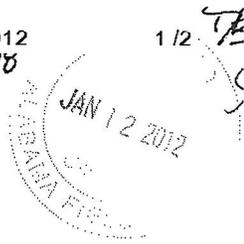




DESIGN GROUP, LLC
ENGINEERING / SURVEYING

11:45:53 01-18-2012
Ref: 2010-TA-0770
see also 2006-TA-0297
2007-TA-0052



January 9, 2012

William J. Pearson
Field Survey
U.S. Department of Interior
Fish & Wildlife Service
Daphne ES Field Office
1208-B Main Street
Daphne, AL 36526

Post-it® Fax Note	7671	Date	1-18-2012	# of pages	▶
To	J. Rich Weaver		From	USFWS	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	205-221-6850		Fax #		

RE: 43410-2006-TA-0297
Birmingham Coal & Coke, Inc.
Gooden Creek Mine, P-3878, ASMC Revision R-8

Dear Mr. Pearson:

On October 11, 2000, Walter Schoel Engineering Company, Inc. submitted a request soliciting comments on the threatened and endangered species in the Goodwin and Gooden Creeks in Marion, Walker and Winston Counties, Alabama (see attached Proposed Project Map). Also, on December 12, 2005 PERC Engineering Co., Inc. submitted a request to re-review the surveys and concurrence letters and if possible, re-concur that no federally listed endangered species or their habitats occur within the project area for the Gooden Creek Mine Project that lies within the original study footprint for the Foothills Project. As per your letters dated November 28, 2000 and January 23, 2006 (attached) the U.S. Fish and Wildlife Service concurred with the methodology and species to be surveyed for by Dr. David Whestone and Mr. Malcom Pierson. The site was surveyed for the existence or existence of their habitat for the proposed project. Attached, please find a map showing the initial Foothills Project study area and the approved Gooden Creek Mine area, plus the 126.0 acres proposed to be added to the existing permit (Gooden Creek Mine, P-3878) by ASMC Revision R-8.

A surface coal mining permit revision application, Gooden Creek Mine, P-3878 Revision R-8, has been submitted to the Alabama Surface Mining Commission (ASMC) for review. The area to be added by this revision is located within the footprint of the original requested and surveyed area, except for 4.2 acres (see attached map). Dr. Randall C. Johnson of ASMC has requested that we renotify your office of this revision to the existing permit. Please re-review the surveys and concurrence letters and if possible, re-concur that no federally listed endangered species or their habitat occur within the proposed area to be added by this revision.

We are also in the process of performing preliminary wetland delineation on the above mentioned area and will be requesting permit authorization from the Army Corp of Engineers as necessary to meet the requirements of law and ensure that any wetland habitats or waters of the U.S. are avoided if possible.

I would like to thank you for your co-operation concerning this matter and would appreciate the assessment at your earliest convenience. If you should have any questions or need additional information, please do not hesitate to contact our office.

Sincerely,

DSM Design Group, LLC.



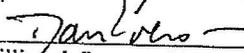
J. Rich Weaver
E.I.T, CPESC,

Enclosures



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/daphnc/section7/bmp.html>).



William J. Pearson, Field Supervisor Date 1-18-2012 # 3

