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

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STATE LANDS DIVISION

TELEPHONE (334) 242-3484
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June 10, 2014

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

RE: Sensitive Species Information request
Best Coal Company, Inc. - Narley Mine

Dear Ms. Tubbs:

The Natural Heritage Section office received your e-mail dated 5/20/2014 addressed to Ashley Peters on 5/20/2014 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 Jefferson 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 Jefferson 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 1.8 miles from the subject site. The current range of this federally listed endangered species (Plicate Rocksnail) is limited to a small area of the Locust Fork of the Black Warrior River in Jefferson and Blount Counties, Alabama. This species requires free flowing water in order to survive, therefore impoundments are a major threat to this species. A further

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description of ideal habitat is: shallow water flowing over gravel, cobble, or bedrock in the strong current of rapids and shoals.*

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.2014. Natureserve Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available http://www.natureserve.org/explorer. (Accessed: March 17, 2014).

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.

Jefferson

Protection Status	Common Name	Scientific Name	Applicable State Regulation
State Protected	Alabama Map Turtle	Graptemys pulchra	220-2-.92 (1) (c)
Threatened / State Protected	Alabama Moccasinshell	Medionidus acutissimus	220-2-.98 (1) (a)
Candidate / State Protected	Black Warrior Waterdog	Necturus alabamensis	220-2-.92 (1) (b)
State Protected	Black-knobbed Map Turtle	Graptemys nigrinoda	220-2-.92 (1) (c)
Threatened / State Protected	Blue Shiner	Cyprinella caerulea	220-2-.92 (1) (a)
Endangered / State Protected	Cahaba Shiner	Notropis cahabae	220-2-.92 (1) (a)
Endangered / State Protected	Cylindrical Lioplax	Lioplax cyclostomaformis	220-2-.98 (1) (a)
Endangered / State Protected	Dark Pigtoe	Pleurobema furvum	220-2-.98 (1) (a)
State Protected	Eastern Coachwhip	Coluber flagellum	220-2-.92 (1) (c)
State Protected	Eastern Kingsnake	Lampropeltis getula getula	220-2-.92 (1) (c)
Threatened / State Protected	Finelined Pocketbook	Hamiota altilis	220-2-.98 (1) (a)
Threatened / State Protected	Flattened Musk Turtle	Sternotherus depressus	220-2-.92 (1) (c)
Endangered	Gentian Pinkroot	Spigelia gentianoides	
Candidate	Georgia Rockcress	Arabis georgiana	
Threatened / State Protected	Goldline Darter	Percina aurolineata	220-2-.92 (1) (a)
Endangered / State Protected	Gray Bat	Myotis grisescens	220-2-.92 (1) (e)
State Protected	Green Salamander	Aneides aeneus	220-2-.92 (1) (b)
Endangered / State Protected	Indiana Bat	Myotis sodalis	220-2-.92 (1) (e)
Threatened	Mohr's Barbara Button	Marshallia mohrii	
Threatened / State Protected	Orangenacre Mucket	Lampsilis perovalis	220-2-.98 (1) (a)
Endangered / State Protected	Ovate Clubshell	Pleurobema perovatum	220-2-.98 (1) (a)
Endangered / State Protected	Plicate Rocksnail	Leptoxis plicata	220-2-.98 (1) (a)
Threatened / State Protected	Round Rocksnail	Leptoxis ampla	220-2-.98 (1) (a)
Endangered / State Protected	Rush Darter	Etheostoma phytophilum	220-2-.92 (1) (a)
State Protected	Southeastern Five-lined Skink	Plestiodon inexpectatus	220-2-.92 (1) (c)
Endangered / State Protected	Southern Acornshell	Epioblasma othcaloogensis	220-2-.98 (1) (a)
Endangered / State Protected	Southern Clubshell	Pleurobema decisum	220-2-.98 (1) (a)

Endangered / State Protected	Southern Pigtoe	Pleurobema georgianum	220-2-.98 (1) (a)
Endangered	Tennessee Yellow-eyed Grass	Xyris tennesseensis	
Endangered / State Protected	Triangular Kidneyshell	Ptychobranchus greenii	220-2-.98 (1) (a)
Endangered / State Protected	Upland Combshell	Epioblasma metastriata	220-2-.98 (1) (a)
Endangered / State Protected	Vermilion Darter	Etheostoma chermocki	220-2-.92 (1) (a)
Endangered / State Protected	Watercress Darter	Etheostoma nuchale	220-2-.92 (1) (a)

Key to codes on list:

