



July 27th, 2011

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

RE: **2007-TA-0523**
National Coal of Alabama, Inc.
Crescent Valley Mine – Revision R-4

Dear Mr. William J. Pearson:

We are in the process of applying for a mining permit revision for the additional area described below and would like to request comments from your office in order to proceed with this project.

National Coal of Alabama, Inc. has existing mining operations in Walker Co., Alabama. In order to accommodate its business expansion in Walker County, National Coal wants to add three acres at the project site as located in Section 25, Township 13 South, Range 10 West, on the Carbon Hill, Alabama U.S.G.S Quadrangle as found in Walker County, Alabama. The proposed site location is shown on the attached 2000' scale project area map attachment "B".

The proposed project activity consists of an addition of 3 acres all of which received a habitat study in June of 2011. In the study it states that no habitat was found for the above listed threatened and endangered species and that no evidence was found or observed for the possible presence of these listed species. I have included this study in attachment "C".

Therefore based on the information provided in this submittal would you concur that the project activities will have no adverse effect on any endangered and threatened species.

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

Sincerely,

McGehee Engineering Corp.

Kaylen Jones

Kaylen Jones
Project Manager,

Enclosure:

- (A) Project Notification Summary*
- (B) Project Area Map 2000 Scale*
- (C) Habitat Study*

Attachment “A”

Project Notification Summary

**PROJECT NOTIFICATION & PROJECT SUMMARY
REQUEST FOR IDENTIFICATION OF THE AREAS OF SPECIAL CONCERN
FOR A SURFACE OR UNDERGROUND MINING OPERATION**

Date: July 27th, 2011

Mining Company Name: National Coal of Alabama, Inc.

Return Address: P. O. Box 3431, Jasper, Alabama 35502-3431

Return Fax Number: (205) 221-7721

Contact Person: McGehee Engineering Corp., L. Stephen Blankenship

Project Name: Crescent Valley Mine – Revision R-4

Number of Acres: 3 Acres

USGS Quad Sheet(s) on which the Mine occurs: Carbon Hill

County: Walker County

See Attached Map

Current Landuse of Permit and Adjacent Areas:

Undeveloped/No current use

Dominant Vegetation Communities of Permit and Adjacent Areas:

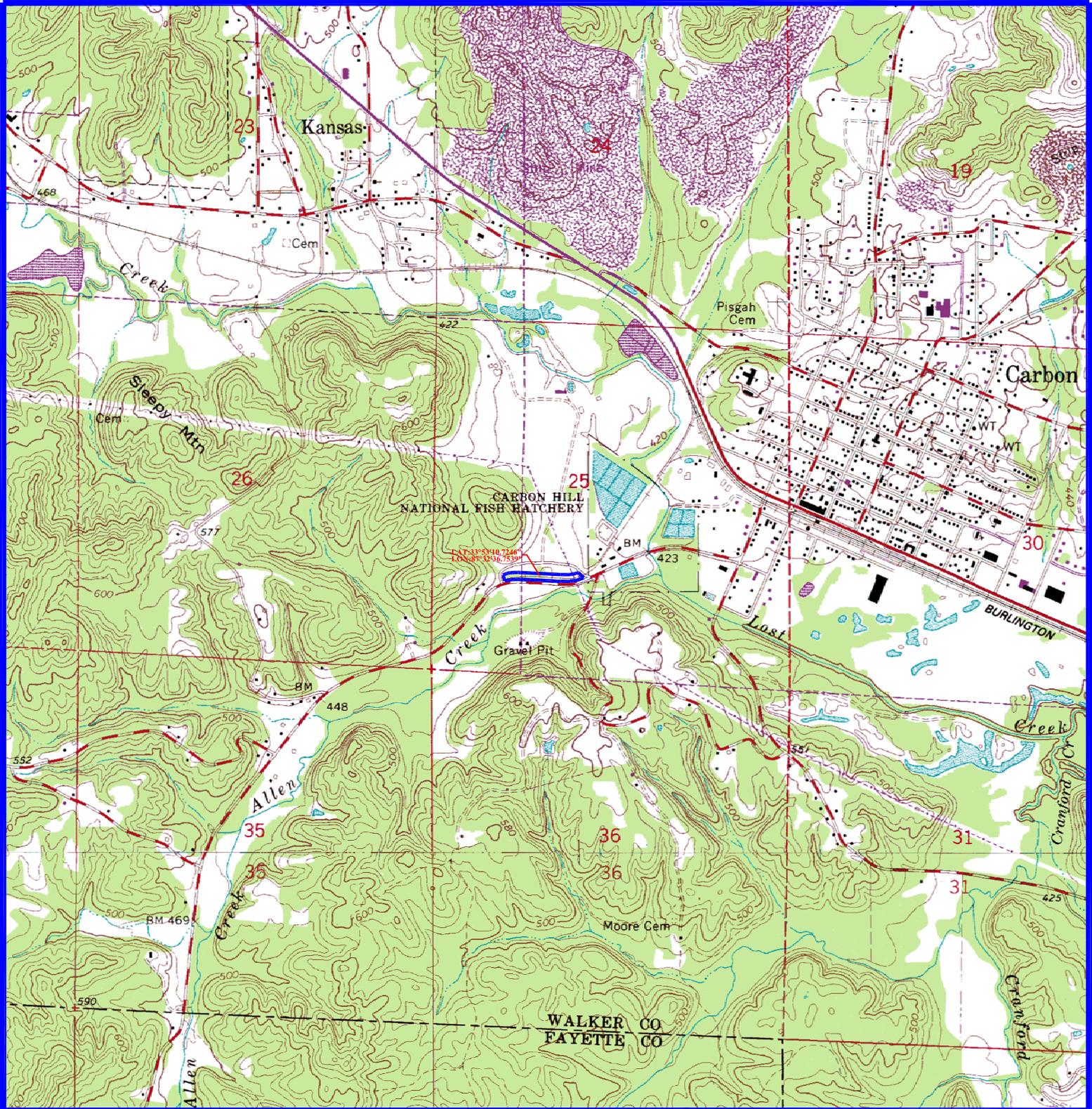
Loblolly Pine, White Oak, and other various grasses, weeds & briars.

