

# TWIN PINES, LLC

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August 17, 2011

Mr. Matt Marshall  
Alabama Department of Conservation and Natural Resources  
64 North Union Street  
Montgomery, Alabama 36130

RE: Shannon, LLC  
(Originally permitted as Birmingham Coal & Coke Company, Inc.)  
Shannon Mine

Dear Mr. Marshall:

Attached, please find a request for the identification of areas of special concern and mapping showing the proposed permit area. Shannon, LLC proposes to add approximately +/- 67 acres to their surface mining permit. Attached, please find the original correspondence from DCNR which included this area. The office of DCNR responded on August 6, 2004 to the initial request for the Shannon Mine. This area also is adjacent to the Shannon Mine No. 4 that the office of DCNR responded to on June 8, 2011. Due to the time that has passed since the initial correspondence, we are requesting another review for the +/- 67 acres. This area is identified on the attached map as the 'permit boundary'. Please process at your earliest convenience. Your prompt consideration will be most appreciated.

If you require additional information, please feel free to call me at (205) 295-0995.

Sincerely,



Keith Madison, P.G.

REQUEST FOR IDENTIFICATION OF AREAS OF SPECIAL CONCERN  
FOR A SURFACE OR UNDERGROUND COAL MINING OPERATION

Date: August 17, 2011

Mining Company Name: Shannon, LLC

Return Address: c/o Shannon, LLC

Post Office Box 621

Jasper, AL 35502

Contact: Keith Madison

Type Mining Operation: Surface

Number of acres to be Disturbed: +/- 67

County: Jefferson County

Section(s), Township(s), and Range(s) of the Areas Contained in the Permit: \_\_\_\_\_  
Part of Section 1, Township 20 South, Range 6 West, Part of Section 6, Township 20 South,  
Range 5 West, Part of Section 31, Township 19 South, Range 5 West, and Part of Section 36,  
Township 19 South, Range 6 West, Jefferson County.

Latitude: 33° 20' 03.00"

Longitude: 87° 06' 48.00"

Enclose Copy of Map (1=2,000 scale) showing:

1. All topographical features as shown on a USGS quadrangle sheet
2. An accurate outline of the proposed permit area, including all incidental facilities
3. All previously mined disturbance
4. All existing water bodies including lakes, ponds, streams, depressions, swamps, and wetlands which exceed one-fourth acre in size.
5. The current landuse(s) of the permit area and the areas immediately adjacent to the permit area.
6. The dominant vegetation communities on the permit area and the immediate adjacent area.
7. A legend which includes map scales, the USGS quad sheet name, and other appropriate symbols and indices.

Enclose copy of Alabama Heritage Data Base survey conducted by the State Lands Division, Natural Heritage Section.



**LEGEND**  
 Permit Boundary



**Twin Pines, LLC**

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

**MINE SITE LOCATION MAP**  
**SHANNON, LLC**  
**SHANNON MINE**  
*Part of Section 1, Township 20 South, Range 6 West,  
 Section 6, Township 20 South, Range 5 West, Section 31,  
 Township 19 South, Range 5 West, Section 36, Township 19  
 South, Range 6 West, Jefferson County, Alabama*

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

DATE: 8-16-11

APPROVED BY: W.K.M.

SCALE: 1"=2000'



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

ROBERT BENTLEY  
GOVERNOR

N. GUNTER GUY, JR.  
COMMISSIONER

CURTIS JONES  
ASSISTANT COMMISSIONER

PATRICIA J. POWELL, DIRECTOR  
GREGORY M. LEIN, ASSISTANT DIRECTOR  
STATE LANDS DIVISION

TELEPHONE (334) 242-3484  
FAX NO (334) 242-0999

August 17, 2011

Mr. Keith Madison  
Twin Pines, LLC  
74 Industrial Parkway  
Jasper, AL 35501

RE: Sensitive Species Information request  
Shannon, LLC - Shannon Mine

Dear Mr. Madison:

