

# TWIN PINES, LLC

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April 12, 2011

Mr. William J. Pearson  
Fish and Wildlife Services  
Daphne ES Field Office  
1208-B Main Street  
Daphne, AL 36526

RE: Shannon, LLC  
Shannon Mine No. 2  
Area to be added

Dear Mr. Pearson:

Attached, please find a request for the identification of areas of special concern and mapping showing the initial permit area (+/- 821 acres) and the revised area (+/- 50 acres). Attached, please find the original and revised request and correspondence from DCNR. Shannon, LLC proposes to add approximately +/- 383 acres adjacent to the initial and revised area. The office of Fish and Wildlife responded on October 1, 2008 to the initial request and January 27, 2011 to the revised request. We are requesting another review for the +/- 383 acres being added to this site. This area is identified on the attached map as the 'Area to be added'. 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 IDENTIFICATION OF AREAS OF SPECIAL CONCERN  
FOR A SURFACE OR UNDERGROUND COAL MINING OPERATION

Date: April 12, 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: +/- 383

County: Jefferson County

Section(s), Township(s), and Range(s) of the Areas Contained in the Permit: \_\_\_\_\_

Part of Sections 27, 28, 32, & 33, Township 19 South, Range 5 West, Jefferson County

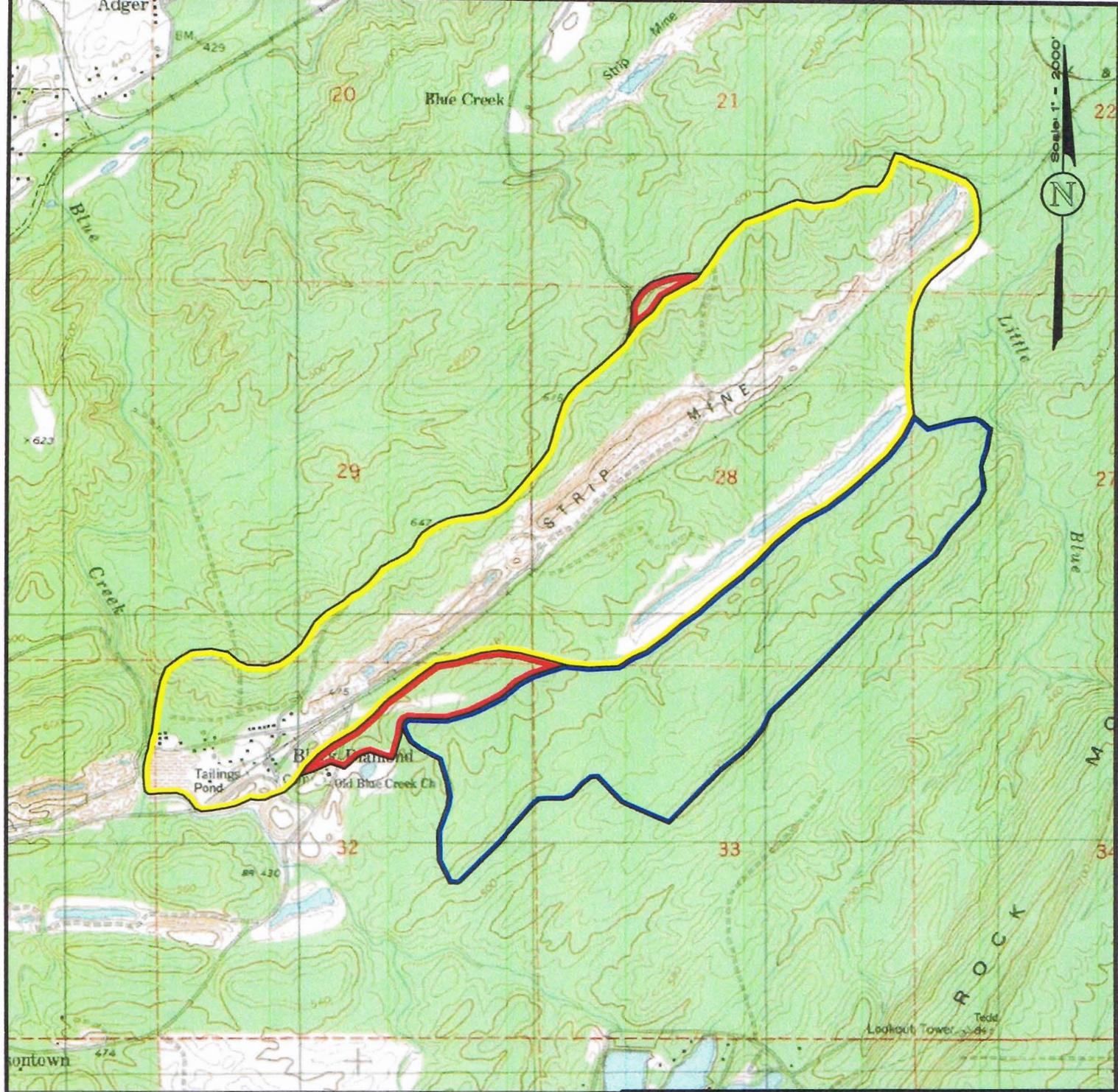
Latitude: 33° 20' 45.00"