Project:

National Coal of Alabama – Crescent Valley Mine – Revision R-4

Attachment “B”

Project Area Map 2000 Scale



SCALE: 1" = 2000'
June 8th, 2011

**NATIONAL COAL OF ALABAMA, INC.
CRESCENT VALLEY MINE
(APPROXIMATELY 3 ACRES TOTAL)**



PROJECT AREA MAP

**SECTION 25, TOWNSHIP 13 SOUTH, RANGE 10 WEST,
ALL IN WALKER COUNTY, ALABAMA
AS FOUND ON THE CARBON HILL USGS QUAD.**

 REVISION R-4 BOUNDARY

MEC
mcgehee engineering corp
post office box 3431
jasper, alabama 35502-3431
telephone: (205) 221-0686 fax: 221-7721
email: staff@mcgehee.org

Latitude: 33°53'10" N
Longitude: 87°32'36" W

Attachment “C”

Habitat Study

BIOLOGICAL HABITAT ASSESSMENT

NATIONAL COAL OF ALABAMA

CRESCENT VALLEY MINE

REVISION R-4

**Prepared For:
NATIONAL COAL OF ALABAMA, INC.**

**3 acres +/-
Section 25, Township 13 South, Range 10 West**

**ALL IN
WALKER COUNTY ALABAMA**

July 27th, 2010

**MCGEHEE
ENGINEERING CORP.**
P. O. Box 3431
450 19th Street West
Jasper, Alabama 35502-3431
Telephone: (205) 221-0686
Fax: (205) 221-7721

L. Stephen Blankenship
Email: stephenb@mcgehee.org



BIOLOGICAL HABITAT ASSESSMENT

Prepared For:
NATIONAL COAL OF ALABAMA
CRESCENT VALLEY MINE
REVISION R-4

3 acres +/-
Section 25, Township 13 South, Range 10 West

ALL IN
WALKER COUNTY ALABAMA

Prepared by:

MCGEHEE ENGINEERING CORP.

P. O. Box 3431
450 19th Street West
Jasper, Alabama 35502-3431
Telephone: (205) 221-0686
Fax: (205) 221-7721
Email: stephenb@mcgehee.org

Executive Summary

McGehee Engineering Corporation performed a biological habitat assessment survey for habitat and the possible presence of the species federally listed as endangered, threatened, or of concern on June 6th, 2011. The study was conducted on the proposed National Coal of Alabama, Inc. – Crescent Valley Mine – Revision R-4 project area. The proposed project area consists of approximately three acres located in Section 25, Township 13 south, Range 10 West, all on the Carbon Hill Quad all in Walker County.

The proposed project area consists of upland area with gently inclined slopes that are vegetated with young hardwoods, pines dense underbrush of invasive species. Active mining operations are present to the north and east of the project boundary. The R-4 project boundary lies just north of Walker County Road 63.

The biological habitat assessment survey focused in on six T, E & C species listed in Walker County as can be found in Table 2.1 along with the Bald Eagle, Wood Stork and the Red Cockaded Woodpecker.

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Chapter 1. Proposed Project Review

1.1 Introduction

McGehee Engineering Corporation performed a biological habitat assessment survey for habitat and the possible presence of the species federally listed as endangered, threatened, or of concern on June 6th, 2011. The study was conducted on the proposed National Coal of Alabama, Inc. – Crescent Valley Mine – Revision R-4 project area. The proposed project area consists of approximately three acres located in Section 25, Township 13 South, Range 10 West, all on the Carbon Hill Quad all in Walker County.