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

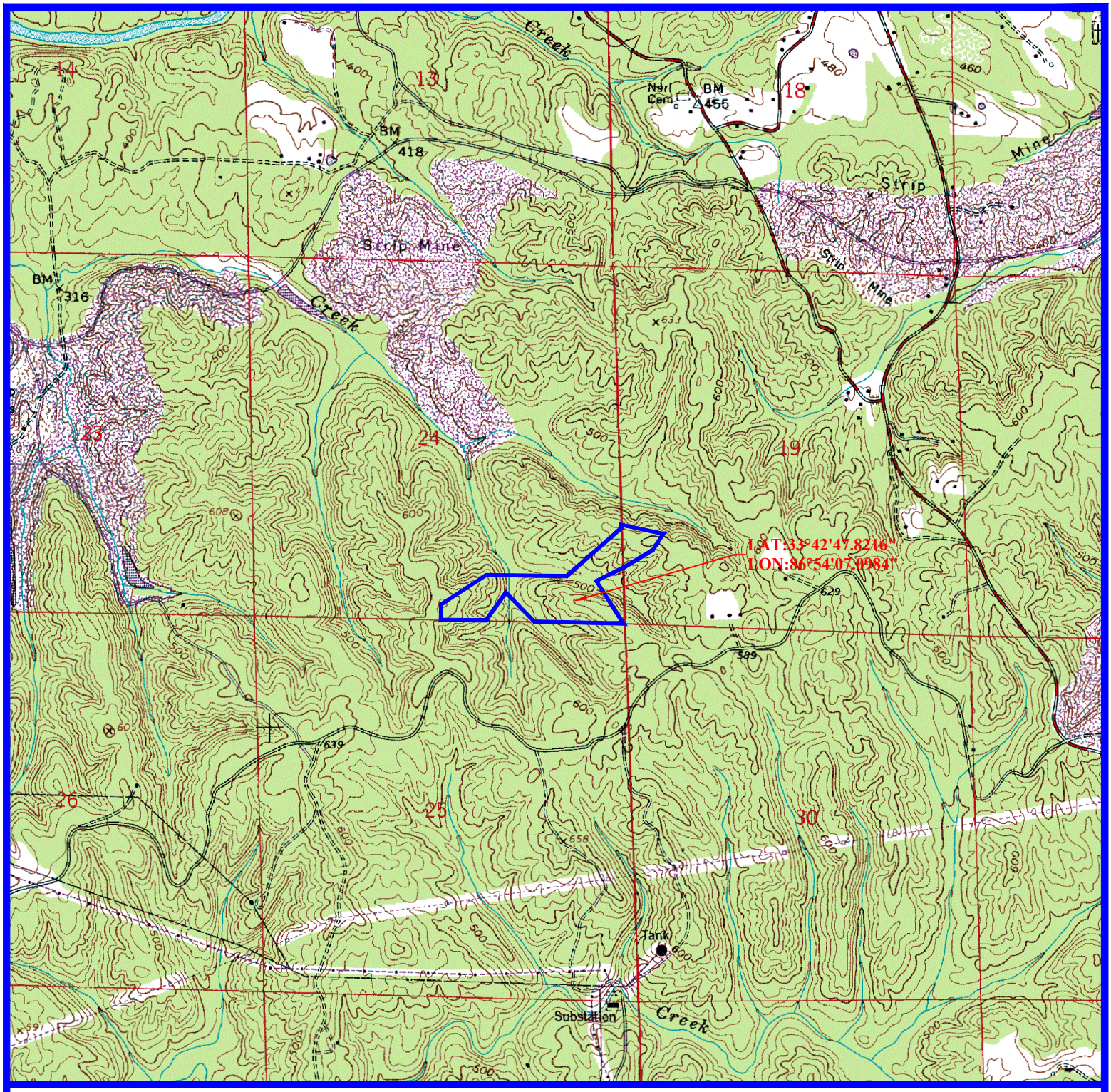
Threatened - Federally listed as a threatened species by the U. S. Fish and Wildlife Service

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. 2013-2014. Alabama Department of Conservation and Natural Resources. See http://www.outdooralabama.com/watchable-wildlife/regulations/nongame.cfm for more information.

Notes:
- Birds: The Nongame Species Regulation 220-2-.92 (1)(d) states: All nongame birds are protected under the provisions of this regulation except crows, starlings, blackbirds, English sparrows, Eurasian collared doves, pigeons and other non-native species.
- The Bald Eagle (Haliaeetus leucocephalus) has been delisted. This species is still protected by the Nongame Species Regulation and the Migratory Bird Act. This species is distributed statewide, but it is most likely to be observed near large rivers and reservoirs.
- Black Bear (Ursus americanus ssp.) may occur statewide.



SCALE: 1" = 2000'
April 18th, 2014
Map Size: 8.5" x 11"

BEST COAL COMPANY, INC.
NARLEY MINE
(APPROXIMATELY 42 ACRES TOTAL)

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PROJECT AREA MAP

SECTION 24, TOWNSHIP 15 SOUTH, RANGE 4 WEST
SECTION 19, TOWNSHIP 15 SOUTH, RANGE 3 WEST
ALL IN JEFFERSON COUNTY, ALABAMA
AS FOUND ON THE BROOKSIDE, AL USGS QUAD (1986)

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

REVISION R-12 PROJECT BOUNDARY

Latitude: 33°42"48" N
Longitude: 86°54"07" W