

## Madison, Keith

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**From:** Madison, Keith  
**Sent:** Wednesday, August 24, 2011 11:48 AM  
**To:** 'Wheelahan, Candice'  
**Subject:** Shanon Mine - Blue Creek Crossing  
**Attachments:** Shannon Corp Map.pdf

Candice,

Please accept this e-mail as notification of Shannon, LLC's intention to construct a temporary low water crossing on Blue Creek near North Johns, Alabama. The purpose of this crossing is to move mining equipment from one area to another. The crossing is located in the SE ¼ of NE ¼ of Section 31, Township 19 South, Range 5 West, Jefferson County, Alabama, at Latitude 33 Degrees 20 Minutes, 40 Seconds and Longitude 87 Degrees 05 Minutes, 35 Seconds. The crossing will disturb less than 0.1 acres of Blue Creek. Also, there are no wetlands adjacent to Blue Creek at the proposed crossing location. Please see attached map for the location of the crossing.

Please notify me of your decision. Your prompt consideration will be appreciated.

Thanks,

*Keith Madison*

Twin Pines, LLC

74 Industrial Parkway

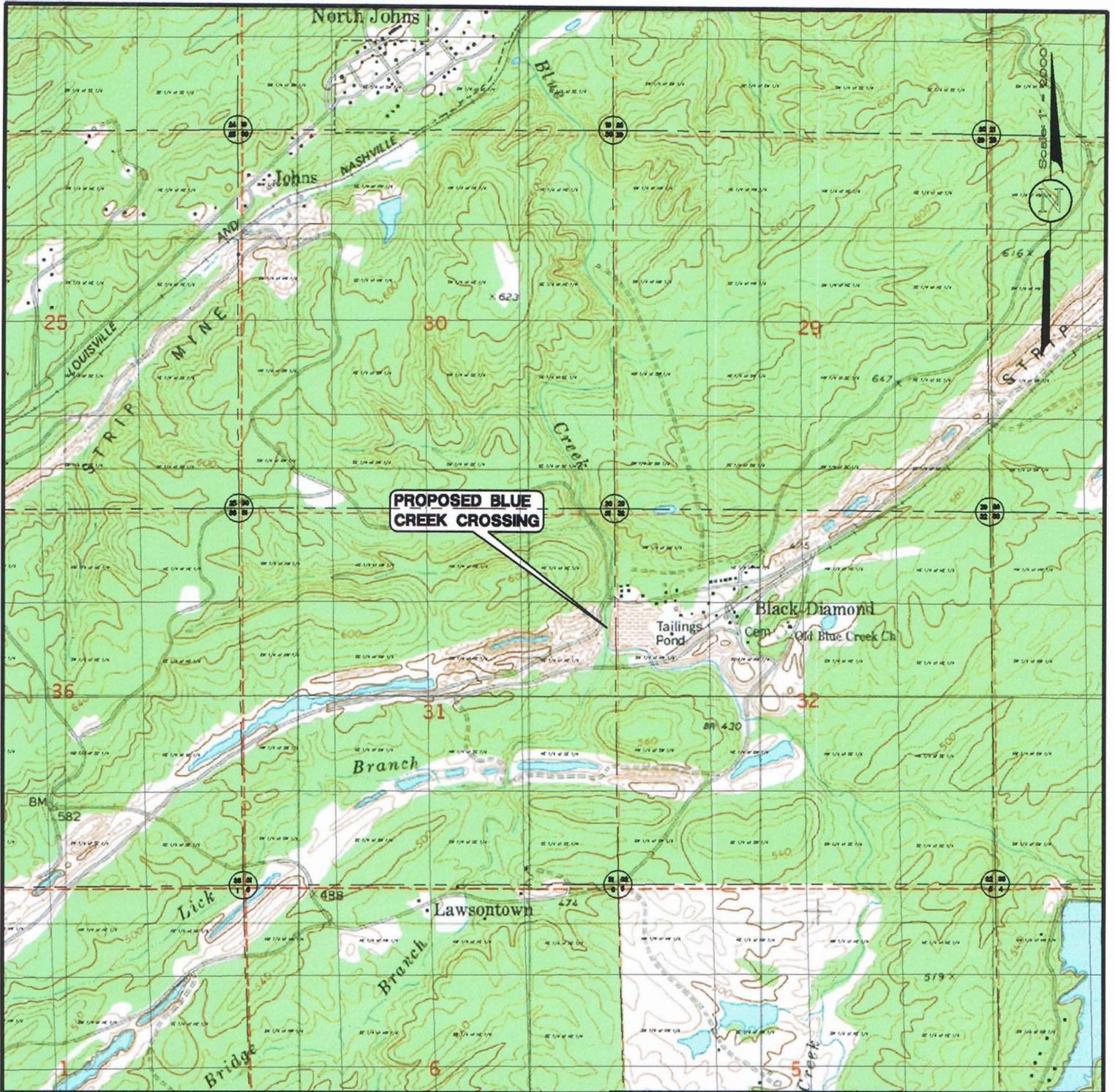
Jasper, AL 35501

email: [kmadison@twinpinescoal.com](mailto:kmadison@twinpinescoal.com)

Phone: (205)295-0995

Direct : (205)295-2890

Fax: (205)295-2923



**Twin Pines, LLC**

74 Industrial Parkway  
 P.O. Box 621 Jasper, Alabama 35502  
 (205) 295-0995 Office (205) 295-0799 Fax

**SHANNON, LLC  
 SHANNON MINE  
 PROPOSED BLUE CREEK CROSSING**

*LATITUDE 33°-20'-40"  
 LONGITUDE 87°-05'-35"*

DRAWN BY: P.T.O.  
 DWG. NAME: TPSCOPR

DATE: 8-24-11

APPROVED BY: W.K.M.

SCALE: 1"=2000'

## Madison, Keith

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**From:** Wheelahan, Candice [Candice.M.Wheelahan@usace.army.mil]  
**Sent:** Wednesday, August 24, 2011 1:02 PM  
**To:** Madison, Keith  
**Subject:** RE: Shannon Mine - Blue Creek Crossing (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Keith,

Thank you for the notification. Temporary roads to move mining equipment are exempt under the Clean Water Act Section 404(f), subsection (E). You will not need a permit as long as you meet these conditions:

(E) for the purpose of construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the navigable waters are not impaired, that the reach of the navigable waters is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized;

