STATE OF ALABAMA
**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**
64 NORTH UNION STREET, SUITE 464
**MONTGOMERY, ALABAMA 36130**

ROBERT BENTLEY
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STATE LANDS DIVISION

TELEPHONE (334) 242-3484
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April 16, 2013

Ms. Amber Tubbs
McGehee Engineering Corp.
P.O. Box 3431
Jasper, AL 35502-3431

RE: Sensitive Species Information request
Jim Walter Resources, Inc. - Mine No. 4 Area D

Dear Ms. Tubbs:

The Natural Heritage Section office received your e-mail dated 4/2/2013 addressed to Ashley Peters on 4/3/2013 and has since developed the following information pertaining to sensitive species (state protected and federally listed candidate, threatened, and endangered species). I have enclosed a list of sensitive species which the Natural Heritage Section Database or the U.S. Fish and Wildlife Service have indicated occur or have occurred in Tuscaloosa County. Additionally, I have listed some potentially helpful and informative web sites at the end of this letter.

The Natural Heritage Section database contains numerous records of sensitive species in Tuscaloosa County. Our database indicates the area of interest has had no biological survey performed at the delineated location, by our staff or any individuals referenced in our database. Therefore we can make no accurate assessment to the past or current inhabitancy of any federal or state protected species at that location. A biological survey conducted by trained professionals is the most accurate way to ensure that no sensitive species are jeopardized by the development activities.

The closest sensitive species is recorded in our database as occurring approximately 3.9 miles from the subject site. This federally listed candidate species (Georgia Aster) inhabits dry open woods and roadsides.*

The Department of Conservation and Natural Resources does not discriminate on the basis of race, color, religion, age, gender, national origin, or disability in its hiring or employment practices nor in admission to, access to, or operations of its programs, services, or activities.

I hope this information will be useful to you. The provided information is to help you in fulfilling your necessary legal obligations. This does not constitute any form of Section 7 consultation. The Natural Heritage Section recommends that the U. S. Fish and Wildlife Service field office in Daphne be contacted for Section 7 consultations.

The information does not suggest that protected species are not at this location. The specific location of a sensitive species is considered confidential information by a State Lands Division Regulation and can be released only to individuals who enter into a confidentiality and indemnity contract with the State Lands Division.

The Natural Heritage Section provides this information as a service to the people of Alabama. The NHS acts as a clearing house for species distribution data. We happily accept any information environmental researchers are willing to donate. Sensitive species exact locations are kept confidential. If you would be willing to donate any information to this database, we will be better able to assist all individuals interested in environmental compliance.

Sincerely,

Ashley Peters

Ashley Peters
Database Manager
Natural Heritage Section

Enclosures

*Paraphrased Information from NatureServe. 2006. NatureServe Explorer: An online encyclopedia of life [web application]. Version 5.0. NatureServe, Arlington, Virginia. Available http://www.natureserve.org/explorer. (Accessed: August 18, 2006).

Potentially helpful web sites

Information about federally listed species
http://daphne.fws.gov/es/specieslst.htm
http://www.pfmt.org/wildlife/endangered/
http://www.natureserve.org/explorer/

State Protected Species Regulations:
http://www.outdooralabama.com/hunting/regulations/regs.cfm

# ALABAMA'S FEDERALLY LISTED AND STATE PROTECTED SPECIES (BY COUNTY)

This is a list of protected species that are believed to occur in the designated county and the legal protection status of each species. This list is a combination of the U.S. Fish and Wildlife Service (Daphne field office) federally listed species county and state lists and the Alabama State Lands Division's Natural Heritage Section (SLD-NHS) Database of species occurrence data. This list is continually being updated, and, therefore, it may be incomplete or inaccurate and is provided strictly for informational purposes. Site specific information can be provided by the Alabama SLD-NHS and/or the U.S. Fish and Wildlife Service (Daphne field office) prior to project activities. To be certain of occurrence, surveys should be conducted by qualified biologists to determine if a sensitive species occurs within a project area. Species not listed for a given county does not imply that they do not occur there, only that their occurrence there is as yet unrecorded by these two agencies. This list is currently under review and refects only our current understanding of species distributions. It also does not constitute any form of Section 7 consultation. The Alabama SLD-NHS recommends that the U.S. Fish and Wildlife Service field office in Daphne be contacted for Section 7 consultations.