The Natural Heritage Section office received your e-mail dated 8/17/2011 addressed to Ashley Peters on 8/17/2011 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 8.4 miles from the subject site. This federally listed endangered species (Watercress Darter) occurs in springs and small streams immediately below them in vegetated flowing water. Usually found in mats of watercress where it rests on stems and leaves well above soft substrate.\*



«AddressBlock»

8/17/2011

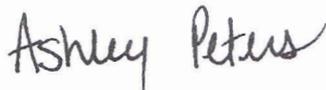
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I hope this information will be useful to you. The provided information is to help you in fulfilling your necessary legal obligations. This does not constitute any form of Section 7 consultation. The Natural Heritage Section recommends that the U. 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  
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/>

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8/17/2011

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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 reflects 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
Candidate	Black Warrior River Waterdog	<i>Necturus alabamensis</i>	
Candidate/ State Protected	Rush Darter	<i>Etheostoma phytophilum</i>	220-2-.92 (1) (a)
Endangered	Leafy Prairie Clover	<i>Dalea foliosa</i>	
Endangered/ State Protected	Cahaba Shiner	<i>Notropis cahabae</i>	220-2-.92 (1) (a)
Endangered/ State Protected	Plicate Rocksnail	<i>Leptoxis plicata</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Southern Clubshell	<i>Pleurobema decisum</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Triangular Kidneyshell	<i>Ptychobranchus greenii</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Upland Combshell	<i>Epioblasma metastriata</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Vermilion Darter	<i>Etheostoma chermocki</i>	220-2-.92 (1) (a)
Endangered/ State Protected	Watercress Darter	<i>Etheostoma nuchale</i>	220-2-.92 (1) (a)
State Protected	Cooper's Hawk	<i>Accipiter cooperi</i>	220-2-.92 (1) (d)
Threatened/ State Protected	Blue Shiner	<i>Cyprinella caerulea</i>	220-2-.92 (1) (a)
Threatened/ State Protected	Finlined Pocketbook	<i>Hamiota altilis</i>	220-2-.98 (1) (a)
Threatened/ State Protected	Flattened Musk Turtle	<i>Sternotherus depressus</i>	Section 9-11-269
Threatened/ State Protected	Goldline Darter	<i>Percina aurolineata</i>	220-2-.92 (1) (a)
Threatened/ State Protected	Orangenacre Mucket	<i>Hamiota perovalis</i>	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 pearl mussel) (*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.



STATE OF ALABAMA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

P.O. BOX 301450  
64 NORTH UNION STREET, SUITE 468  
MONTGOMERY, ALABAMA 36130-1450  
(334) 242-3486  
FAX (334) 242-3489  
www.dcnr.state.al.us

BOB RILEY  
GOVERNOR

August 6, 2004

M. BARNETT LAWLEY  
COMMISSIONER

Mr. Keith Madison  
Geologist  
PERC Engineering Co., Inc.  
Box 1712  
Jasper, AL 35502

Re: Birmingham Coal and Coke Company, Inc.  
Shannon Mine (Jefferson & Tuscaloosa Cos.)

Dear Mr. Madison:

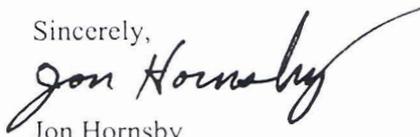
Based on the Memorandum of Understanding between the Surface Mining Commission, the Department of Conservation and Natural Resources and the U. S. Fish and Wildlife Service, a 1:2,000 map of the proposed mine area and a fact sheet indicating the number of acres to be disturbed should be attached to a request for identification of areas of special concern. Any wetlands greater than 0.1 acre or streams which might be impacted by the mine are supposed to be identified and color coded on this map. The copy of your letter I received does not contain this information; however, the Natural Heritage Section of the State Lands Division apparently received a copy of the map in your letter of June 25, 2004 and responded on July 2, 2004. Without such a map, it is difficult for me to respond to specific impacts, and my letter must of necessity be somewhat generalized in nature. Based on the information available to me, I submit the following comments.