Which Shannon Mine will this belong to? I will put a note in the file.

Thank you!!

*Candice*

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**From:** Madison, Keith [<mailto:KMadison@twinpinescoal.com>]  
**Sent:** Wednesday, August 24, 2011 11:48 AM  
**To:** Wheelahan, Candice  
**Subject:** Shannon Mine - Blue Creek Crossing

Candice,

Please accept this e-mail as notification of Shannon, LLC's intention to construct a temporary low water crossing on Blue Creek near North Johns, Alabama. The purpose of this crossing is to move mining equipment from one area to another. The crossing is located in the SE ¼ of NE ¼ of Section 31, Township 19 South, Range 5 West, Jefferson County, Alabama, at Latitude 33 Degrees 20 Minutes, 40 Seconds and Longitude 87 Degrees 05 Minutes, 35 Seconds. The crossing will disturb less than 0.1 acres of Blue Creek. Also, there are no wetlands adjacent to Blue Creek at the proposed crossing location. Please see attached map for the location of the crossing.

Please notify me of your decision. Your prompt consideration will be appreciated.

Thanks,

*Keith Madison*

Twin Pines, LLC

74 Industrial Parkway

Jasper, AL 35501

email: [kmadison@twinpinescoal.com](mailto:kmadison@twinpinescoal.com)

Phone: (205)295-0995

Direct : (205)295-2890

Fax: (205)295-2923



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS - MOBILE DISTRICT  
BIRMINGHAM FIELD OFFICE  
218 SUMMIT PARKWAY, SUITE 222  
HOMEWOOD, ALABAMA 35209

November 2, 2011

Inland Section North  
Regulatory Division

SUBJECT: Nationwide Permit Authorization - Permit Number SAM-2011-01072-CMS,  
Shannon Mine No. 4, Shannon, LLC

Shannon, LLC  
c/o McGehee Engineering Corporation  
Attention: Mr. Stephen Blankenship  
Post Office Box 3431  
Jasper, Alabama 35502

Dear Mr. Blankenship:

This letter is in response to your September 12, 2011 application, submitted on behalf of Shannon, LLC, for a Department of the Army (DA) permit to impact 6,397 linear feet (0.15 acre) of ephemeral stream and 3,283 linear feet (0.19 acre) of intermittent stream in association with Shannon Mine No. 4. The project is located in Sections 1,2,3,4,9,10 and 11, Township 20 South, Range 6 West and Sections 25,34,35 and 36, Township 19 South, Range 6 West in Jefferson and Tuscaloosa County, Alabama (N 33.32885, W 87.13806).

