

2011-TA-0387



TWIN PINES, LLC

May 3, 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	5/31/2011	# of pages	1
To	Keith Madison		FROM:	Sandy M	
Co./Dept	Twin Pines		Co.:	USFWS	
Phone #			Phone #:	251-441-5184	
Fax #	205-295-0799		Fax#:	251-441-6222	

RE: Twin Pines Coal Company, Inc.
Shannon Mine No. 4

Dear Mr. Pearson:

Attached please find a request for the identification of areas of special concern and mapping showing the proposed permit area for the above referenced disturbance for a surface coal mining operation. 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

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/section7/bmp.html>).

William J. Pearson
 William J. Pearson, Field Supervisor Date 5-31-2011 # 3

TWIN PINES, LLC

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Fish and Wildlife Services
Daphne ES Field Office
1208-B Main Street
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Sincerely,



Keith Madison, P.G.

REQUEST FOR IDENTIFICATION OF AREAS OF SPECIAL CONCERN
FOR A SURFACE OR UNDERGROUND COAL MINING OPERATION

Date: May 3, 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: +/- 2281 (approximately 1091 acres have been previously mined)

County: Jefferson & Tuscaloosa Counties

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

Part of Sections 1, 2, 3, 4, 9, 10, & 11, Township 20 South, Range 6 West and Part of Sections 34, 35, & 36, Township 19 South, Range 6 West, Jefferson and Tuscaloosa Counties.

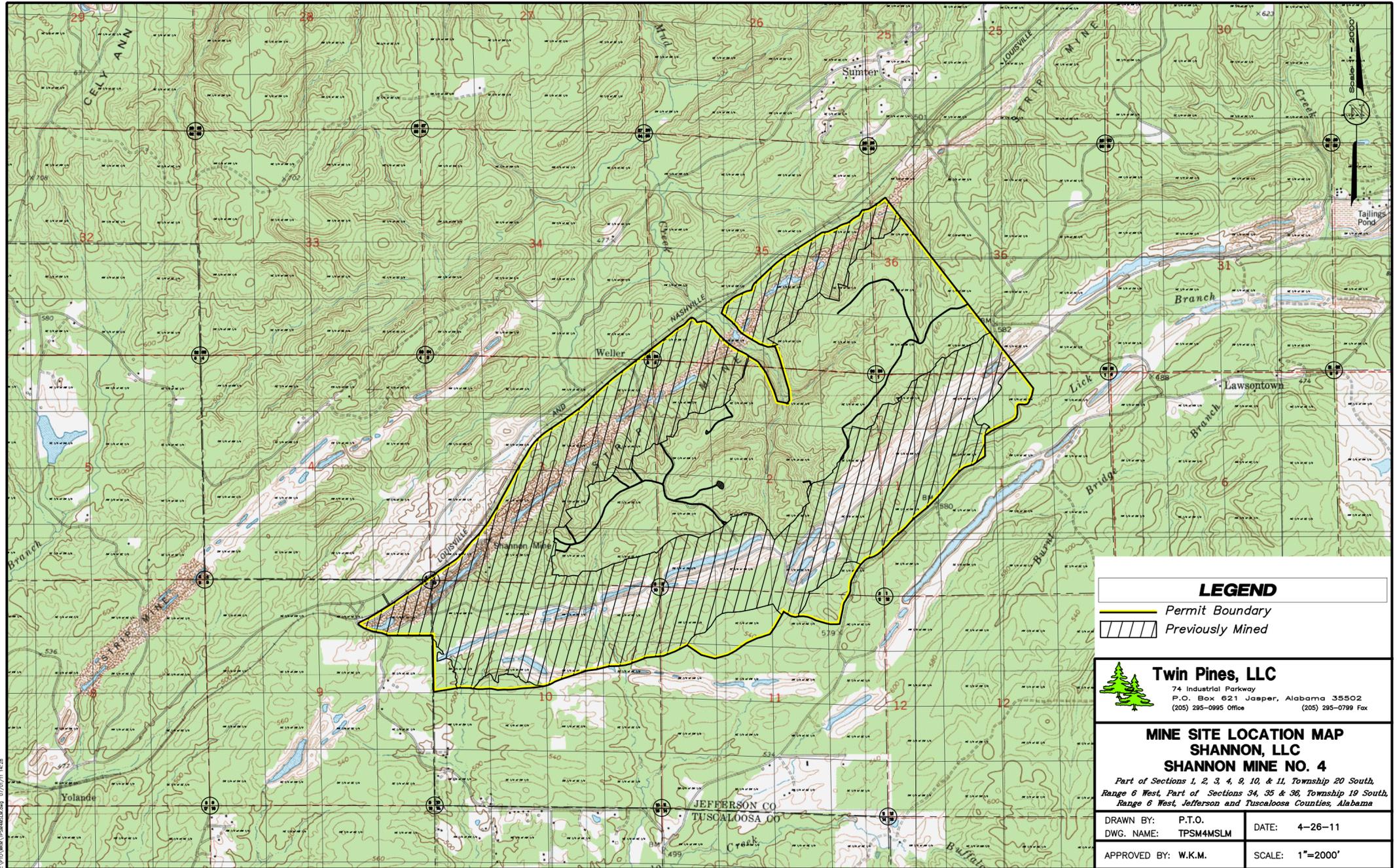
Latitude: 33° 19' 40.00"

