historic Preservation Officer if the permit is modified or if previously unknown archaeological or historic resources are discovered on the permit area. Upon discovery of previously unknown artifacts or archaeological features the permittee shall cease operations until the Alabama Historic Preservation Officer approves resumption of operations.

**FINDING R-7-1:** 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. The University of Alabama-Office of Archaeological Research (OAR) conducted Phase I cultural resource surveys on April 25, 2011 and June 18, 2012 for 171 and 21 acres respectively. In letters dated May 17, 2011 and July 2012 no prehistoric or historic archaeological sites were identified within the project area during the course of the surveys. OAR recommends a finding of no properties for both studies. The State Historical Preservation Office (SHPO) concurred with OAR's cultural resources assessments, the project activities would have no adverse effect on cultural resources eligible for or listed on the National Register of Historical Places (NRHP) in letters dated September 26, 2011 and July 18, 2012. Therefore, the SHPO concurs with the 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.

**FINDING R-7-2:** Dan Spaulding Environment Consultant conducted a species/habitat study for the Indiana Bat (*Myotis sodalis*) for 200 acres on June 24, 2012. By letter dated June 27, 2012 Mr. Spaulding stated that no suitable habitat for the bats was available and no bats were observed at the site, therefore, no impacts are expected from the project. In letters dated April 12, 2011 and June 7, 2012 the Alabama Department of Conservation and Natural Resources (ADCNR) stated the nearest sensitive species (Watercress Darter) occurs on site in springs and small streams. The ADCNR recommends contacting the US Fish and Wildlife Service (FWS) for consultations of the project area. The FWS determined that no federally listed species or critical habitat are known to occur in the project area by comments dated April 21, 2011 and June 15, 2012. The US Army Corps of Engineers (USACE) stated by comments June 16, 2011 that for the proposed project (permit number: SAM-2011-00661-CTM) a Department of the Army Permit will not be required for the additional 11 acres. In a letter dated June 16, 2011, Nationwide Permit 21, permit number: SAM-2011-00640-CTM project impacts for 175 linear feet (lf) of ephemeral stream is authorized. No mitigation is necessary due to the minimal impacts associated with this project. Authorization by letter dated July 18, 2012 Nationwide

Permit 14, permit number: SAM-2012-00767-CMS, for installation of two culverts in two separate locations impacting 0.09 acre of open water. Mitigation will not be required because the impacts are to open water and are minimal. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

**FINDING R-7-3:** 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.

**ACREAGE SUMMARY:**

* Increment #1 increases to -----	568 acres
* Increment #2 remains at -----	118 acres
Increment #3 decreases to -----	174 acres
* Increment #4 remains at -----	53 acres
Increment #5 remains at -----	<u>86 acres</u>
Total -----	<b>999 Acres</b>

\* 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: September 25, 2012



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Randall C. Johnson, Director

/ns  
cc: I & E, Permit File