DA authorization is necessary because the project will involve the placement of fill material into jurisdictional waters of the United States, regulated under Section 404 of the Clean Water Act. The project involves open mining at the project site, of which 60% has been previously disturbed through mining operations. Project impacts include 6,397 linear feet of ephemeral stream and 3,283 linear feet of intermittent stream.

Based upon the Pre-Construction Notification and Mitigation Plan submitted on September 12, 2011, including the addendums dated October 18, 2011 and October 27, 2011, your proposal is authorized by Nationwide Permit (NWP) 49 for Coal Remining Activities (Federal Register, March 12, 2007 Vol. 72, No. 47). In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the General Conditions of *Nationwide Permit 49*, which can be viewed at our website at [www.sam.usace.army.mil/RD/reg](http://www.sam.usace.army.mil/RD/reg), and the following special conditions:

a. To mitigate for the intermittent stream impacts, the permittee shall implement the Mitigation Plan dated September 12, 2011 including any addendums. The mitigation includes the construction of 3,283 linear feet of intermittent stream and stream buffer restoration, which shall generate at least 13,460.3 credits.

b. To mitigate for the ephemeral stream impacts, the permittee shall purchase 0.15 wetland credit from the Big Sandy Mitigation Bank. Proof of credit purchase must be received by this office prior to commencing work in waters of the United States.

c. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition "a", will not be considered fulfilled until you have demonstrated compensatory mitigation project success for 5 consecutive years. If project success has been demonstrated after this 5 year period, you will receive written verification of that success from the U.S. Army Corps of Engineers. Only then is the mitigation project considered complete. If mitigation, including any adaptive management, is determined to be unsuccessful the Corps shall require the permittee to purchase credits at a Corps approved mitigation bank to offset any difference in the required number of stream SOP credits (listed in Special Condition "a").

d. The permittee shall submit a performance bond, or other suitable financial assurances, to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division for approval prior to being executed. The approved financial assurances shall be posted before mining activities authorized by this permit begin. The financial assurances will be based on the financial assurance table submitted with Addendum No. 2 dated October 27, 2011.

e. You shall comply with all the terms and conditions of the Alabama Department of Environmental Management Section 401 Water Quality Certifications for the Nationwide Permits. This document can be viewed at our website: [www.sam.usace.army.mil/rd/reg/nwp/htm](http://www.sam.usace.army.mil/rd/reg/nwp/htm), or at your request a paper copy will be provided to you.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Further, please note General Condition 26 requires that you submit a signed certification to us once any work has commenced and when the work and required mitigation are completed. Please complete and submit the attached Notification of Commencement of Work when work has begun and the attached Compliance Certification form to this office within 60 days of completion of the authorized work.

