

TWIN PINES, LLC

2011-TA-0596



August 18, 2011

Mr. William J. Pearson
Fish and Wildlife Service
P.O. Box 1190
Daphne, Alabama 36526

Post-it® Fax Note	7671	Date	9/13/11	# of pages	1
To	Keith Madison	From	USFWS		
Co./Dept.		Co.			
Phone #	12799	Phone #			
Fax #	205-295-0995	Fax #			

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

Dear Mr. Pearson:

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 Fish and Wildlife which included this area. The office of Fish and Wildlife responded on July 30, 2004 to the initial request for the Shannon Mine (04-1355 & 04-1355b). This area also is adjacent to the Shannon Mine No. 4 that the office of Fish and Wildlife responded to on May 31, 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.



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

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, Field Supervisor

9-13-2011
Date # 3

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.	DATE: 8-16-11
DWG. NAME: TPSMMSL	
APPROVED BY: W.K.M.	SCALE: 1"=2000'



United States Department of the Interior

FISH AND WILDLIFE SERVICE
P.O. Drawer 1190
Daphne, Alabama 36526
July 30, 2004



IN REPLY REFER TO:
04-1355

Mr. Keith Madison
PERC Engineering Co., Inc.
P.O. Box 1712
Jasper, Alabama 35502

Dear Mr. Madison:

Thank you for your letter of July 14, 2004, requesting comments on a proposed surface mining operation by Birmingham Coal and Coke Company, Inc., on a parcel of land adjacent to Shannon mine in the Black Warrior River Basin, Jefferson and Tuscaloosa Counties, Alabama. We have reviewed the information and are providing the following comments in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. et seq.) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Wetlands

Upon review of the National Wetland Inventory (NWI) maps, it appears that there are wetlands in the project area. The U.S. Army Corps of Engineers (USACE) recommends that a developer contact them if any amount of fill material may be placed in a water of the U.S., including any wetland. This includes mechanical land clearing and temporary stream rerouting or diversion. This also includes temporary or permanent basins constructed in intermittent or perennial streams for erosion control or storm water management purposes. If the project involves a discharge of fill material into water of the U.S., the developer will be required to apply for a Department of the Army permit. For very small impacts, the project could possibly be authorized under one the USACE's Nationwide Permits or Regional Permits (with verification by the USACE). However, projects impacting more than 0.5 acres of wetlands or 300 feet of stream will likely require an Individual Department of the Army Permit. The USACE will work with the developer to assess and minimize the impacts and determine possible mitigation requirements to compensate for wetland or other losses and protect water quality and fish and wildlife.

Endangered Species

We have determined that the following Federally listed species may occur in your project area:

red-cockaded woodpecker (*Picoides borealis*) - Endangered

leafy prairie-clover (*Dalea foliosa*) - Endangered

Please see the enclosed Fact Sheet for brief descriptions of these species and their habitats.

If suitable red-cockaded woodpecker nesting habitat (containing pine trees greater than 60 years old) may be impacted by the project, then surveys should be conducted to determine the presence or absence of this woodpecker species. If pine trees of this age will not be affected, then surveys for this species are unnecessary.

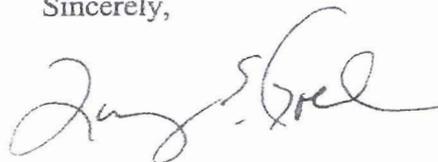
We recommend that a survey for the leafy prairie-clover be conducted by a botanist. Prior experience with this particular species is strongly recommended for the consultant undertaking the survey, as is a visit to a known population of the species immediately prior to the survey to become familiar with the species, habitat and condition of plants at that time of year. Surveys cannot be accepted if the plant has no above-ground vegetation at the time of the survey. Leafy prairie-clover can be seen from June to September. Please provide the names of surveyors, their credentials, and a thorough description of survey methods as well as shrub and forb species observed. If no suitable habitat exists within the impacted areas, a survey for this species is unnecessary.

Best Management Practices

Best management practices should be utilized to control erosion and an erosion control plan tailored to the site should be developed. Erosion control structures/diversions should be inspected within 24 hours of any rain event and immediate corrective action taken if sediment runoff is observed. Maintenance of vegetated buffers adjacent to any ditches or drainages are also important measures to reduce erosion, as is immediate revegetation of disturbed areas. Any work that results in exposed earth should be executed during periods when significant rainfall is not predicted.

If you have any questions or need additional information, please contact Mr. Scott Floyd at (251) 441-5836. Please refer to the reference number located at the top of this letter.