Longitude: 87° 08' 02.00"

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	
	Permit Boundary
	Previously Mined

 **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 NO. 4
Part of Sections 1, 2, 3, 4, 9, 10, & 11, Township 20 South,
Range 6 West, Part of Sections 34, 35 & 36, Township 19 South,
Range 6 West, Jefferson and Tuscaloosa Counties, Alabama

DRAWN BY: P.T.O.	DATE: 4-26-11
DWG. NAME: TPSM4MSLM	
APPROVED BY: W.K.M.	SCALE: 1"=2000'

P:\PTO\WV\TPSM4MSLM.dwg 02/20/11 14:28



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

May 3, 2011

Mr. Keith Madison
Twin Pines, LLC
74 Industrial Parkway
Jasper, AL 35501

RE: Sensitive Species Information request
Shannon, LLC - Shannon Mine No. 4

Dear Mr. Madison:

The Natural Heritage Section office received your letter dated 4/26/2011 addressed to Ashley Peters on 5/2/2011 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 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 6.6 miles from the subject site. This state protected species (Cooper's Hawk) can be found primarily in hardwood forests throughout most of the United States and Canada. Populations of this species were in decline from about 1940 to the 1970's, but have



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5/3/2011

Page 2

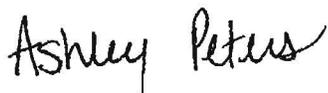
recently began to increase. Destruction and disturbance of this species' habitat should be avoided and "taking" of the animal itself is prohibited.*

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/>

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5/3/2011

Page 3

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

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.

Tuscaloosa

Protection Status	Common Name	Scientific Name	Applicable State Regulation
Candidate	Black Warrior River Waterdog	<i>Necturus alabamensis</i>	
Candidate	Georgia Aster	<i>Symphyotrichum georgianum</i>	
Candidate	White Fringeless Orchid	<i>Platanthera integrilabia</i>	
Endangered	Harperella	<i>Ptilimnium nodosum</i>	
Endangered	Mitchell's Satyr Butterfly	<i>Neonympha mitchellii mitchellii</i>	
Endangered/ State Protected	Ovate Clubshell	<i>Pleurobema perovatum</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Red-cockaded Woodpecker	<i>Picoides borealis</i>	220-2-.92 (1) (d)
Endangered/ State Protected	Southern Clubshell	<i>Pleurobema decisum</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Warrior Pigtoe	<i>Pleurobema rubellum</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Wood Stork	<i>Mycteria americana</i>	220-2-.92 (1) (d)
State Protected	Alabama Map Turtle	<i>Graptemys pulchra</i>	220-2-.92 (1) (c)
State Protected	Alabama Shad	<i>Alosa alabamæ</i>	220-2-.92 (1) (a)
State Protected	Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	220-2-.92 (1) (c)
State Protected	Bald Eagle	<i>Haliaeetus leucocephalus</i>	220-2-.92 (1) (d)
State Protected	Black-knobbed Map Turtle	<i>Graptemys nigrinoda</i>	220-2-.92 (1) (c)
State Protected	Cooper's Hawk	<i>Accipiter cooperi</i>	220-2-.92 (1) (d)
State Protected	Frecklebelly Madtom	<i>Noturus munitus</i>	220-2-.92 (1) (a)
State Protected	Osprey	<i>Pandion haliaetus</i>	220-2-.92 (1) (d)
State Protected	Paddlefish	<i>Polyodon spathula</i>	220-2-.94
State Protected	Southern Hognose Snake	<i>Heterodon simus</i>	220-2-.92 (1) (c)
Threatened	Alabama Moccasinshell	<i>Medionidus acutissimus</i>	
Threatened/ State Protected	Alabama Heelsplitter	<i>Potamilus inflatus</i>	220-2-.98 (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

Tuscaloosa

Protection Status	Common Name	Scientific Name	Applicable State Regulation
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.

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