The Alabama Department of Conservation and Natural Resources has no objection to the project provided that:

- (1) Wetland losses associated with this activity are mitigated at a compensatory ratio of 2:1 (restoration option), 3:1 (creation option), 4:1 (enhancement option), or 10:1 or higher (preservation option). The Corps of Engineers advises that all wetlands on mine sites, whether on previously disturbed or pristine areas, fall within the category of jurisdictional wetlands; however, dredge and fill activities might be permitted under specified conditions in certain of those wetlands.
- (2) Water quality is not adversely impacted.
- (3) The density or diversity of aquatic biota is not adversely impacted and that aquatic habitat quality in streams and wetlands is not diminished: excessive siltation resulting from uncontrolled erosion at a mine site can be as destructive to the aquatic ecosystem of a stream or wetland as acid mine discharges. We are therefore very concerned about the degradation/loss of aquatic habitat which may occur as a result of siltation associated with mining operations. We are also very concerned about the loss of stream habitat and stream functions which occur when settling ponds are constructed on intermittent or perennial streams. Such ponds not only result in the loss of stream functions within the impounded areas, but downstream flows below the dam are altered (during

low rainfall periods, there is often no flow or inadequate flow in the stream downstream of the dam) and the upstream movement of fish is restricted except during floods, resulting in aquatic habitat fragmentation. The best way to protect aquatic habitat is to prevent sediment from entering a stream or wetland, not to contain the sediment within the stream or wetland once it has entered the aquatic ecosystem. We therefore recommend that spoil banks or other slopes be grassed as early as possible (well prior to reclamation), that silt barriers, terraces, and check dams be properly installed and maintained, that streamside buffer zones be 100 feet in width and well vegetated in order to function properly, that sedimentation ponds not be constructed in streams or wetlands, and that the mine operator should be responsible for in-kind restoration or mitigation if streams or wetlands are adversely impacted by mining activities.

- (4) Channel realignment, excavation, diversion or alteration of flow, impoundment, or excessive sedimentation of streams or wetlands do not occur as a result of mining. If such impacts do occur over our objection, we recommend that the mine operator should be required to provide in-kind mitigation. The mine operator can provide stream mitigation by restoring a degraded stream similar in size and natural (biological) productivity to the impacted stream: stream restoration should be in general accordance with principles advocated by hydrologist Dave Rosgen in Applied River Morphology. We recommend a 2:1 in-kind restoration ratio for adverse impacts to high quality flowing stream habitat. We request further consultation and input regarding the applicant's stream and wetland mitigation plans.
- (5) No state- or federally-protected species is adversely impacted by mining. I note that you have coordinated with the Natural Heritage Section, State Lands Division (334-353-7998) regarding potential impacts to both state- and federally-protected species. The Natural Heritage Section stated that no biological survey is known to have been conducted at the delineated location; therefore, no accurate assessment of the presence or absence of a protected species at the site could be inferred from the records in their database. The nearest recorded occurrence of a sensitive species was 7.4 miles from the subject property. If there is a potential for adverse impacts to state- or federally-protected species, a sensitive species survey by a qualified biologist is strongly recommended. If adverse impacts actually occur as a result of the project, further coordination with my office and with the United States Fish and Wildlife Service will be required.
- (6) Activities affecting state property (including stream beds of any size which are designated by this Department as state-owned waterbottoms) are initiated only upon the issuance of an easement from the State Lands Division, following consultation with my office. My address and that of the State Lands Division is: Department of Conservation and Natural Resources, 64 North Union Street, Montgomery, Alabama 36130. The State Lands Division telephone number for issues pertaining to the state ownership of streambeds is 334-242-3484. My telephone number is 334-242-3420.

