

TWIN PINES, LLC

August 17, 2011

Ms. Ashley Peters
State Lands Division, Natural Heritage Section
64 North Union Street
Montgomery, Alabama 36130

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

Dear Ms. Peters:

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 July 2, 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 May 3, 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 INQUIRY OF THE ALABAMA HERITAGE DATA BASE

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

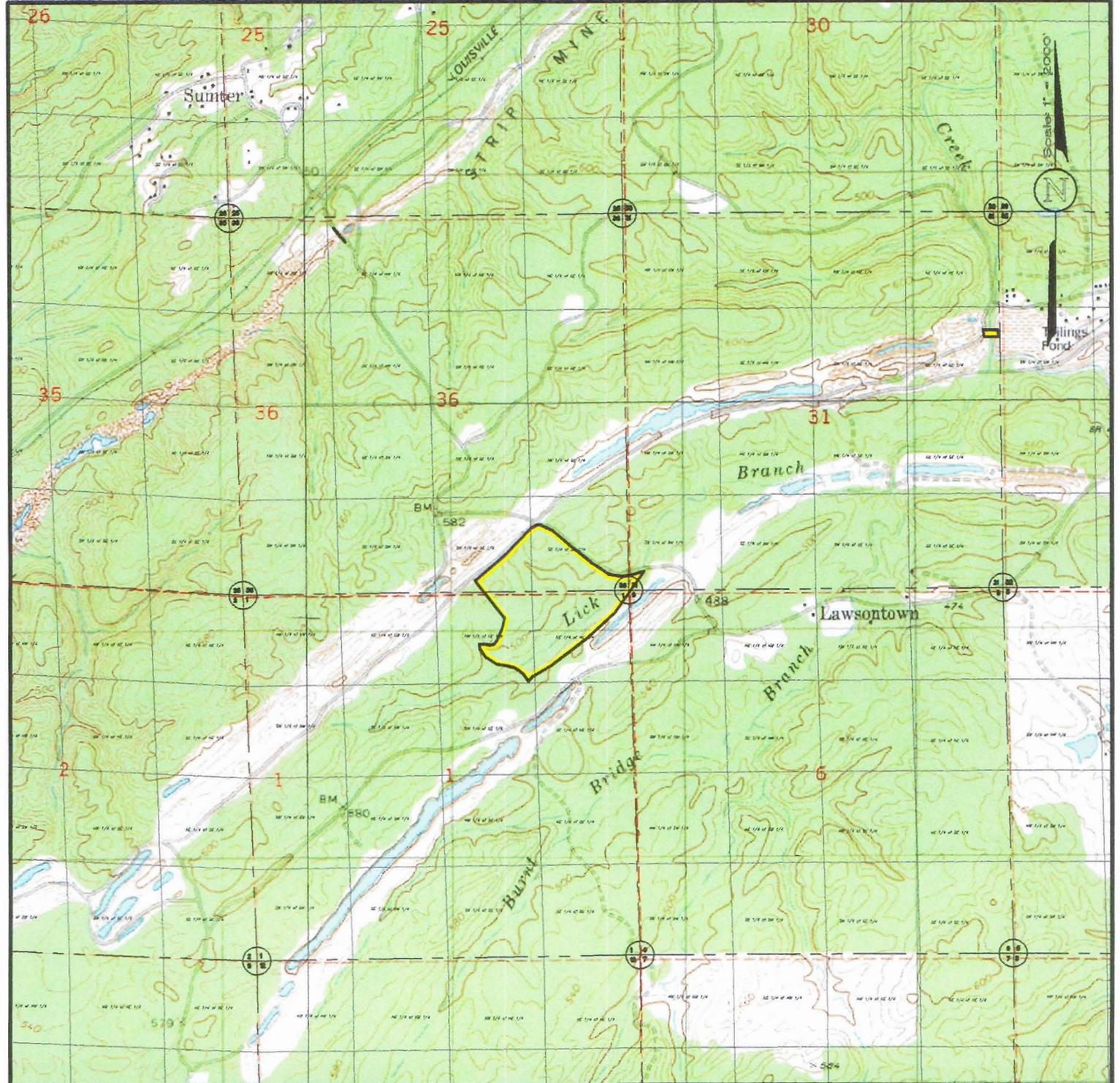
County: Jefferson County

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"