The proposed project area consists of upland area with a small depression area beside a roadbed with gently inclined slopes that are vegetated with young hardwoods and pines and numerous invasive species. There are active mining operations that are present to the north and east of the project boundary. The R-4 project boundary lies north of Walker County Road 63.

1.2 Project Location

National Coal of Alabama, Inc. – Crescent Valley Mine – Revision R-4 project consists of approximately three acres and is located in Section 25, Township 13 South, Range 10 West as located in Walker County, Alabama on the Carbon Hill Alabama U.S.G.S Quadrangle. The proposed site location is shown below on the attached project area map Figure 1. and (Appendix “A”).

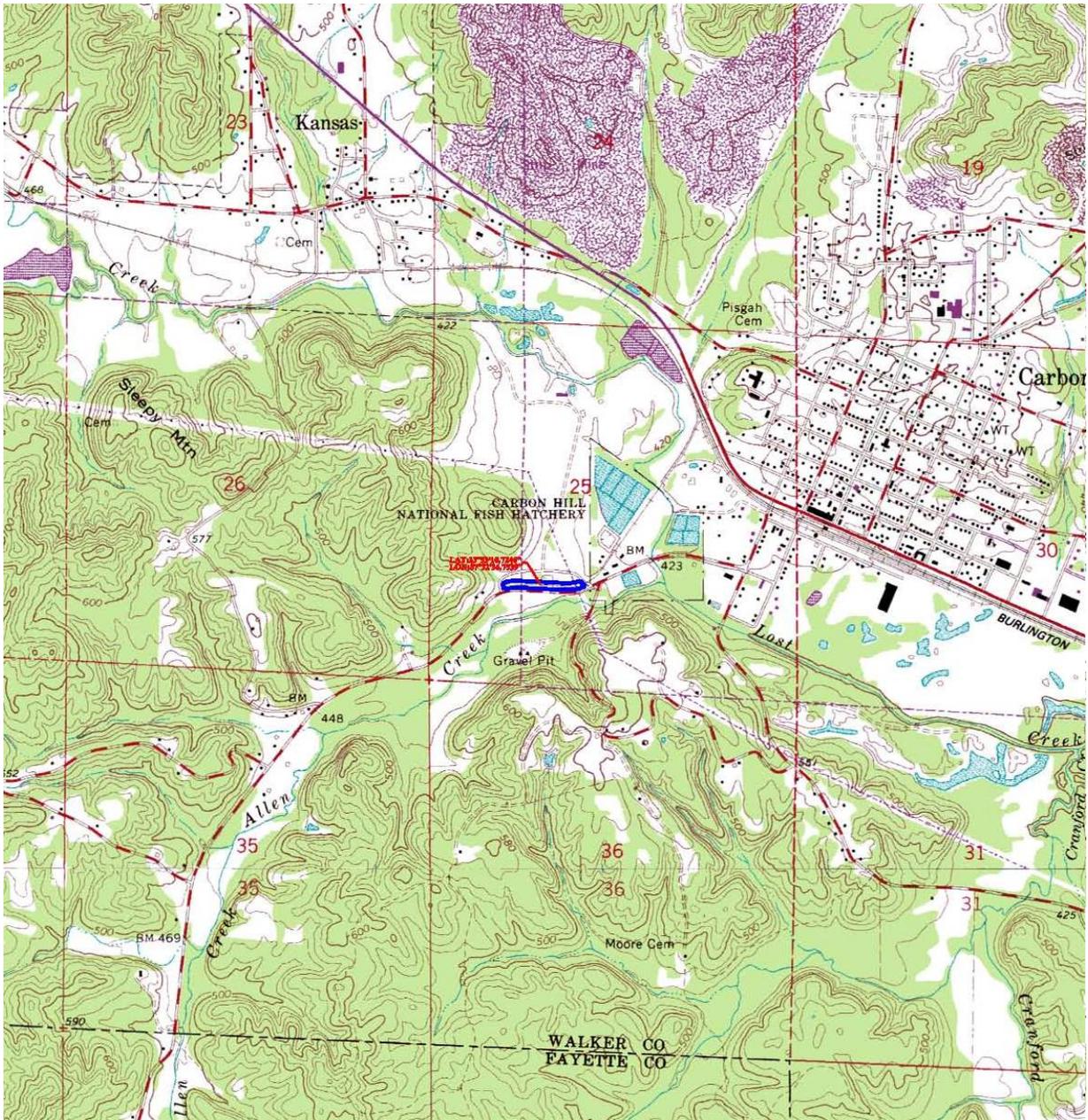


Figure 1. Project Area Map. (not to scale)

Chapter 2. Threatened & Endangered Species List

2.1 Species Identification

The U.S. Fish and Wildlife Service (USFWS) threatened, endangered, and candidate species list for Walker County was reviewed by a qualified biologist in order to determine species potentially occurring in the project vicinity (Table 2.1). In addition, the Alabama Natural Heritage Section Database that contains numerous records of sensitive species in Alabama was queried to provide a list of special status species and habitats that may have been documented as occurring within the project area and/or the project vicinity.