## Tuscaloosa

| Protection Status | Common Name | Scientific Name | Applicable State Regulation |
|---|---|---|---|
| Candidate | Black Warrior River Waterdog | Necturus alabamensis | |
| Candidate | Georgia Aster | Symphyotrichum georgianum | |
| Candidate | White Fringeless Orchid | Platanthera integrilabia | |
| Endangered | Harperella | Ptilimnium nodosum | |
| Endangered | Mitchell's Satyr Butterfly | Neonympha mitchellii mitchellii | |
| Endangered/ State Protected | Ovate Clubshell | Pleurobema perovatum | 220-2-.98 (1) (a) |
| Endangered/ State Protected | Red-cockaded Woodpecker | Picoides borealis | 220-2-.92 (1) (d) |
| Endangered/ State Protected | Southern Clubshell | Pleurobema decisum | 220-2-.98 (1) (a) |
| Endangered/ State Protected | Warrior Pigtoe | Pleurobema rubellum | 220-2-.98 (1) (a) |
| Endangered/ State Protected | Wood Stork | Mycteria americana | 220-2-.92 (1) (d) |
| State Protected | Alabama Map Turtle | Graptemys pulchra | 220-2-.92 (1) (c) |
| State Protected | Alabama Shad | Alosa alabamae | 220-2-.92 (1) (a) |
| State Protected | Alligator Snapping Turtle | Macroclemys temminckii | 220-2-.92 (1) (c) |
| State Protected | Bald Eagle | Haliaeetus leucocephalus | 220-2-.92 (1) (d) |
| State Protected | Black-knobbed Map Turtle | Graptemys nigrinoda | 220-2-.92 (1) (c) |
| State Protected | Cooper's Hawk | Accipiter cooperi | 220-2-.92 (1) (d) |
| State Protected | Frecklebelly Madtom | Noturus munitus | 220-2-.92 (1) (a) |
| State Protected | Osprey | Pandion haliaetus | 220-2-.92 (1) (d) |
| State Protected | Paddlefish | Polyodon spathula | 220-2-.94 |
| State Protected | Southern Hognose Snake | Heterodon simus | 220-2-.92 (1) (c) |
| Threatened | Alabama Moccasinshell | Medionidus acutissimus | |
| Threatened/ State Protected | Alabama Heelsplitter | Potamilus inflatus | 220-2-.98 (1) (a) |
| Threatened/ State Protected | Finelined Pocketbook | Hamiota altilis | 220-2-.98 (1) (a) |
| Threatened/ State Protected | Flattened Musk Turtle | Sternotherus depressus | Section 9-11-269 |

## Tuscaloosa

| Protection Status | Common Name | Scientific Name | Applicable State Regulation |
|---|---|---|---|
| Threatened/ State Protected | Orangenacre Mucket | Hamiota perovalis | 220-2-.98 (1) (a) |

Key to codes on list:

Endangered - Federally listed as an endangered species by the U. S. Fish and Wildlife Service

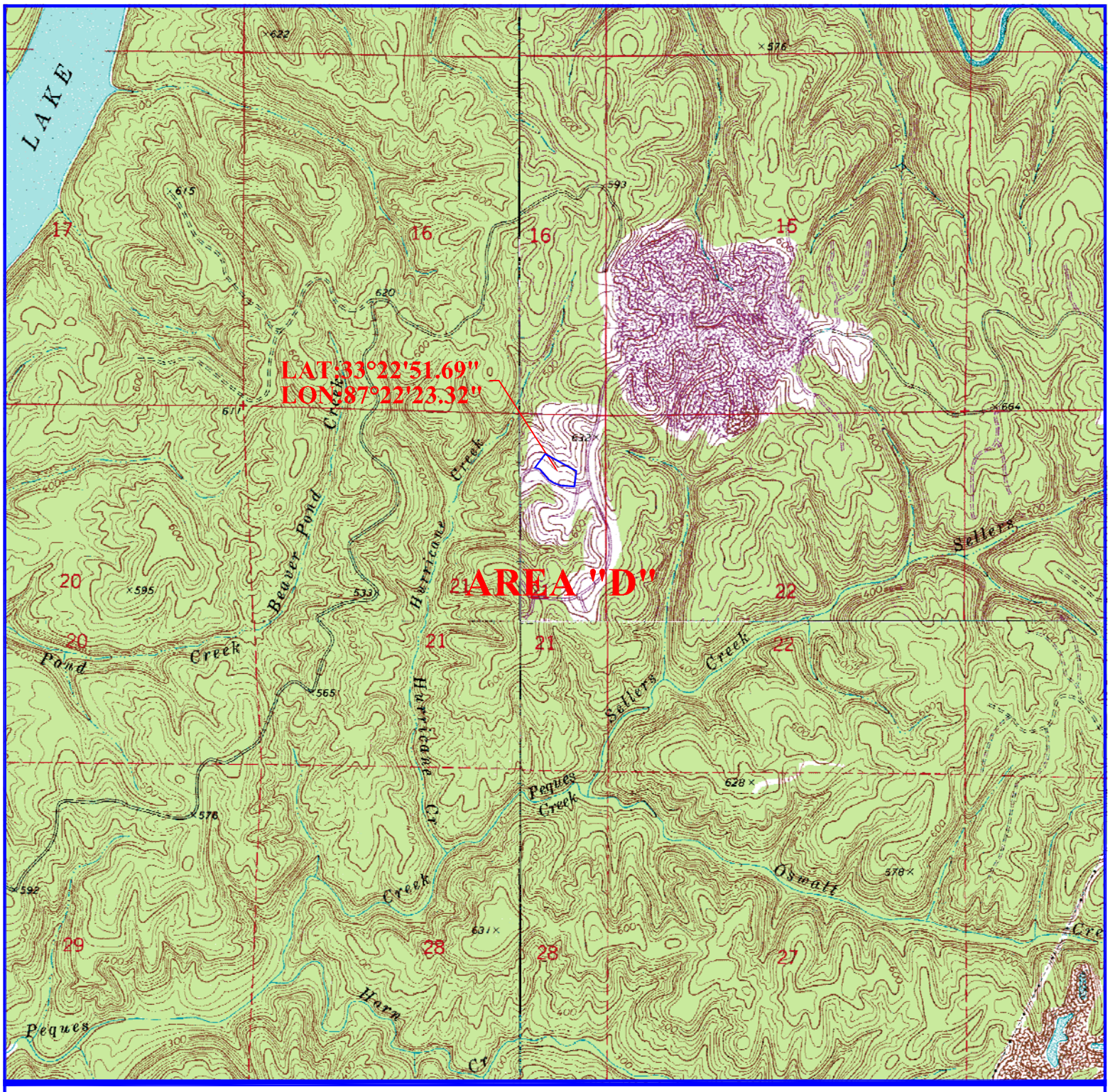
Threatened - Federally listed as a threatened species by the U. S. Fish and Wildlife Service

