

1/32

Post-it® Fax Note	7671	Date: 7-20-13	# of pages ▶
To: Amber Tubbs	From: US FWS		
Co. Dept.	Co.		
Phone #	Phone #		
Fax #: 205-221-7721	Fax #		



July 24th, 2013

Bill Pearson
 Field Supervisor
 U.S. Department of Interior
 Fish & Wildlife Service
 Alabama Ecological Services Field Office
 1208-B Main Street
 Daphne, AL 36526



U.S. Fish and Wildlife Service
 1208-B - Daphne, Alabama 36526
 Phone: 251-441-5181 Fax: 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. SITE MAY CONTAIN WETLANDS. Contact U.S. Army Corps of Engineers for a jurisdictional wetlands determination. We recommend the use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/bmp.html>).

William J. Pearson 9/20/2013
 William J. Pearson, Field Supervisor Date # 4

RE: **Jim Walter Resources, Inc.**
 Mine No. 7 -- P-3247 -- Revision R-31

Dear Mr. Pearson:

2011-TA-0395

We are in the process of applying for a mining permit revision for the area described below and would like to request a verification of concurrence from your office in order to proceed with this project.

Jim Walter Resources Revision R-31 project boundary consists of a total of 26 acres at the project sites as located in Section 5, Township 20 South, Range 6 West, Sections 7, 8, & 17, Township 19 South, Range 7 West, Sections 29 & 32, Township 19 South, Range 6 West, and Sections 22 & 23, Township 20 South, Range 7 West, all located in Tuscaloosa and Jefferson County, Alabama on the Abernant, Brookwood, and Burchfield Store, Alabama U.S.G.S Quadrangle as found in Tuscaloosa and Jefferson County, Alabama.

Jim Walter Resources desires to make every effort to reduce any potential impacts to Davis Creek and its tributaries. In order to reduce and eliminate any direct or indirect impacts to Davis Creek, Jim Walter Resources will utilize best management practices throughout the project. Also, Jim Walter Resources will be locating the project a substantial distance away from Davis Creek, Jim Walter Resources believes that there will be no impacts associated with Davis Creek from the project activities. At the point of the wetland within the project boundary the only disturbance that will take place will be for a utility line and an access road across the wetland area. In addition Jim Walter Resources will avoid all Jurisdictional Drainage Courses within the area so that the project will not have any adverse effect from the filling of any jurisdictional aquatic resources. This has been done by reducing the footprint of the project boundary from the initial footprint down to 26 acres of non-jurisdictional upland area, existing gas wells and existing gas well roads.

The revised proposed project area site location map is shown on the attached 2000" scale quadrangle overlay in attachment "A" and the aerial photo overlay in attachment "B".

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Jim Walter Resources, Inc. – Mine No. 7 – Revision R-31

However, in addition to the reduction of the project boundary, the avoidance of any and all jurisdictional drainage courses Jim Walter Resources Mining plans to adhere to the Alabama Surface Mining Commission Administrative Code, Chapter 880-X-10C, PERFORMANCE STANDARDS SURFACE MINING ACTIVITIES, and will develop an erosion control plan tailored to the mining operation that will be submitted and reviewed by qualified professionals from the Alabama Surface Mining Commission. The mine plan will closely adhere to the protective measure in the ADEM regulations sections 335-6-10.06 (a) and (c) to maintain minimum water quality conditions applicable to all state waters as stated within the approved ADEM NPDES permit AL0029181.

Additionally the NPDES Permit has some maximum and average limitations as set forth by ADEM for this NPDES Permit and are as follows: The pH limit is between 6.0 - 9.0 s.u.; TSS maximum limit is 70 mg/l and the average is 35 mg/l; Fe maximum limit is 7.0 mg/l and the average is 3.5 mg/l; Mn maximum limit is 4.0 mg/l and the average is 2.0 mg/l.

Jim Walter Resources will adhere to the current requirements for the inspections of BMPs that are in strict accordance with both Alabama Surface Mining Commission (ASMC) and Alabama Department of Environmental Management (ADEM) Rules and Regulations.

This project consists of using existing road beds and existing gas well pads. This is not a surface mining operation. Area "C", "D" & "E" will be used for a shaft site and will receive minimum surface disturbance, while area "B" will be used as an access road. Please note that Clark Branch has an existing bridge crossing that will be utilized as a bridge crossing therefore additional impacts to Clark Branch will not exist.

Jim Walter Resources will immediately re-vegetate any disturbed areas after the activity is complete and execute any work that results in exposed earth or slopes leading to the surface waters during periods when significant rainfall is not present.

