

Post-It Fax Note	7671	Date	5-22-2012	# of pages	▶
To	Kaylen DeFoor	From	USFWS		
Co./Dept.		Co.			
Phone		Phone #			
Fax #	205-221-7721	Fax #			

Ref: 2012-TA-0142

1/2
APR 20 2012



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

April 16th, 2012

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.

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

William J. Pearson
William J. Pearson, Field Supervisor
Date 5-22-2012

RE: 2012-TA-0142
Blue Creek Energy, Inc. - Blue Creek Energy No. 1
Power Transmission Line Route Project

Dear Mr. William J. Pearson:

Blue Creek Energy proposes to add an overland a Power Line to the Blue Creek No. 1 Facility routed through the area described below and would like to request a concurrence from your office in order to proceed with this project.

In order to accommodate the routing of the above mentioned power transmission line Blue Creek Energy would need to add 293 acres at the project site as located in Sections 1 & 12, Township 17 South, Range 9 West, Sections 4, 5, 6, 7, 8, 9, 10, 14, 15, 23, 24 & 25, Township 17 South, Range 8 West, and Sections 28, 29, 30, 32 & 33, Township 17 South, Range 7 West, on the Wiley & Tutwiler School, Alabama U.S.G.S Quadrangle as found in Walker & Tuscaloosa County, Alabama. The proposed site location is shown on the attached 2000' scale project area map attachment "B".

The proposed project activity consists of 293 acres, all of which received a habitat study that was performed by McGehee Engineering in March of 2012. In the study it states that although possible habitat did exist none was found nor were there any threatened or endangered species identified onsite. I have attached a copy of the Habitat Study in attachment "C".

Page 2
USF&W April 16th, 2012 Submittal

Blue Creek Energy, Inc. – Blue Creek No. 1 – Power Transmission Line Route Project

The proposed project activity consisting of adding the above mentioned utility power transmission line route. Therefore, most of the route has been previously disturbed in the past.

The proposed site was determined by evaluating surrounding existing disturbance and trying to minimize any potential impacts to the greatest extent possible. This was accomplished by crossing the previously mined areas to the greatest extent possible.

Blue Creek Energy will adhere to the current requirements for the inspections of BMP's that are in strict accordance with both Alabama Surface Mining Commission (ASMC) and Alabama Department of Environmental Management (ADEM) Rules and Regulations.

Approved BMP's structures will be inspected within 24 hours of each significant rainfall event and immediate corrective action will be taken if erosion or soil runoff is observed.

Blue Creek Energy will immediately re-vegetate any disturbed areas and execute any work that results in exposed earth leading to the surface waters during periods when significant rainfall is not present.

Therefore based on the information provided in the attached habitat study and the precautions taken as described above 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 DeFoor

Kaylen DeFoor
Project Manager,

Enclosure:

- (A) Project Notification Summary
- (B) Project Area Map 2000 Scale
- (C) Habitat Study - McGehee Engineering Corporation

Post-it® Fax Note	7671	Date	5-22-2012	Pages	2
To	William J. Pearson	From	US FWS		
Cell repl.		Co.			
Phone #		Phone #			
Fax #	205-221-7721	Fax #			

Ref 2012 - 771 - 0142

Handwritten initials and notes.



May 8th, 2012

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



U.S. Fish and Wildlife Service
 1208-B - Daphne, Alabama 36526
 Phone: 251-441-3181 Fax: 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. SITE MAY CONTAIN WETLANDS. Contact U.S. Army Corps of Engineers for a jurisdictional wetlands determination. We recommend the 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: 5-22-2012

RE: 2012-TA-0142
 Blue Creek Energy, Inc. - Blue Creek Energy No. 1
 Power Transmission Line Route Project
 Addendum No. 1

Dear Mr. William J. Pearson:

This addendum No. 1 is in reference to the previously submitted Blue Creek Energy -- Power Transmission Line Route Project that proposes to add an overland Power Line Facility route that was submitted to your office on April 18th, 2012. However, since then Blue Creek Energy has added additional area consisting of ancillary road beds and upland area for access to avoid any stream impacts.

The revised proposed project activity consists of 323 acres located in Sections 1 & 12, Township 17 South, Range 9 West, Sections 4, 5, 6, 7, 8, 9, 10, 14, 15, 23, 24 & 25, Township 17 South, Range 8 West, and Sections 28, 29, 30, 32 & 33, Township 17 South, Range 7 West, on the Wiley & Tutwiler School, Alabama U.S.G.S Quadrangle as found in Walker & Tuscaloosa County, Alabama. The proposed site location with the added area is shown on the attached 2000' scale revised project area map attachment "B".

The initially submitted 293 acres received a habitat study that was performed by McGehee Engineering in March of 2012. The additional added area was observed and studied but was not included in the Power Transmission Line Route Habitat Study. However, I have attached a photographic log in attachment "C" that shows the existing conditions of the added area.

Page 2
USF&W May 8th, 2012 Submittal
Blue Creek Energy, Inc. - Blue Creek No. 1 - Power Transmission Line Route Project

The proposed project activity consisting of adding the above mentioned utility power transmission line route. Therefore, most of the route has been previously disturbed in the past.