Candidate - Federally listed as a candidate species by the U. S. Fish and Wildlife Service

Experimental - Species is protected throughout its range, except for the nonessential experimental population, by the U. S. Fish and Wildlife Service

State Protected - It is unlawful to take, capture or kill; possess, sell or trade for anything of monetary value, or offer to sell or trade these species. Alabama Regulations relating to game, fish and furbearing animals. 2009-2010. Alabama Department of Conservation and Natural Resources. See http://www.outdooralabama.com/hunting/regulations/regs.cfm for more information.

Notes:
- Bald eagle (Haliaeetus leucocephalus), red-cockaded woodpecker (Picoides borealis) and the American peregrine falcon (Falco peregrinus anatum) may occur in any county, if habitat exists.
- Wood stork: July - October
- Bald eagle (Haliaeetus leucocephalus) has been delisted. This species is still protected by the non-game species regulation and the migratory bird act. This species distribution is statewide but it is most likely to be observed near large rivers and reservoirs.
- Sea turtles: Only loggerhead is potential nester, the rest are in coastal waters.
- Black bear (Ursus americanus sp.) - known to exist in Mobile County, but not listed.
-Gulf moccasinshell (Mediondus penicillatus), oval pigtoe (Pleurobema pyriforme), Chipola slabshell (El liptio chipolaensis), and purple bankclimber (Elliptoideus sloatianus) are freshwater mussels of the family Unionidae found only in eastern Gulf Slope streams draining the Apalachicolan Region, defined as streams from the Escambia to the Suwannee river systems, and occurring in southeast Alabama, southwest Georgia, and north Florida. All are listed as "Endangered".
- Fanshell (Cyprogenia stegaria), oyster mussel (Epioblasma capsaeformis), and Catspaw (purple cat's paw pearlymussel) (Epioblasma obliquata obliquata) are historically known to be found in the Tennessee River system and drainage.
-Gentian pinkroot (Spigelia gentianoides) has been historically found along the Alabama-Florida border.
-West Indian Manatee (Trichechus manatus) has been known to move north along the gulf coast west to Louisiana.




SCALE: 1" = 2000'
February 15th, 2013

# JIM WALTER RESOURCES, INC.
# MINE NO. 4 -- REVISION R-39
(APPROXIMATELY 3.7 ACRES TOTAL)

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S

## PROJECT AREA MAP

SECTION 21, TOWNSHIP 19 SOUTH, RANGE 8 WEST
ALL IN TUSCALOOSA COUNTY, ALABAMA
AS FOUND ON THE BURCHFIELD STORE, AL. USGS QUAD.

mcgehee engineering corp
post office box 3431
jasper, alabama 35502-3431
telephone: (205) 221-0686 fax: 221-7721
email: staff@mcgehee.org

REVISION R-39 AREA "D" BOUNDARY

Latitude: 33°22"52" N
Longitude: 87°22"23" W