Table 2.1. List of Threatened, Endangered and Candidate Species for Walker County.

Common Name <i>Scientific Name</i>	Status	General Habitat
Bald eagle <i>Haliaeetus leucocephalus</i>	BGEPA	Large open bodies of water where adequate food exist and human disturbance is limited
Black Warrior waterdog <i>Necturus alabamensis</i>	C	Streams with deep pools 1 to 4 meters with reduced sedimentation and large leaf packs supporting mayfly and caddis fly larvae
Fine-lined pocketbook mussel <i>Hamiota (=Lampsilis) altilis</i>	T	large rivers to small creek habitats swift flowing riffles and gravel-cobble substrates
Flattened musk turtle <i>Sternotherus depressus</i>	T	free-flowing creek or small river with pools about 1 m deep or more, with rocks, abundant mollusks, low silt load and deposits, moderate temperature rock-bottomed to sandy substrate
Mohr's Barbara's buttons <i>Marshallia mohrii</i>	T	Moist soil sandy clay soils, along shale bed streams, road side right-of-ways, seasonally wet low swales around natural springs and seeps
Ovate clubshell mussel <i>Pleurobema perovatum</i>	E	Sand and gravel bottom free flowing streams and rivers with good water quality and stable stream channels
Red-cockaded woodpecker <i>Picoides borealis</i>	E	Open, mature and old growth pine ecosystems with minimal hardwood overstory and midstory
Triangular kidneyshell mussel <i>Ptychobranthus greenii</i>	E	Sand and gravel bottom free flowing streams and rivers with good water quality and stable stream channels
Wood stork <i>Mycteria americana</i>	E	Freshwater and estuarine wetlands, primarily nesting in cypress or mangrove swamps. Narrow tidal creeks or flooded tidal pools where fish become concentrated

Key to codes on list:

- E – Endangered
- T - Threatened
- BGEPA - Bald & Golden Eagle
- C - Candidate Species
- (P) - Possible Occurrence

Chapter 3. Methodology

3.1 Methodology

The subject property was surveyed by McGehee Engineering Corp. (MEC) for the occurrence and potential for occurrence for species protected or listed by the U.S. Fish and Wildlife Service (USFWS), based on known habitat preferences and geographical distribution. The principal surveyor for this site was Biologist Wes Lamon of McGehee Engineering Corp.

The study site was surveyed by completely traversing the site in a zigzag pattern at approximately 20 meters intervals. Survey conditions are described in Table 3.1. Prior to performing the field reconnaissance, MEC performed a review of aerial photographs of the project site and a pedestrian survey was conducted by MEC biologist to identify vegetation communities and land uses, perform general habitat assessment for plants and animals; assess the potential for nesting or roosting activity by birds and/or bats within the general study area. Focused surveys for sensitive aquatic species were not performed; however, the potential for habitat for these species was assessed during the survey.

Table 3.1. Survey Conditions

Date: June 6th, 2011

Temperature (°F)	Wind (MPH)	Sky Cover %
85°	3-5	10%

As part of the field reconnaissance, MEC also conducted a delineation of potentially jurisdictional wetlands and waters of the U.S. as it relates to Section 404 of the Clean Water Act in accordance to the 1987 “*Corps of Engineers Wetlands Delineation Manual*”: Wetlands Research Program Technical Report Y-87-1.

Additional Data sources other than mentioned within the report include the following:

USGS Quadrangle Map	Carbon Hill Quad Revised 1983
National Wetlands Inventory Map	Carbon Hill NWI Quad developed 1981
SCS Soil Survey	Walker County NRCS Web Survey
Aerial Photos	12-28-2006
Plant Database	United States Department of Agriculture / Natural Resources Conservation Services Web Database
FEMA Flood Map	Federal Emergency Management DFIRM Database FIRMettes 01127C0118D Walker County

Chapter 4. Environmental Setting

4.1 General Habitat Description

The proposed National Coal of Alabama – Crescent Valley Mine Revision R-3 project area is located adjacent to and just north and northwest of Walker County Road 63 alongside a dirt access road. The project is situated adjacent to an existing operating mine site. The project site of approximately 3 acres mostly consists of the following vegetation species:

Tree Stratum

Black Willow (*Salix nigra*)
Sweet Gum (*Liquidambar styraciflua*)
Willow Oak (*Quercus phellos*)

Sapling

Loblolly Pines (*Pinus taeda*)
Sweet Gum (*Liquidambar styraciflua*)
Willow Oak (*Quercus phellos*)