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'



BOB RILEY
GOVERNOR

M. BARNETT LAWLEY
COMMISSIONER

RICHARD C. LILES
OPERATIONS DIRECTOR

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

JAMES H. GRIGGS, DIRECTOR
GREGORY M. LEIN, ASSISTANT DIRECTOR
STATE LANDS DIVISION

TELEPHONE (334) 242-3481
FAX NO. (334) 242-0999

July 2, 2004

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

RE: Sensitive Species Information request
Birmingham Coal & Coke Company, Inc. Shannon Mine

Dear Mr. Madison:

The Natural Heritage Section office received your letter dated June 25, 2004 addressed to Greg Lein on June 28, 2004 and has since developed the following information pertaining to state protected, federally listed threatened and endangered species, and species that we believe to be sensitive to environmental perturbations. 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 and Tuscaloosa Counties. 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 and Tuscaloosa Counties. 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 7.4 miles from the subject site. This federally protected species 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. 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



Mr. Keith Madison

7/2/2004

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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,



Jo Lewis
Database Manager

Enclosures

Cc: Greg Lein

*Paraphrased Information from NatureServe. 2004. NatureServe Explorer: An online encyclopedia of life [web application]. Version 3.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: May 17, 2004).

Potentially helpful web sites

Information about federally listed species

<http://www.pfmt.org/wildlife/endangered/>

<http://www.al.nrcs.usda.gov/FOTG/aITE.html>

http://ecos.fws.gov/webpage/webpage_usa_lists.html?#AL

<http://southeast.fws.gov/daphne/specieslst.htm>

<http://www.natureserve.org/explorer/>

Non-game species regulation starts on page 75

http://www.dcnr.state.al.us/agfd/2002-2003_regbook.doc

ALABAMA'S FEDERALLY LISTED AND STATE PROTECTED SPECIES (BY COUNTY)

This is a list of species deemed sensitive by the Alabama State Lands Division's Natural Heritage Section (SLD-NHS) believed to occur in the designated county and the legal protection status of either State protected or federally listed. This list is a combination of the January 2004 U.S.F.W. Service (Daphne field Office) federally listed species by county list and the Alabama State Lands Division's Natural Heritage Section Database of species distributions data. This list is continually being updated, and, therefore, it may be incomplete or inaccurate and is provided strictly for informational purposes. It does not constitute any form of Section 7 consultation. We recommend that the U.S.F.W. Service Field Office in Daphne be contacted for Section 7 consultations. Site specific information can be provided by the Alabama SLD-NHS and/or the U.S.F.W. 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.

JEFFERSON

Protection Status	Common name	Scientific Name	State Regulation Applicable
Endangered	Leafy Prairie-clover	<i>Dalea foliosa</i>	
Endangered	Plicate Rocksnail	<i>Leptoxis plicata</i>	220-2-.98 (1) (a)
Endangered	Southern Clubshell	<i>Pleurobema decisum</i>	220-2-.98 (1) (a)
Endangered	Triangular Kidneyshell	<i>Ptychobranthus greeni</i>	220-2-.98 (1) (a)
Endangered	Upland Combshell	<i>Epioblasma metastriata</i>	220-2-.98 (1) (a)
Endangered	Watercress Darter	<i>Etheostoma nuchale</i>	220-2-.92 (1) (a)
Endangered	Vermilion Darter	<i>Etheostoma chermocki</i>	220-2-.92 (1) (a)
Endangered	Cahaba Shiner	<i>Notropis cahabae</i>	220-2-.92 (1) (a)
Threatened	Blue Shiner	<i>Cyprinella caerulea</i>	220-2-.92 (1) (a)
Threatened	Finelined Pocketbook	<i>Lampsilis altilis</i>	220-2-.98 (1) (a)
Threatened	Flattened Musk Turtle	<i>Sternotherus depressus</i>	220-2-.92 (1) (c)
Threatened	Orangenacre Mucket	<i>Lampsilis perovalis</i>	220-2-.98 (1) (a)

