

Mining Plan Approval Document

UNITED STATES

DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to

Best Coal, Inc.
P.O Box 1608
Jasper, Alabama 35502

for Narley Mine No. 3, Federal Coal Lease ALES-55199, subject to the following conditions. Best Coal, Inc., is referred to in this approval as the operator.

1. Statutes and Regulations - This mining plan approval is issued under federal coal lease ALES-55199; the Mineral Leasing Act of 1920, as amended (30 U.S.C. §§ 181 *et seq.*); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. §§ 351 *et seq.*). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior that are now or hereafter in force and all such regulations are made a part hereof. The operator must comply with the provisions of the Water Pollution Control Act (33 U.S.C. §§ 1151 *et seq.*), the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), and other applicable Federal laws.
2. This document approves the mining plan of 160 acres overlying the federal coal tract and authorizes coal development or mining operations on federal coal lease ALES-55199 within the area of the mining plan approval. This approval is based on the documentation provided pursuant to 30 C.F.R. § 746.13 and constitutes the approval of a mining plan as required by the Mineral Leasing Act. This authorization is not valid beyond the approximately 160 acres in Section 24, Township 15 South, Range 4 West, in Jefferson County, Alabama, as shown on the map appended hereto as Attachment A.
3. The operator must conduct coal development or mining operations in compliance with this mining plan approval and as described in the complete permit application package approved by the Alabama Surface Mining Commission (ASMC).
4. The operator must comply with the terms and conditions of the federal coal lease, this mining plan approval, and the requirements of ASMC Permit P-3990 issued under the Alabama state program, as approved under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. §§ 1201 *et seq.*).
5. This mining plan approval is binding on any person conducting coal development or mining operations under the approved mining plan and will remain in effect until superseded, canceled, or withdrawn.

6. If prehistoric or historic resources are discovered during the mining operations, the operator must ensure that the resources are not disturbed and must notify ASMC and the Office of Surface Mining Reclamation and Enforcement (OSMRE). The operator must take such actions as are required by ASMC in coordination with OSMRE.
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, based on further consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, as amended (16 U.S.C. §§ 1531 *et seq.*).
8. This recommendation for approval covers the operations for which the operator submitted a complete permit application package, unless otherwise indicated. The operator must submit to OSMRE all proposed changes to the approved operations. Any permit revision or renewal for an operation on federal lands must be reviewed and approved by ASMC after consultation with OSMRE on whether such revision or renewal constitutes a mining plan modification. OSMRE will review proposed changes to determine whether the proposed changes result in impacts not previously considered. Impacts not previously considered might include, but may not be limited to, disturbance of areas that are currently designed to be undisturbed; changes in the post-mining land use, such as conversion from forest to pasture land; changes in the size, location, or quality of permanent impoundments; changes to the approved post-mine topography; and changes that may alter OSMRE's analysis of restoration of approximate original contour. OSMRE will review the significance of the changes to determine whether the changes require additional NEPA analysis and the approval of the Assistant Secretary for Land and Minerals Management (ASLM). The activities that are the subject of the proposed permit revision or renewal must not commence until OSMRE determines that the permit revision or renewal does not constitute a mining plan modification or, if the permit revision or renewal constitutes a mining plan modification, such modification has been approved by the ASLM and appropriate NEPA analyses have been conducted. If the operator engages in operations outside of the approved mining plan without submitting the proposed changes to OSMRE and gaining their approval, this approval will no longer be in effect.

Casey Hammond
Principal Deputy Assistant Secretary,
Land and Minerals Management

Date

Attachment A