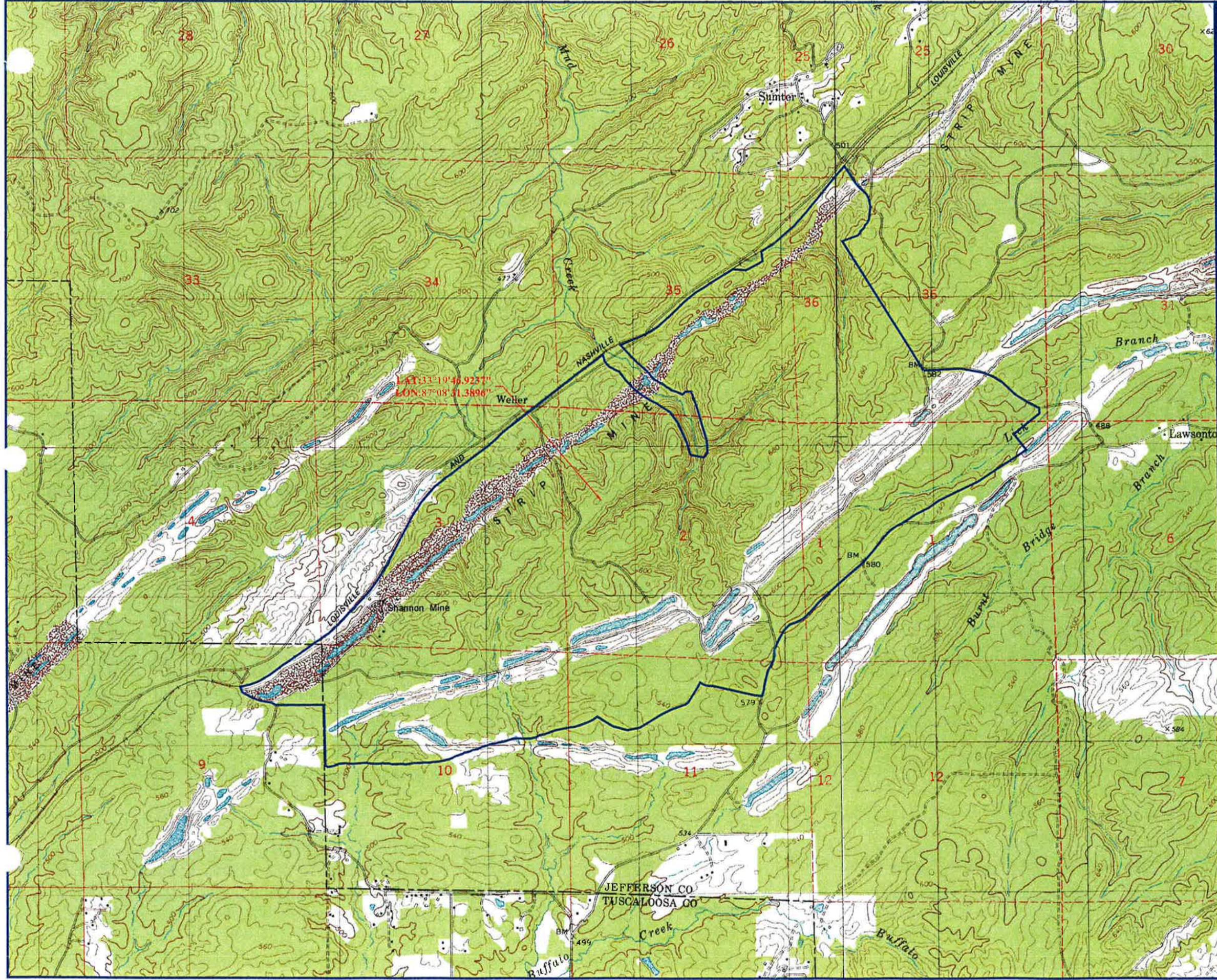
Please contact me at 205-290-9096 or at [Courtney.m.shca@usace.army.mil](mailto:Courtney.m.shca@usace.army.mil) and refer to File Number SAM-2011-01072-CMS if you have any questions. For additional information about our Regulatory Program, visit our web site at [www.sam.usace.army.mil/RD/reg](http://www.sam.usace.army.mil/RD/reg), and please take a moment to complete our customer satisfaction survey while you are there. Your responses are appreciated and will allow us to improve our services.

Sincerely,

A handwritten signature in black ink, appearing to read 'Courtney Shea', with a long horizontal flourish extending to the right.

Courtney Shea  
Project Manager  
Regulatory Division  
Birmingham Field Office

Enclosures



SCALE: 1" = 2000'  
September 1st, 2011

SHANNON, LLC.  
SHANNON MINE NO. 4  
(APPROXIMATELY 2,262 ACRES TOTAL)



**PROJECT AREA MAP**

SECTIONS 1, 2, 3, 4, 9, 10 & 11  
TOWNSHIP 20 SOUTH, RANGE 6 WEST,  
SECTIONS 25, 34, 35 & 36, TOWNSHIP 19 SOUTH, RANGE 6 WEST,  
ALL IN JEFFERSON COUNTY, ALABAMA  
AS FOUND ON THE MCCALLA & ABERNANT, ALABAMA USGS QUAD.



PROJECT BOUNDARY



Latitude: 33°19'46" N  
Longitude: 87°08'31" W