



June 15th, 2011

Department of the Army Corps of Engineers

Attention: Ms. Cindy J. House-Pearson
Birmingham Field Office Manager
Regulatory Division, USACE
218 Summit Parkway, Suite 222
Homewood, AL 35209

**RE: Shannon, LLC. – Shannon Mine No. 2 – Revision R-6 Project
Pre-Construction Notification**

Dear Ms. Cindy House-Pearson:

In regards to the above referenced project,

We are in the process of applying for a mining permit revision for the area described below and are therefore submitting this letter as a pre-construction notification to your office for authorization to proceed with the project.

Shannon, LLC. has existing mining operations in Alabama. In order to accommodate its business expansion in Jefferson County, Shannon, LLC. proposes to permit 388 acres at the project site as located in Sections 27, 28, 29, 32 & 33, Township 19 South, Range 5 West, as found on the McCalla, Alabama U.S.G.S Quadrangle as found in Jefferson County, Alabama. The proposed site location is shown on the attached 2000' scale project area map attachment "B".

The proposed project activity consists of 388 acres some of which has been previously disturbed through surface coal mining operations and timber management operations.

McGehee Engineering has also performed a site visit which included evaluating the project area therefore I have included a wetland delineation, as found in attachment "C".

Attached you will find a complete mitigation plan, attachment "D", along with stream restoration and quantified preservation & avoidance information.

I have also attached a copy of the completed JD forms for the stream reaches within this project area, as found on attachment “E”.

I am also submitting a copy of the USF&W concurrence letters dated May 5th, 2011 indicating that the T&E Species did not exist in this area. I have also attached a copy of the Alabama Historical Commission letter dated June 10th, 2011 indicating that project activities would have no effect on any known cultural resources listed or eligible for the national register of Historic places.

The project is set to begin in August of 2011, and be completed by 2016 however actual commencement of activity will depend upon approval from all the regulating authorities.

The attached mitigation plan outlines the total jurisdictional areas and quantifies that number. This information is shown in the Jurisdictional Impact Table indicating that the total jurisdictional area impact in this project consists of 3,470 linear feet of ephemeral drainage course **totaling 0.098 acres**.

Based on this submitted pre-construction notification and the included and attached data would you concur that this project would have no more than minimal adverse effects on the aquatic environment and would be authorized by a Nationwide Permit No. 21.

I would like to thank you for your co-operation and considerations of these matters and if you should have any questions or need additional information, please contact me at (205) 221-0686.

Sincerely,

McGehee Engineering Corp.

