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To	Amber Tubbs	From	USGS		
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Phone #		Phone #			
Fax #	205-221-7721	Fax #			



May 9<sup>th</sup>, 2014



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

William J. Pearson  
Field Survey  
U.S. Department of Interior  
Fish & Wildlife Service  
Daphne ES Field Office  
1208-B Main Street  
Daphne, AL 36526

No federally listed species/critical habitat are known to occur in the project area. As described, the project will have no significant impact on fish and wildlife resources. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. We recommend use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/bmp.html>).

*William J. Pearson*  
William J. Pearson, Field Supervisor  
Date 5-15-2014 # 3

RE: Jim Walter Resources, Inc. -- Mine No. 4 -- Revision R-39 -- Area E-H

Dear Mr. William J. Pearson

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

We are in the process of applying for a mining permit revision for the area described below and would like to request comments from your office in order to proceed with this project. Jim Walter Resources, Inc. has existing mining in Tuscaloosa County, Alabama. In order to accommodate its business expansion in Tuscaloosa County, Jim Walter Resources, Inc. wants to permit a total of 34 acres at the project sites as located in Sections 9, 11, 12, 16, & 27, Township 19 South, Range 8 West, all on the Brookwood, Burchfield Store, & Windham Springs, Alabama U.S.G.S Quadrangle as found in Tuscaloosa County, Alabama. The proposed site locations are shown on the attached 2000' scale project area map attachment "B".

The proposed 34 acres project received a habitat study in April of 2014. In the study it states that there was no habitat found for the listed, threatened and endangered species and that no evidence was found or observed for the presence or possible presence of these listed species. I have attached a copy of this study for you in attachment "C".

The project consists of adding area that has been previously disturbed through timber harvesting Natural gas extraction, mining, silviculture maintenance, and/or existing roads.

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*Jim Walter Resources, Inc. -- Mine No. 4 -- Revision R-39 -- Area E-F*

In addition to 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 AL0026590.

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.

This NPDES Permit has two specific proposed Sediment Basins at Area "E" and Area "G". Area "E"'s proposed sediment basin will address and filter the runoff from this project site prior to entering into a flow path or overland flow that will ultimately drain into Oswald Creek. This basin is identified as proposed sediment basin 032. Area "G"'s proposed sediment basin will address and filter the runoff from this project site prior to entering into a flow path or overland flow that will ultimately drain into an unnamed tributary that drains into the Black Warrior River. This basin is identified as proposed sediment basin 033. The location of the proposed basins 032 & 033 can be seen in attachment "D".

This sediment basin will have storm detentions to absorb any increase of surface run-off, if it should occur. This mining operation will not alter the drainage area of the downstream tributaries. Therefore, the overall quantity of flow to downstream should not be adversely affected. This sediment basin will be designed for a 10 year 24 hour stormwater event at the primary spillway with a design of 25 year 6 hour at the emergency spillway. I have attached a copy of the Sediment Basins Typical Cross-Section in attachment "E" and a copy of the Typical Plan View in attachment "F".

Jim Walter Resources, Inc. 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 and are as follows:

Sediment basins are inspected semi-monthly for erosion, instability, etc., with maintenance performed as necessary. Sediment basins are examined quarterly for structural weakness, instability, slope failure, or other hazardous conditions with maintenance performed as necessary. Formal inspections are made annually, by a qualified registered professional engineer or other qualified person under the direction of a professional engineer, including any reports or modifications, in accordance with 880-X- 10C- .20[1(j)] of the Alabama Surface Mining Regulations.

In addition to the frequent inspections (listed above) made by Jim Walter Resources, Inc. personnel or their agents, monthly inspections of the BMPs are performed by ASMC inspectors during the active mining phase. Following a phase II bond release, the ASMC inspections are performed quarterly until the final bond release.

Jim Walter Resources, Inc. will ensure that the water quality is monitored to assure discharges/runoff does not increase stream solids beyond the state water quality standards. All surface water samples will be taken by the grab method. Flow rate measurements of surface water samples will be performed in accordance with ASTM D3858, 10.9.6, p.101 "Standard Practice for Open Channel Flow Measurement of Water by Velocity - Area Method".

All surface water samples are analyzed for at a minimum the pH, Total Iron, Total Manganese, Total Suspended Solids, and reported to the Alabama Department of Environmental Management and Alabama Surface Mining Commission to maintain and ensure adherence to the State's water quality standards required in the approved ADEM NPDES permit AL0026590.

The approved BMP's structures will be inspected within 24 hours of each significant rainfall event and immediate corrective action will be taken if erosion or soil runoff is observed.

Jim Walter Resources, Inc. will immediately re-vegetate any disturbed areas that are not actively being mined and execute any work that results in exposed earth or slopes leading to the surface waters during periods when significant rainfall is not present.

In addition the area to be impacted will be restored immediately following the mineral extraction operation. 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, Inc. believes the project will not have any adverse downstream effects on any Threatened and Endangered Species outside the project area.

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Therefore based on intentional drainage course avoidance design of the project area and 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.

Sincerely,  
McGehee Engineering Corp.

*Amber Tubbs*

Amber Tubbs  
Project Manager,

Enclosure:

- (A) Project Notification Summary
- (B) Project Area Map 2000 Scale
- (C) Habitat Study – McGehee Engineering Corporation – April, 2014
- (D) Basin Location Maps
- (E) Sediment Basin Typical Cross Section
- (F) Sediment Basin Typical Plan View