Longitude: 87° 04' 12.00"

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**

- Initial Project Area (July 2008)
- Revised Area (January 2011)
- Proposed Area To Be Added
- Previously Disturbed



**Twin Pines Coal Company, Inc.**

74 Industrial Parkway  
 P.O. Box 621 Jasper, Alabama 35502  
 (205) 295-0985 Office (205) 295-0799 Fax

**Twin Pines Coal Company, Inc.  
 Shannon Mine No. 2  
 Site Location Map**

*Part of Sections 21, 22, 27, 28, 29, 31, 32, & 33,  
 Township 19 South, Range 5 West,  
 Jefferson County, Alabama*

DRAWN BY: P.T.O.  
 DWG. NAME: TPSM2SLMA

DATE: 4-7-11

APPROVED BY: W.K.M.

SCALE: 1"=2000'

Note:  
 Base map taken from the McCalla, Alabama  
 U.S.G.S. Quadrangle Map.



Ref 2008-TA-0670  
TM.

# Twin Pines Coal



January 27, 2011

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

Post-it® Fax Note	7671	Date	2/16/2011	# of pages	1
To	Keith Madison		FROM:	Sandy M	
Co./Dept.	Twin Pines Coal		Co.:	USFWS	
Phone #			Phone #:	251-441-5184	
Fax #	205-295-0799		Fax#:	251-441-6222	

RE: Twin Pines Coal Company, Inc.  
Shannon Mine No. 2  
2008-TA-0670

Dear Mr. Pearson:

Attached, please find a request for the identification of areas of special concern and mapping showing the initial permit area (+/- 821 acres). Attached, please find the original request and correspondence from DCNR. Twin Pines Coal Company, Inc. proposes to add approximately +/- 50 acres adjacent to the initial area. The office of Fish and Wildlife Services responded on October 01, 2008 to the initial request. We are requesting another review for the +/- 50 acres being added to this site. This area is identified on the attached map as the 'Area to be added'. See the attached original response from you office and the Gray Bat, Indiana Bat, and Red-Cockaded Woodpecker Habitat Survey. 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*

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/sction7/bmp.html> ).

*William J. Pearson*  
William J. Pearson, Field Supervisor  
Date 2-16-2011 # 3



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

April 12, 2011

Mr. Keith Madison  
Twin Pines Coal Company, Inc.  
74 Industrial Parkway  
Jasper, AL 35501

RE: Sensitive Species Information request  
Twin Pines Coal Company, Inc - Shannon Mine No. 2

Dear Mr. Madison:

The Natural Heritage Section office received your email dated 4/12/2011 addressed to Ashley Peters on 4/12/2011 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 4.8 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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4/12/2011

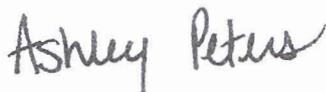
Page 2

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»

4/12/2011

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

<b>Protection Status</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>Applicable State Regulation</b>
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.

# TWIN PINES, LLC

Ref 2008-TA-0670

K M



April 12, 2011

Mr. William J. Pearson  
Fish and Wildlife Services  
Daphne ES Field Office  
1208-B Main Street  
Daphne, AL 36526

Post-it® Fax Note	7671	Date	5/5/11	# of pages	1
To	Keith Madison				
Co./Dept.	FROM: Sandy M				
Phone #	Co.: USFWS				
Fax #	Phone #: 251-441-5184				
	Fax #: 251-441-6222				

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*Keith Madison*

Keith Madison, P.G.



U.S. Fish and Wildlife Service  
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Phone: 251-441-5181 Fax: 251-441-6222

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*William J. Pearson*  
William J. Pearson, Field Supervisor Date 5-5-2011 # 3