L. Stephen Blankenship

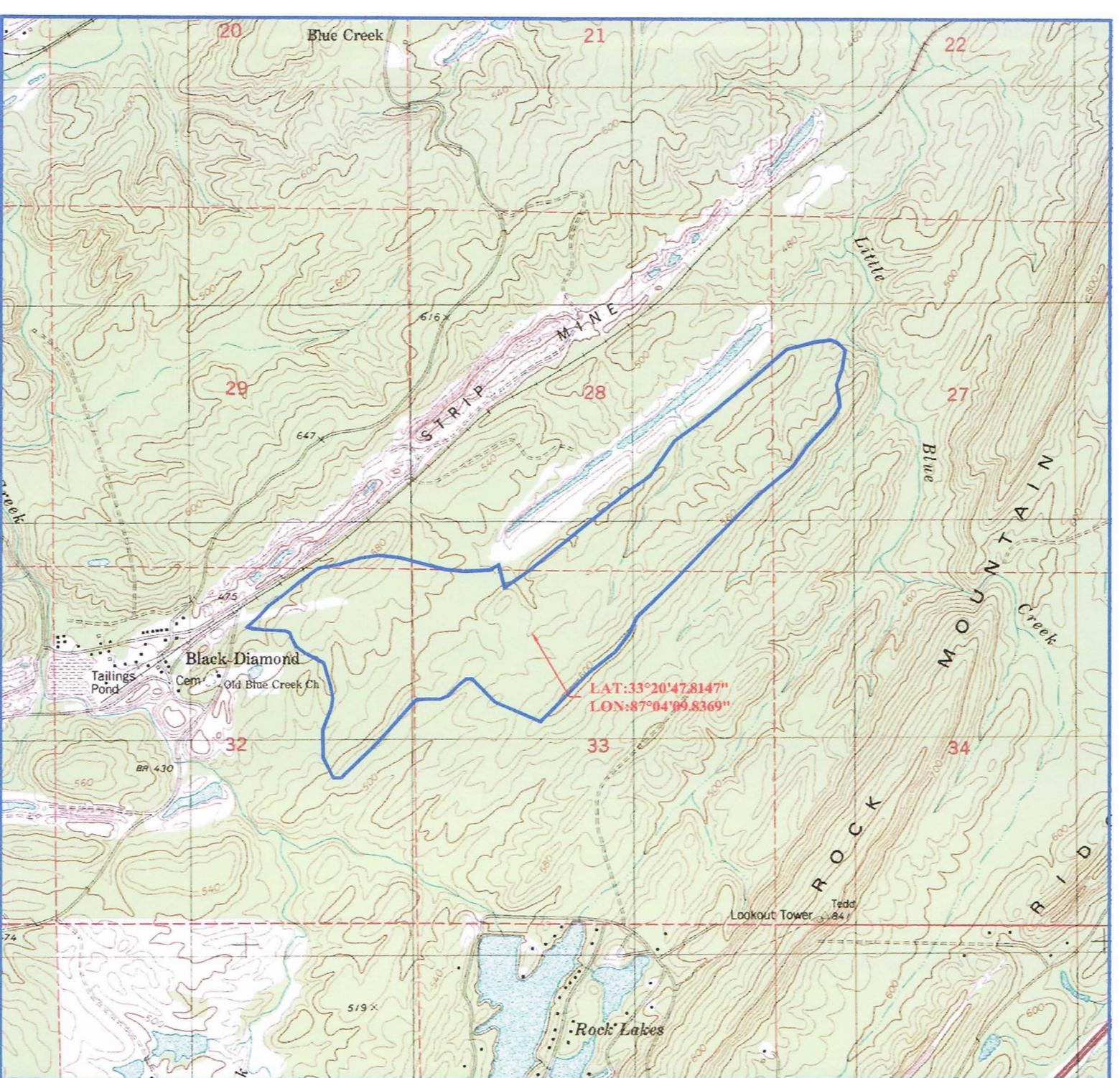
L. Stephen Blankenship

Project Manager

Attachments:

Enclosure:

- (A) *Pre-Construction Notification Application*
- (B) *Project Area Map 2000 Scale*
- (C) *Wetland Delineation*
- (D) *Mitigation Plan*
- (E) *JD Form*
- (F) *USF&W Concurrence*
- (G) *AHC Concurrence*



SCALE: 1" = 2000'
 April 26th, 2011

SHANNON, LLC.
 SHANNON MINE NO. 2
 (APPROXIMATELY 388 ACRES TOTAL)



PROJECT AREA MAP

SECTIONS 27, 28, 29, 32 & 33
 TOWNSHIP 19 SOUTH, RANGE 5 WEST,
 ALL IN JEFFERSON COUNTY, ALABAMA
 AS FOUND ON THE MCCALLA, ALABAMA USGS QUAD.

 REVISION R-6 BOUNDARY

Latitude: 33°20'47" N
 Longitude: 87°04'09" W



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
CORPS OF ENGINEERS
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

August 30, 2011

Inland Section North
Regulatory Division

SUBJECT: Nationwide Permit Authorization - Permit Number SAM-2011-00738-CTM,
Shannon, LLC. – Shannon Mine No.2 Revision R-6

Mr. Steve Ingle
c/o McGehee Engineering Corp.
Attention: Mr. Stephen Blankenship
Post Office Box 3431
Jasper, Alabama 35502

Dear Mr. Ingle:

This letter is in response to your June 15, 2011 application, filed on your behalf by McGehee Engineering Corp., for a Department of the Army permit to fill approximately 3,470 linear feet (lf) of stream in association with a surface mining project. It has been assigned file number SAM-2011-00738-CTM, which should be referred to in all future correspondence with this office. The project is located in Sections 27,28,29,32, & 33, Township 19 South, Range 5 West (Latitude 33° 20' 47.8" N and Longitude 87° 4' 9.8" W), Jefferson County, Alabama.

Department of the Army authorization is necessary because the project will involve the placement of fill material into jurisdictional waters of the United States, regulated under Section 404 of the Clean Water Act. Project impacts include 3,470 lf of ephemeral streams.

Based on the pre-construction notification and mitigation plan submitted on June 15, 2011, as well as the addendum submitted on August 29, 2011, your proposal is authorized by Nationwide Permit (NWP) 21 Surface Coal Mining Activities (Federal Register, March 12, 2007 Vol. 72, No. 47). In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the General Conditions of *Nationwide Permit 21*, which can be viewed at our website at www.sam.usace.army.mil RD reg, and the following special conditions:

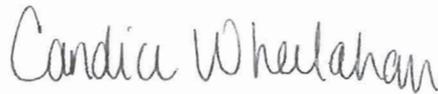
- a. The applicant shall purchase 0.098 wetland credits from a Corps approved mitigation bank. Proof of credit purchase must be received by this office prior to commencing work in waters of the United States.
- b. You shall comply with all the terms and conditions of the Alabama Department of Environmental Management Section 401 Water Quality Certifications for the Nationwide Permits. This document can be viewed at our website: www.sam.usace.army.mil rd reg nwp htm, or at your request a paper copy will be provided to you.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Please note you are also required to submit a signed certification regarding the completed work and completion of any required mitigation. The attached Compliance Certification form must be completed and returned to the letterhead address within 60 days of completion of the work authorized.

Please contact me at 205-290-9096 if you have any questions. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/RE/reg, and please take a moment to complete our customer satisfaction survey while you are there. Your responses are appreciated and will allow us to improve our services.

Sincerely,



Candice Wheelahan
Regulatory Specialist
Regulatory Division

Enclosures