Shrub Stratum

Catclaw Mimosa (*Mimosa pigra*)
Chinese Privet (*Ligustrum sinense*)
Loblolly Pines (*Pinus taeda*)
Red Maple (*Acer Rubrum*)
Sweet Gum (*Liquidambar styraciflua*)
Willow Oak (*Quercus phellos*)

Woody Vine Stratum

Common Greenbrier (*Smilax rotundifolia*)
Japanese Honeysuckle (*Lonicera japonica*)

Herbaceous Stratum

Bluestem Broom Sedge (*Andropogon virginicus*)
Catclaw Mimosa (*Mimosa pigra*)
Chinese Privet (*Ligustrum sinense*)
Korean Clover (*Lespedeza stipulacea*)
Loblolly Pines (*Pinus taeda*)
Meadow Fescue (*Festuca pratensis*)
Sweet Gum (*Liquidambar styraciflua*)
Willow Oak (*Quercus phellos*)

The 5 to 7 % slopes consist of a mix of re-growth hardwoods and pine with the majority of the species dominated by thick underbrush of invasive *Ligustrum sinense*, *Mimosa pigra*, *Lespedeza stipulacea*, and *Lonicera japonica*.

There are two primary soil groups within the project area Spadra-Whitwell complex, 0 to 3 percent slopes that occasionally flood and Townley Silt loam, 2 to 15 percent slope that are both well drained soil. The soils identified in the field matched the USDA Soil data profile therefore a more detailed description of the soil as well as the soil maps can be found in Appendix C.

There are no flowing streams or wetlands located within the R-4 project boundary. The nearest stream to the project site is Allen Creek which has a minimum of 100 feet of vegetated buffer zone between it and the project boundary.

Chapter 5. Habitat Study Results

5.1 Terrestrial and Terrestrial Habitat Species

- a. **Bald eagle** (*Haliaeetus leucocephalus*) - There was no potential nesting habitat for the Bald Eagles. There were no large trees near open water on or near this site.
- b. **Red-cockaded woodpecker** (*Picoides borealis*) - There were no isolated mature pines of the age and required size that would harbor the Red-cockaded woodpecker on or adjacent to the project site.
- c. **Wood stork** (*Mycteria americana*) - There was no potential nesting habitat for the Wood stork. There were no large trees near open water on or near this site.
- d. **Mohr's Barbara's buttons** (*Marshallia mohrii*) – Mohr's barbara's buttons is an herbaceous species that grows along shale-bedded streams, in moist forest gaps, and in low swales extending onto roadside right-of-way. Typically, the species is found on sites with sandy clay soils which are alkaline, have high organic content, and are seasonally wet. Most currently known populations occur on soils of the Conasauga-Firestone Association. Plants occur in full sun or partial shade. Although there are road side beds that could harbor this species, the typically preferred soil and moisture in these areas were not available for this species to exist in this project area.

5.1.1 Summary

There was no habitat found for the above listed, threatened and endangered species. No evidence was found or observed for the presence or possible presence of these listed species.

5.2 Aquatic and Aquatic Habitat Species

- a. **Black Warrior waterdog** (*Necturus alabamensis*) – There are no flowing streams on the site, to sustain this species.
- b. **Fine-lined pocketbook mussel** (*Hamiota (=Lampsilis) altilis*) – There are no flowing streams on the site, to sustain this species.
- c. **Flattened musk turtle** (*Sternotherus depressus*) – There are no flowing streams on the site, to sustain this species.

- d. Ovate clubshell mussel** (*Pleurobema perovatum*) – There are no flowing streams on the site, to sustain this species.
- e. Triangular kidneyshell mussel** (*Ptychobranchnus greenii*) – There are no flowing streams on the site, to sustain this species.

5.2.1 Summary

There was no habitat found for the above listed, threatened and endangered species. No evidence was found or observed for the presence or possible presence of these listed species.

5.3 Wetlands and Streams

5.3.1 Wetlands

The project area was evaluated according to the 1987 “*Corps of Engineers Wetlands Delineation Manual*” there were no wetlands identified on the project site.

5.3.2 Streams

The project area was evaluated for jurisdictional streams and there were no jurisdictional waters found on the project site.

Chapter 6. References

Brinson, M.M. 1993. *A Hydrogeomorphic Classification for Wetlands*. Technical Report WRPDE-4. US Army Engineers Waterways Experiment Station, Vicksburg, MS.

Cowardin, L.M., V. Carter, F.C. Golet and E.T. Laroe. 1979. *Classification of Wetlands and Deep Water Habitats of the United States*. U.S. Fish and Wildlife Service. FWS/OBS 79/31.

Environmental Laboratory 1987. “*Corps of Engineers Wetlands Delineation Manual*”: Wetlands Research Program Technical Report Y-87-1 (Online Edition) 1987. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MS.