Sincerely,



Larry E. Goldman
Field Supervisor

cc:

Randall C. Johnson, Alabama Surface Mining Commission, Jackson, AL
Arthur W. Abbs, Office of Surface Mining, Homewood, AL
Corps of Engineers, Regulatory Division

enclosure

Fact Sheet

Red-Cockaded Woodpecker

The red-cockaded woodpecker is 18 to 20 cm long with a wing span of 35 to 38 cm. There are black and white horizontal stripes on its back, and its cheeks and underparts are white. Its flanks are black streaked. The cap and stripe on the side of the neck and the throat are black. The male has a small red spot on each side of the black cap. After the first post fledgling molt, fledgling males have a red crown patch. Egg laying occurs during April, May, and June with the female utilizing her mate's roosting cavity for a nest. Most often, the parent birds and some of their male offspring from previous years form a family unit called a group. Commonly, these groups are comprised of three to five birds. Rearing the young birds becomes a shared responsibility of the group. This bird's range is closely tied to the distribution of southern pines. Historically, the red-cockaded woodpecker occurred from East Texas and Oklahoma, to Florida, and north to New Jersey. Open stands of pines with a minimum age of 60 years provide suitable nesting habitat. Longleaf pines (*Pinus palustris*) are most commonly used, but other species of southern pine are also acceptable. Dense stands (stands that are primarily hardwoods, or that have a dense hardwood understory) are avoided. Foraging habitat is provided in pine and pine hardwood stands 30 years old or older, with foraging preference for pine trees 10 inches or more in diameter. In good, well-stocked pine habitat, sufficient foraging substrate can be provided on 80 to 125 acres. Pictures of the red-cockaded woodpecker and its nest cavity can be seen at:

<http://www.bragg.army.mil/esb/images/rcw1.jpg>

http://consci.org/Eglin/images/gallery_photos/rcw_te.jpg

Leafy Prairie-Clover

The leafy prairie clover is a somewhat cryptic, short-lived, hairless, stout perennial herb with one to several stems 8 to 31 inches high arising from a hardened root crown that has no capacity for vegetative spread. It occurs in small to large isolated populations that range across a disturbed and patchy habitat. It can persist in successional plant communities following disturbance or woody succession, but will decline in advanced stages of woody succession. Since it was first observed, known leafy prairie-clover occurrences have declined by 45 percent due to habitat destruction through residential development and agricultural conversion, overgrazing, and habitat loss from encroachment by woody species. This species occurs in thin-soiled (2 to 18 inches) mesic and wet-mesic dolomite prairie, limestone cedar glades, and limestone barrens. These habitats experience high surface and soil temperatures, and generally low soil moisture. However, soils may be wet in the spring and fall, becoming droughty in the summer. A picture of the leafy prairie clover can be seen at:

http://midwest.fws.gov/Endangered/img_coll/plants/leafypra.jpg



United States Department of the Interior

FISH AND WILDLIFE SERVICE
P.O. Drawer 1190
1208-B Main Street
Daphne, Alabama 36526

IN REPLY REFER TO

04-1355b

October 20, 2004

Mr. Keith Madison, P.G.
PERC Engineering Co., Inc.
P.O. Box 1712
Jasper, Alabama 35502

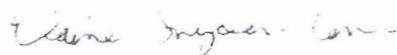
Dear Mr. Madison:

Thank you for your letter of September 17, 2004, providing survey results on the proposed Shannon Mine by Birmingham Coal & Coke Co., Inc., in the Black Warrior River Basin, Jefferson and Tuscaloosa Counties, Alabama. We have reviewed the information and are providing the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

We accept the statements that no listed species occur in the project area. Therefore, no further endangered species consultation will be required for this portion of the project unless: 1) the identified action is subsequently modified in a manner that causes an effect on listed species or a designated Critical Habitat; 2) new information reveals the identified action may affect Federally protected species or designated Critical Habitat in a manner or to an extent not previously considered; or 3) a new species is listed or Critical Habitat is designated under the Endangered Species Act that may be affected by the identified action.

In the future, please provide the names of surveyors, their credentials, and a thorough description of survey methods, including shrubs and forb species observed. If you have any questions or need additional information, please contact Mr. Scott Floyd at (251) 441-5836. Please refer to the reference number located at the top of this letter.

Sincerely,



Elaine Snyder-Conn
Acting Field Supervisor

www.fws.gov

TAKE PRIDE
IN AMERICA 

PHONE: 251-441-5181

FAX: 251-441-6222



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.*

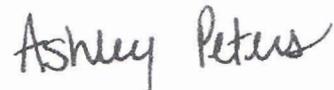


I hope this information will be useful to you. The provided information is to help you in fulfilling your necessary legal obligations. This does not constitute any form of Section 7 consultation. The Natural Heritage Section recommends that the U. S. Fish and Wildlife Service field office in Daphne be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

«AddressBlock»

8/17/2011

Page 3

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	Finelined 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 (*Elliptio chipolaensis*), and purple bankclimber (*Elliptioideus sloatianus*) are freshwater mussels of the family Unionidae found only in eastern Gulf Slope streams draining the Apalachicola 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.