Through the BMP's required by the Alabama Surface Mining Commission (ASMC) and the Alabama Department of Environmental Management (ADEM) State Water Quality Standards Jim Walter Resources believes the project will not have any adverse downstream effects on any Threatened and Endangered Species outside the project area.

Surface water within the permit area consists of runoff in direct response to rainfall. Therefore as mentioned above with the revised and reduced boundary there are no perennial or intermittent streams or springs slated for impact within the permit boundary.

Therefore based on the reduction of the project area, the avoidance and buffers from any jurisdictional drainage courses, the information provided above would you concur that the project activities will have no adverse effect on any endangered and threatened species and that no further species consultation will be required.

I would like to thank you for your co-operation concerning this matter and would appreciate your comments at your earliest convenience. If you should have any questions or need additional information, please do not hesitate to contact our office.

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Jim Walter Resources, Inc. – Mine No. 7 – Revision R-31

Sincerely,

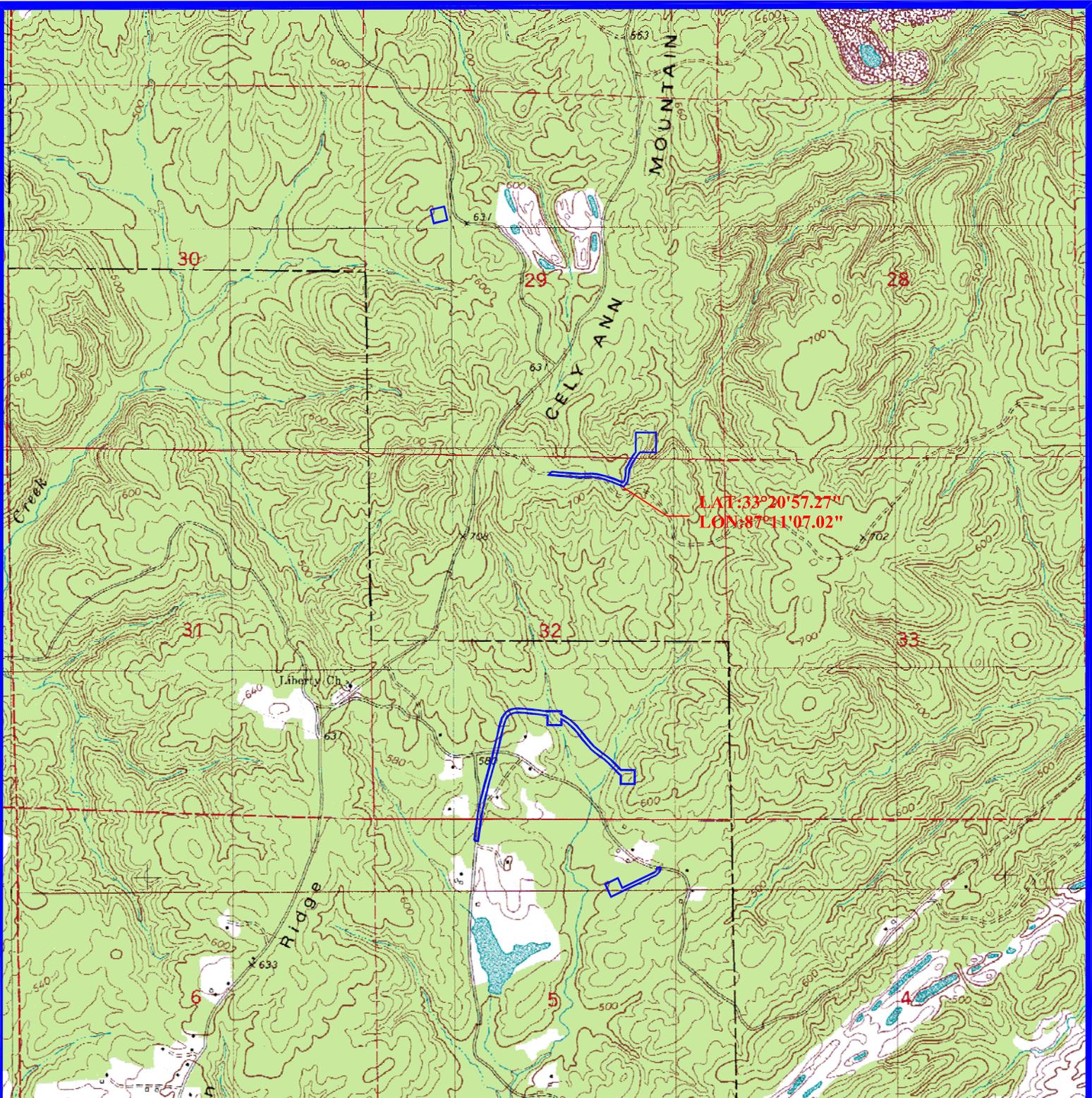
McGehee Engineering Corp.