TUSCALOOSA

Protection Status	Common name	Scientific Name	State Regulation Applicable
Endangered	Red-cockaded Woodpecker	<i>Picoides borealis</i>	220-2-.92 (1) (d)
Endangered	Ovate Clubshell	<i>Pleurobema perovatum</i>	220-2-.98 (1) (a)
Endangered	Southern Clubshell	<i>Pleurobema decisum</i>	220-2-.98 (1) (a)
Endangered	Dark Pigtoe	<i>Pleurobema furvum</i>	220-2-.98 (1) (a)
Threatened	Alabama (=inflated) Heelsplitter	<i>Potamilus inflatus</i>	220-2-.98 (1) (a)
Threatened	Alabama Moccasinshell	<i>Medionidus acutissimus</i>	220-2-.98 (1) (a)
Threatened	Finelined Pocketbook	<i>Lampsilis altilis</i>	220-2-.98 (1) (a)
Threatened	Flattened Musk Turtle	<i>Sternotherus depressus</i>	220-2-.92 (1) (c)
Threatened	Orangenacre Mucket	<i>Lampsilis perovalis</i>	220-2-.98 (1) (a)
Candidate	Black Warrior Waterdog	<i>Necturus alabamensis</i>	
Candidate	White Fringeless Orchid	<i>Platanthera integrilabia</i>	
State Protected	Frecklebelly Madtom	<i>Noturus munitus</i>	220-2-.92 (1) (a)
State Protected	Alabama Map Turtle	<i>Graptemys pulchra</i>	220-2-.92 (1) (c)

ALABAMA'S FEDERALLY LISTED AND STATE PROTECTED SPECIES (BY COUNTY)

TUSCALOOSA

Protection Status	Common name	Scientific Name	State Regulation Applicable
State Protected	Alligator Snapping Turtle	Macroclenys temminckii	220-2-.92 (1) (c)
State Protected	Black-knobbed Sawback	Graptemys nigrinoda	220-2-.92 (1) (c)

Key to codes on list:

Endangered - Federally listed as Endangered	(P) - Possible Occurrence
Threatened - Federally listed as Threatened	(S/A) - Similarity of Appearance to a listed species
Candidate - Candidate Species for federal listing	(PE) - Proposed for federal listing as Endangered
(CH) - Critical Habitat has been designated	(PT) - Proposed for federal listing as Threatened
(PCH) - Critical Habitat has been proposed	(H) - Historically known to have occurred in the county

Experimental - Species is protected through its range including Colbert and Lauderdale counties except for the nonessential experimental population. Endangered and Threatened Wildlife and Plants; Establishment of Nonessential Experimental Population Status for 16 Freshwater Mussels and 1 Freshwater Snail in the Free-Flowing Reach of the Tennessee River below the Wilson Dam, Colbert and Lauderdale Counties, Alabama. [Federal Register; June 14, 2001 (Volume 66, Number 115)] RIN 1018-AE92

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 / Wintering birds possible in areas with 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 moccasin shell *Mediondus penicillatus*, oval pigtoe *Pleurobema pyriforme*, Chipola slabshell *Elliptio chipolaensis*, and purple bankclimber *Elliptio 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*, Catspaw (purple cat's paw pearlymussel) *Epioblasma obliquata obliquata*, are historically known to be found in the Tennessee River system and drainage.
- Gonian pinkroot *Spigelia gentianoides*, has been historically found along the Alabama-Florida border.
- West Indian Manatee *Trichechus manatus*, have been known to move north along the gulf coast west to



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

ROBERT BENTLEY
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COMMISSIONER

CURTIS JONES
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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.*



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8/17/2011

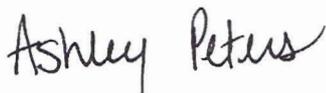
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I hope this information will be useful to you. The provided information is to help you in fulfilling your necessary legal obligations. This does not constitute any form of Section 7 consultation. The Natural Heritage Section recommends that the U.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

«AddressBlock»

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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	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 (*Elliptio 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.