Sincerely,  
  
Jon Hornsby  
Environmental Coordinator



STATE OF ALABAMA  
**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**  
**WILDLIFE AND FRESHWATER FISHERIES DIVISION**



64 North Union Street, Ste. 567  
P. O. Box 301456  
Montgomery, AL 36130-1456  
Phone: (334) 242-3465 Fax: (334) 242-3032  
www.outdooralabama.com

**ROBERT J. BENTLEY**  
GOVERNOR

**N. GUNTER GUY, JR.**  
COMMISSIONER

*The mission of the Wildlife and Freshwater Fisheries Division is to manage,  
protect, conserve, and enhance the wildlife and aquatic resources of Alabama  
for the sustainable benefit of the people of Alabama.*

**M. N. 'CORKY' PUGH**  
DIRECTOR

**FRED R. HARDERS**  
ASST. DIRECTOR

August 31, 2011

Mr. Keith Madison  
Twin Pines, Inc.  
74 Industrial Parkway  
P.O. Box 621  
Jasper, Alabama 35502

Re: Shannon, LLC  
(Originally permitted as Birmingham Coal and Coke Company, Inc.)  
Shannon Mine

Dear Mr. Madison:

Based on a review of the project proposal, the Division of Wildlife and Freshwater Fisheries has no objection provided:

1. No state- ~~or~~ federally-protected species is adversely impacted by mining. We note that you have coordinated with the Natural Heritage Section by letter dated August 17, 2011 regarding potential impacts to both State- and Federally-protected species for the proposed additional areas. Please contact the U.S. Fish and Wildlife Service (251-441-5181) regarding potential impacts to federally-protected species. If there is a potential for adverse impacts to state- or federally-protected species, a sensitive species survey by a qualified biologist is strongly recommended. If adverse impacts to protected species occur as a result of the project, further coordination with the Division of Wildlife and Freshwater Fisheries (334-242-3851) and the U.S. Fish and Wildlife Service will be required.
2. No net loss of stream or wetland function and habitat should occur as a result of the project. If flowing streams, ditches, or wetlands will be impacted by the proposed activity, the Army Corps of Engineers - Mobile District (251-690-3188), should be contacted to determine if the activity falls under a Corps regulation requiring mitigation for adverse ecological, morphological, or hydrological impacts. Be advised that the USACE advises that all wetlands on mine sites, whether on previously disturbed or pristine areas, fall within the category of jurisdictional wetlands; however, dredge and fill activities might be permitted under specified conditions. We have no objection to the use of a wetland mitigation protocol such as WRAP (the Wetland Rapid Assessment Procedure), provided it is properly applied and provided that

temporal losses are correctly accounted for. We have no objection to the purchase of mitigation credits from a Corps-sanctioned wetland mitigation bank.

3. The density or diversity of aquatic biota is not adversely impacted and that aquatic habitat quality in streams and wetlands is not diminished: excessive siltation resulting from uncontrolled erosion at a mine site can be as destructive to the aquatic ecosystem of a stream or wetland as acid mine discharges. We are therefore very concerned about the degradation/loss of aquatic habitat which may occur as a result of siltation associated with mining operations. We are also very concerned about the loss of stream habitat and stream functions which occur when settling ponds are constructed on intermittent or perennial streams. Such ponds not only result in the loss of stream functions within the impounded areas, but downstream flows below the dam are altered (during low rainfall periods, there is often no flow or inadequate flow in the stream downstream of the dam) and the upstream movement of fish is restricted except during floods, resulting in aquatic habitat fragmentation. Sediment ponds should be temporary and subsequently removed post mining. The best way to protect aquatic habitat is to prevent sediment from entering a stream or wetland, not to contain the sediment within the stream or wetland once it has entered the aquatic ecosystem. We therefore recommend that spoil banks or other slopes be grassed as early as possible (well prior to reclamation), that silt barriers, terraces, and check dams be properly installed and maintained, that streamside buffer zones be 100 feet in width and well vegetated in order to function properly, that sedimentation ponds not be constructed in streams or wetlands, and that the mine owner/operator should be responsible for in-kind restoration or mitigation if streams or wetlands are adversely impacted by mining activities.
4. Channel realignment, excavation, diversion or alteration of flow, impoundment, or excessive sedimentation of streams should not occur as a result of mining. If such impacts do occur, the mine owner/operator should provide corrective action through active restoration or stream mitigation for unresolved impacts.
5. State water quality standards (particularly those related to erosion control, water turbidity, and dissolved oxygen) should be strictly adhered to.

We appreciate the opportunity to comment on this project.

Sincerely,

Matthew D. Marshall  
Environmental Coordinator