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DESIGN GROUP, LLC
ENGINEERING / SURVEYING



August 6, 2009

William J. Pearson
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	9/3/09	# of pages	1
To	J. R. Weaver		FROM:	Sandy M	
Co./Dept.	DSM		Co.:	USFWS	
Phone #			Phone #:	251-441-5184	
Fax #	205-221-6850		Fax#:	251-441-6222	

RE: **Birmingham Coal & Coke, Inc.**
Old Union #2 Mine, P-39--

Dear Mr. Pearson:

I would like to request an identification of the Areas of Special Concern located in the boundaries for the proposed 1,505 mining acres located in Section 33, Township 11 South, Range 9 West, in Winston County, Alabama, Section 7, Township 12 South, Range 8 West, in Winston County, Alabama, & Sections 3, 4, 5, 9, 10, 12, 13, 14, 15, 23 & 24, Township 12 South Range 9 West, in Winston and Walker Counties, Alabama. All located on the Nauvoo and Poplar Springs USGS Quadrangles. We are in the process of applying for a surface coal-mining permit through the Alabama Surface Mining Commission for this area and will need the study to meet the requirements of the Law. Therefore, please find the enclosed "Request for Identification of Areas of Special Concern" for the above referenced proposed surface coal mining permit area.

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 US 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.



U.S. Fish and Wildlife Service
1208-B - Daphne, Alabama 36526
Phone: 251-441-5181 Fax: 251-441-6222

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

Based upon our records and the information provided in your letter, we agree with your findings that no federally listed species/critical habitat occur in the project area. If project design changes are made, please submit new plans for review.

for William J. Pearson, Field Supervisor
Date 9/3/09 # 6