Amber Tubbs

Amber Tubbs

Enclosure:

- (A) Revised Project Area Maps*
- (B) Aerial Photo Maps*
- (C) Delineation Point Maps*
- (D) Habitat Study July of 2013*



SCALE: 1" = 2000'
 July 25th, 2013

JIM WALTER RESOURCES, INC.
MINE NO. 7 -- REVISION R-31
 (APPROXIMATELY 26 ACRES TOTAL)



PROJECT AREA MAP

SECTIONS 5, TOWNSHIP 20 SOUTH, RANGE 6 WEST
 SECTIONS 7, 8, & 17, TOWNSHIP 19 SOUTH, RANGE 7 WEST,
 SECTIONS 29 & 32, TOWNSHIP 19 SOUTH, RANGE 6 WEST
 SECTIONS 22 & 23, TOWNSHIP 20 SOUTH, RANGE 7 WEST

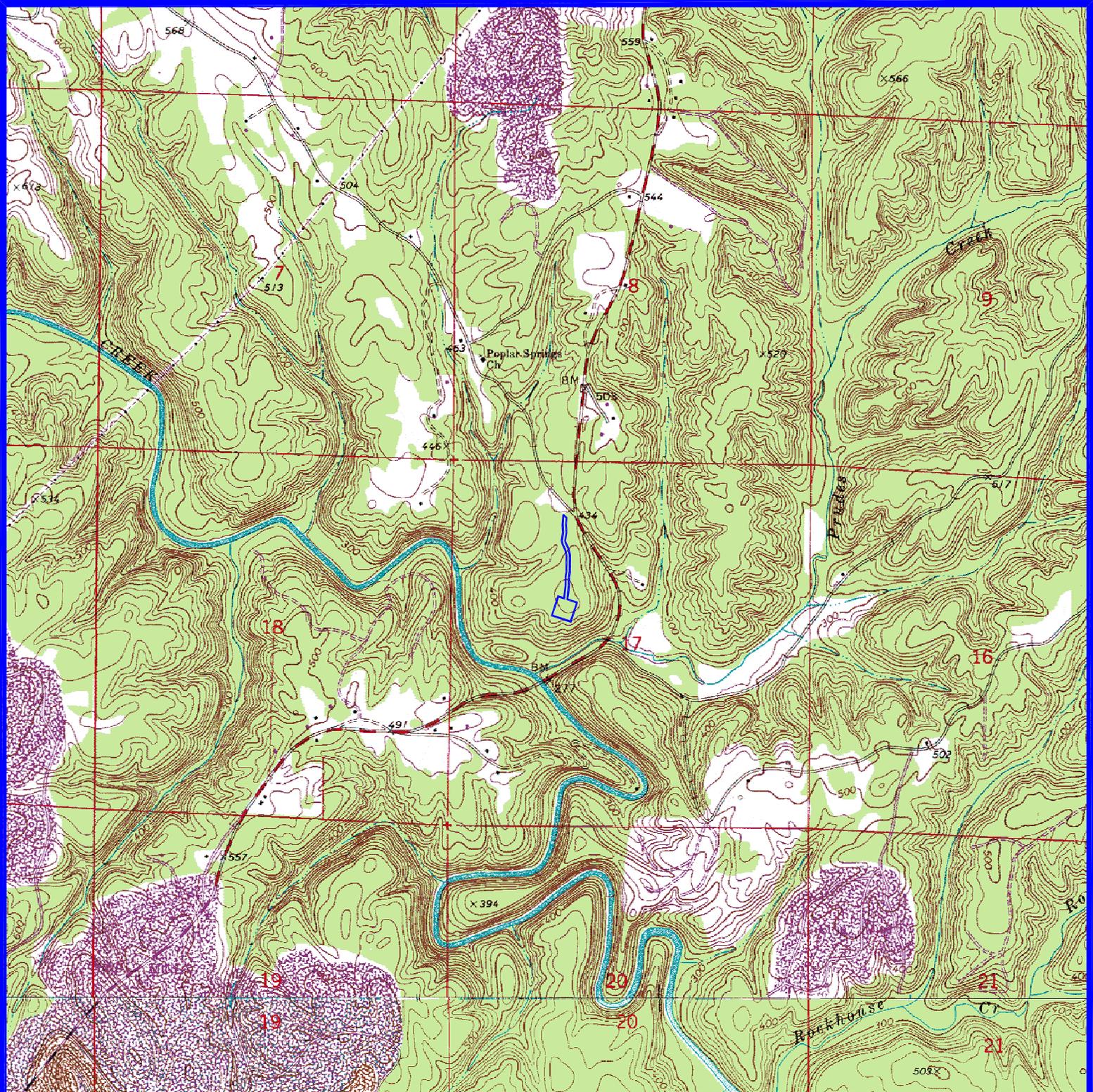
ALL IN JEFFERSON & TUSCALOOSA COUNTY, ALABAMA
 AS FOUND ON THE ABERNANT, BROOKWOOD, &
 BURCHFIELD STORE, ALABAMA USGS QUAD