Haag, Wendell R. 2004. *Alabama Wildlife*. Volume 2. Imperiled aquatic mollusks and fishes. The University of Alabama Press, Tuscaloosa, Alabama.

“National List of Plant Species That Occur In Wetlands: Southeast (Region 2)”: U.S. Department of the Interior – Fish & Wildlife Service Biological Report 88(26.2) May 1988

U.S. Fish and Wildlife Service, 1980. *Habitat Evaluation Procedures*. Division Ecological Services: Washington, D.C.

U.S. Fish and Wildlife Services. April 2011. *Endangered Species List – List of Species by County for Walker County Alabama*.

Chapter 7. Signatures of Preparers

Prepared by:



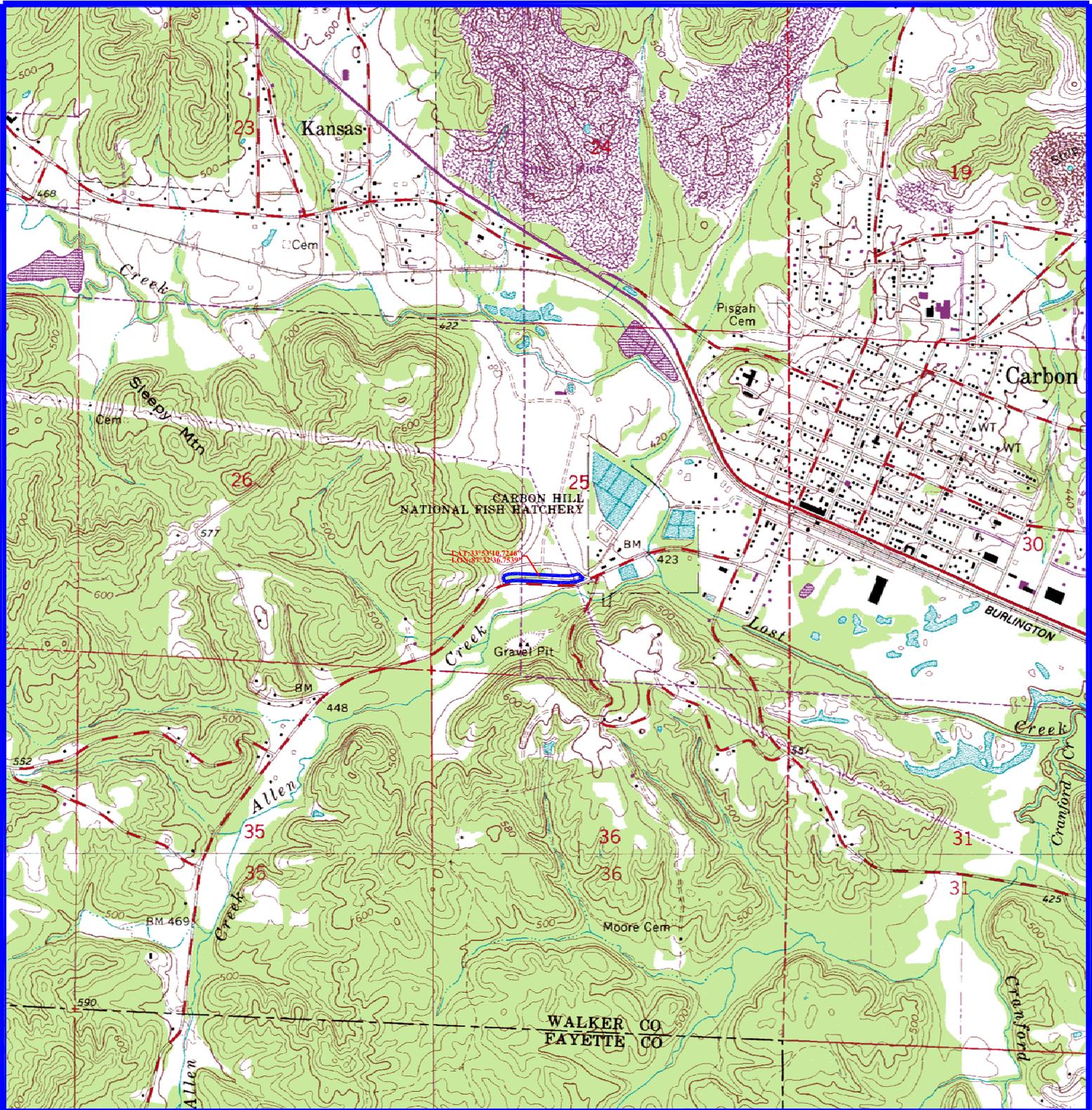
Wes Lamon
Biologist

Reviewed by:



L. Stephen Blankenship
*Environmental Manager /
Wetland Specialist*

Appendix A — Project Area Map



SCALE: 1" = 2000'
June 8th, 2011

**NATIONAL COAL OF ALABAMA, INC.
CRESCENT VALLEY MINE
(APPROXIMATELY 3 ACRES TOTAL)**

PROJECT AREA MAP

**SECTION 25, TOWNSHIP 13 SOUTH, RANGE 10 WEST,
ALL IN WALKER COUNTY, ALABAMA
AS FOUND ON THE CARBON HILL USGS QUAD.**



 REVISION R-4 BOUNDARY

MEC
mcgehee engineering corp
post office box 3431
jasper, alabama 35502-3431
telephone: (205) 221-0686 fax: 221-7721
email: staff@mcgehee.org

Latitude: 33°53'10" N
Longitude: 87°32'36" W

Appendix B — Photographic Log

McGehee Engineering

Photographic Log

Client Name: **Site Location:** *Crescent Valley Mine – Revision R-4**National Coal***Date:** 06-07-11**Photo No.** 100_3374**Point No.** 001**Description:**

This area is primarily dominated by *Salix nigra*, *Liquidambar styraciflua*, *Mimosa pigra* & *Ligustrum sinense*.

**McGehee Engineering**

Photographic Log

Client Name: **Site Location:** *Crescent Valley Mine – Revision R-4**National Coal***Date:** 06-07-11**Photo No.** 100_3375**Point No.** 001**Description:**

This area is primarily dominated by *Salix nigra*, *Liquidambar styraciflua*, *Mimosa pigra* & *Ligustrum sinense*.



McGehee Engineering**Photographic Log****Client Name:** **Site Location:** *Crescent Valley Mine – Revision R-4**National Coal***Date:** *06-07-11***Photo No.** **100_3370****Point No.** **002****Description:**

This area is primarily dominated by *Liquidambar styraciflua*, *Lespedeza stipulacea*, *Mimosa pigra* & *Ligustrum sinense*.

**McGehee Engineering****Photographic Log****Client Name:** **Site Location:** *Crescent Valley Mine – Revision R-4**National Coal***Date:** *06-07-11***Photo No.** **100_3369****Point No.** **002****Description:**

This area is primarily dominated by *Liquidambar styraciflua*, *Lespedeza stipulacea*, *Mimosa pigra* & *Ligustrum sinense*.



McGehee Engineering**Photographic Log**

Client Name:	Site Location:	<i>Crescent Valley Mine – Revision R-4</i>
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<i>National Coal</i>

Date:	06-07-11
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Photo No.	100_3365
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Point No.	003
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Description:

This area is primarily dominated by *Liquidambar styraciflua*, *Lespedeza stipulacea*, *Mimosa pigra*, *Lonicera japonica* & *Ligustrum sinense*.

**McGehee Engineering****Photographic Log**

Client Name:	Site Location:	<i>Crescent Valley Mine – Revision R-4</i>
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<i>National Coal</i>

Date:	06-07-11
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Photo No.	100_3363
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Point No.	003
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Description:

This area is primarily dominated by *Liquidambar styraciflua*, *Lespedeza stipulacea*, *Mimosa pigra*, *Lonicera japonica* & *Ligustrum sinense*.