REVISION R-31 BOUNDARY
 Page 1 of 3



Latitude: 33°20'57" N
 Longitude: 87°11'07" W



SCALE: 1" = 2000'
July 25th, 2013

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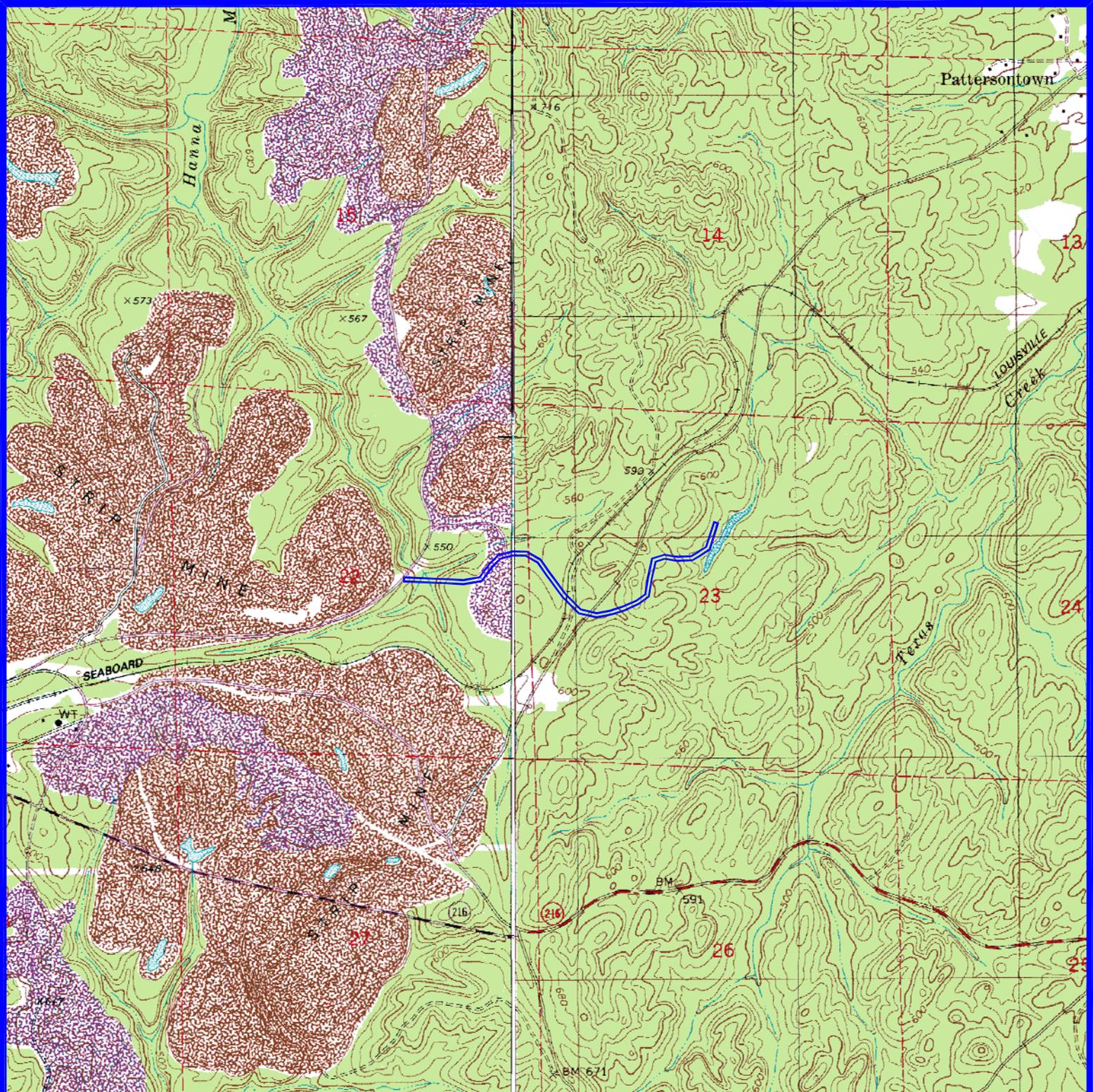
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REVISION R-31 BOUNDARY
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