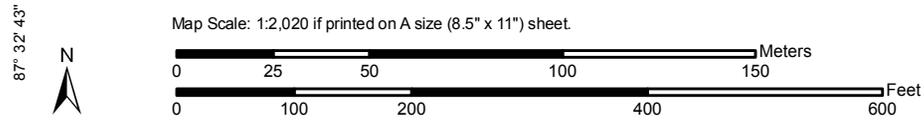
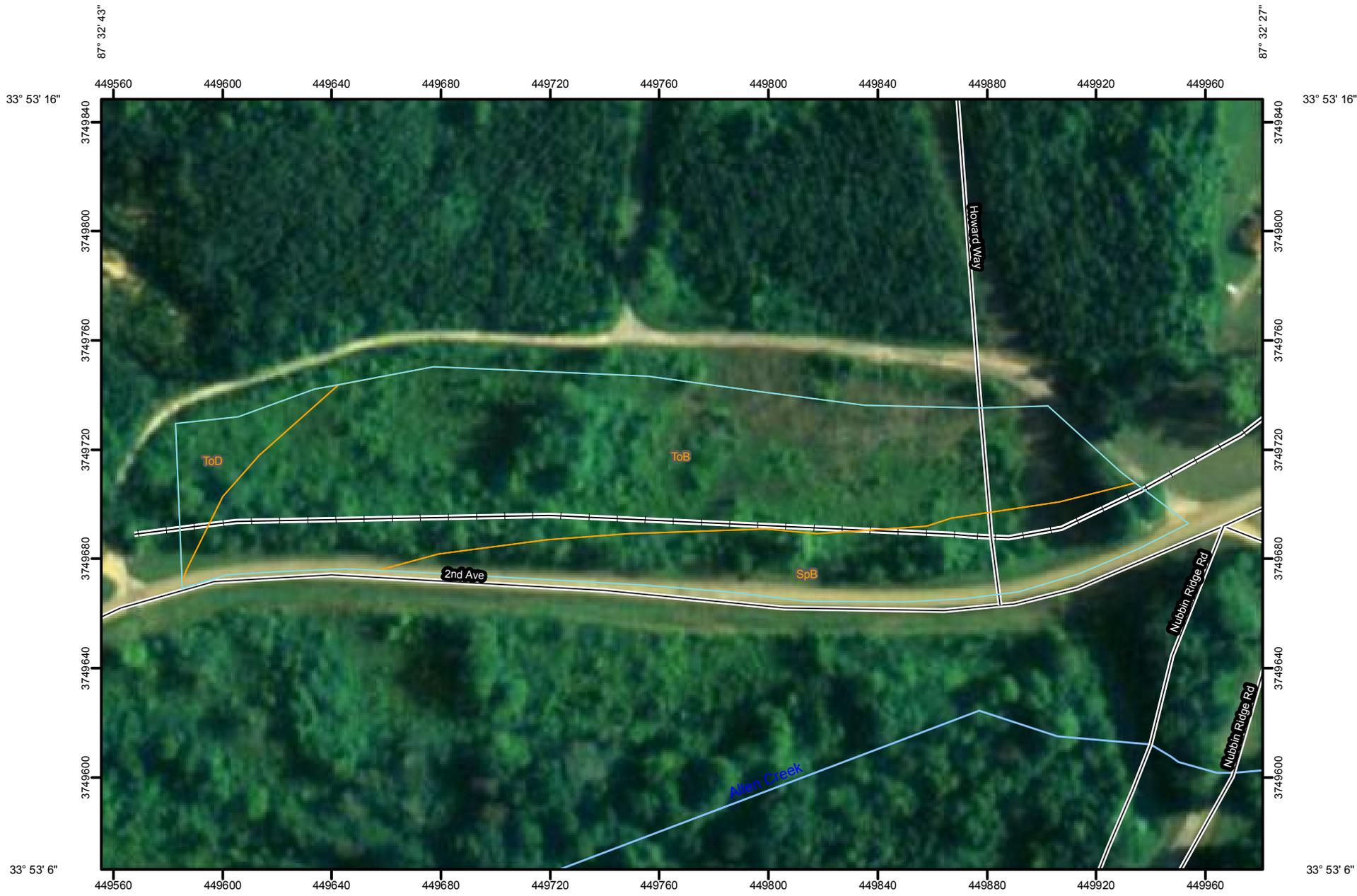


McGehee Engineering		Photographic Log	
Client Name:		Site Location: <i>Crescent Valley Mine – Revision R-4</i>	
<i>National Coal</i>			
Date: <i>06-07-11</i>			
Photo No.	100_3356		
Point No.	004		
Description:			
<p>This area is primarily dominated by <i>Liquidambar styraciflua</i>, <i>Lespedeza stipulacea</i>, <i>Festuca pratensis</i>, <i>Andropogon virginicus</i> & <i>Pinus taeda</i>.</p>			

McGehee Engineering		Photographic Log	
Client Name:		Site Location: <i>Crescent Valley Mine – Revision R-4</i>	
<i>National Coal</i>			
Date: <i>06-07-11</i>			
Photo No.	100_3358		
Point No.	004		
Description:			
<p>This area is primarily dominated by <i>Pinus taeda</i>, <i>Liquidambar styraciflua</i>, <i>Lespedeza stipulacea</i>, <i>Festuca pratensis</i> & <i>Andropogon virginicus</i>.</p>			

Appendix C — Soil Map

Soil Map—Walker County, Alabama
(National Coal -- Crescent Valley Mine -- R-4 -- Soil Map)



Soil Map—Walker County, Alabama
(National Coal -- Crescent Valley Mine -- R-4 -- Soil Map)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Units

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

-  Very Stony Spot
-  Wet Spot
-  Other

Special Line Features

-  Gully
-  Short Steep Slope
-  Other

Political Features

-  Cities

Water Features

-  Oceans
-  Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:2,020 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 16N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Walker County, Alabama
Survey Area Data: Version 5, Apr 11, 2008

Date(s) aerial images were photographed: 6/20/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Walker County, Alabama (AL127)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
SpB	Spadra-Whitwell complex, 0 to 3 percent slopes, occasionally flooded	1.5	24.8%
ToB	Townley silt loam, 2 to 6 percent slopes	4.2	70.0%
ToD	Townley silt loam, 6 to 15 percent slopes	0.3	5.2%
Totals for Area of Interest		6.0	100.0%