The proposed site was determined by evaluating surrounding existing disturbance and trying to minimize any potential impacts to the greatest extent possible. This was accomplished by crossing the previously mined areas to the greatest extent possible.

Blue Creek Energy will adhere to the current requirements for the inspections of BMP's that are in strict accordance with both Alabama Surface Mining Commission (ASMC) and Alabama Department of Environmental Management (ADEM) Rules and Regulations.

Approved BMP's structures will be inspected within 24 hours of each significant rainfall event and immediate corrective action will be taken if erosion or soil runoff is observed.

Blue Creek Energy will immediately re-vegetate any disturbed areas and execute any work that results in exposed earth leading to the surface waters during periods when significant rainfall is not present.

Therefore based on the information provided in the attached habitat study and the precautions taken as described above 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,

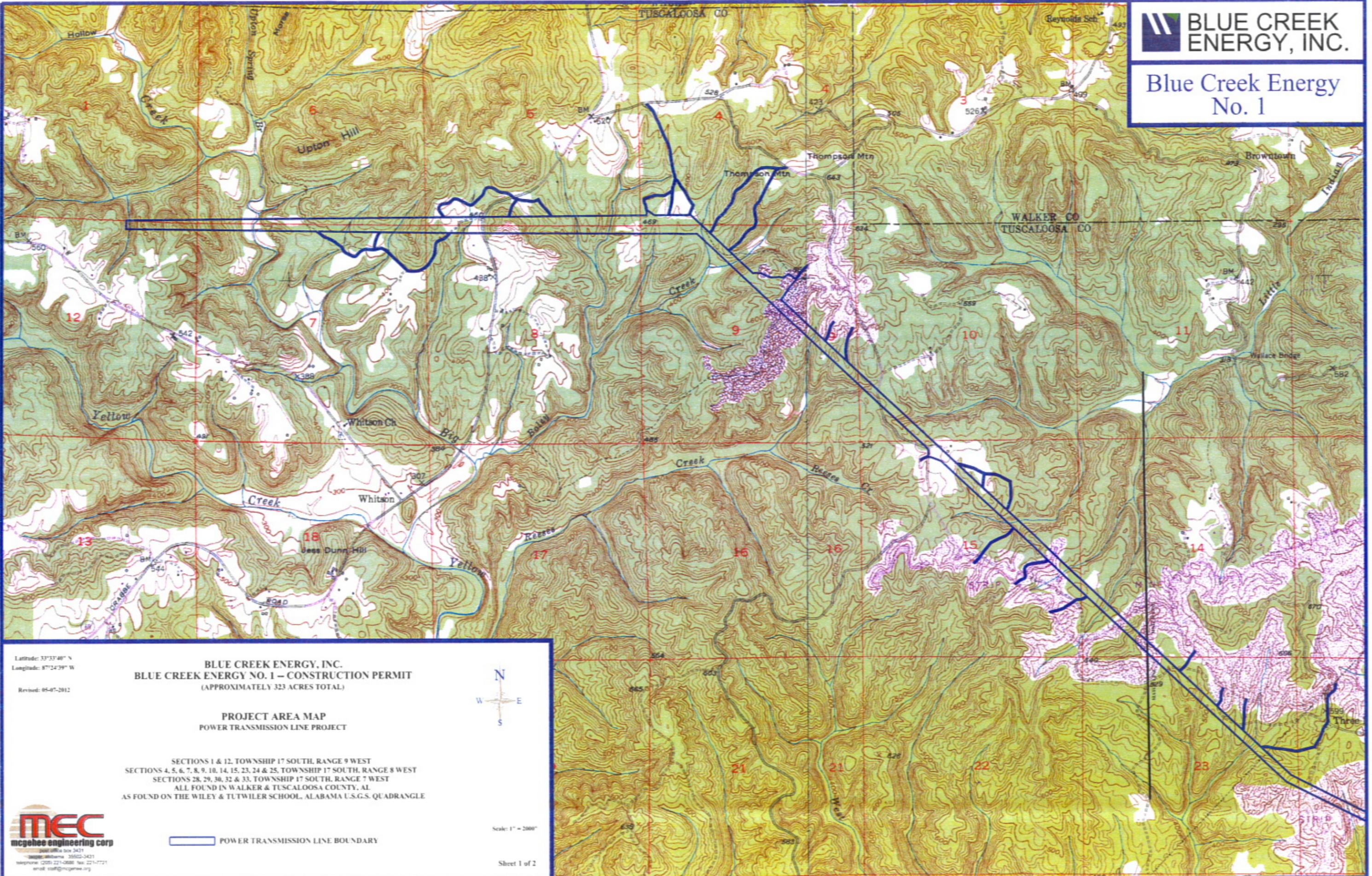
McGehee Engineering Corp.

Kaylen DeFoor

Kaylen DeFoor
Project Manager,

Enclosure:

- (A) Project Notification Summary
- (B) Project Area Map 300ft Scale
- (C) Photographic Log



Latitude: 33°33'40" N
Longitude: 87°24'39" W
Revised: 05-07-2012

BLUE CREEK ENERGY, INC.
BLUE CREEK ENERGY NO. 1 – CONSTRUCTION PERMIT
(APPROXIMATELY 323 ACRES TOTAL)

PROJECT AREA MAP
POWER TRANSMISSION LINE PROJECT

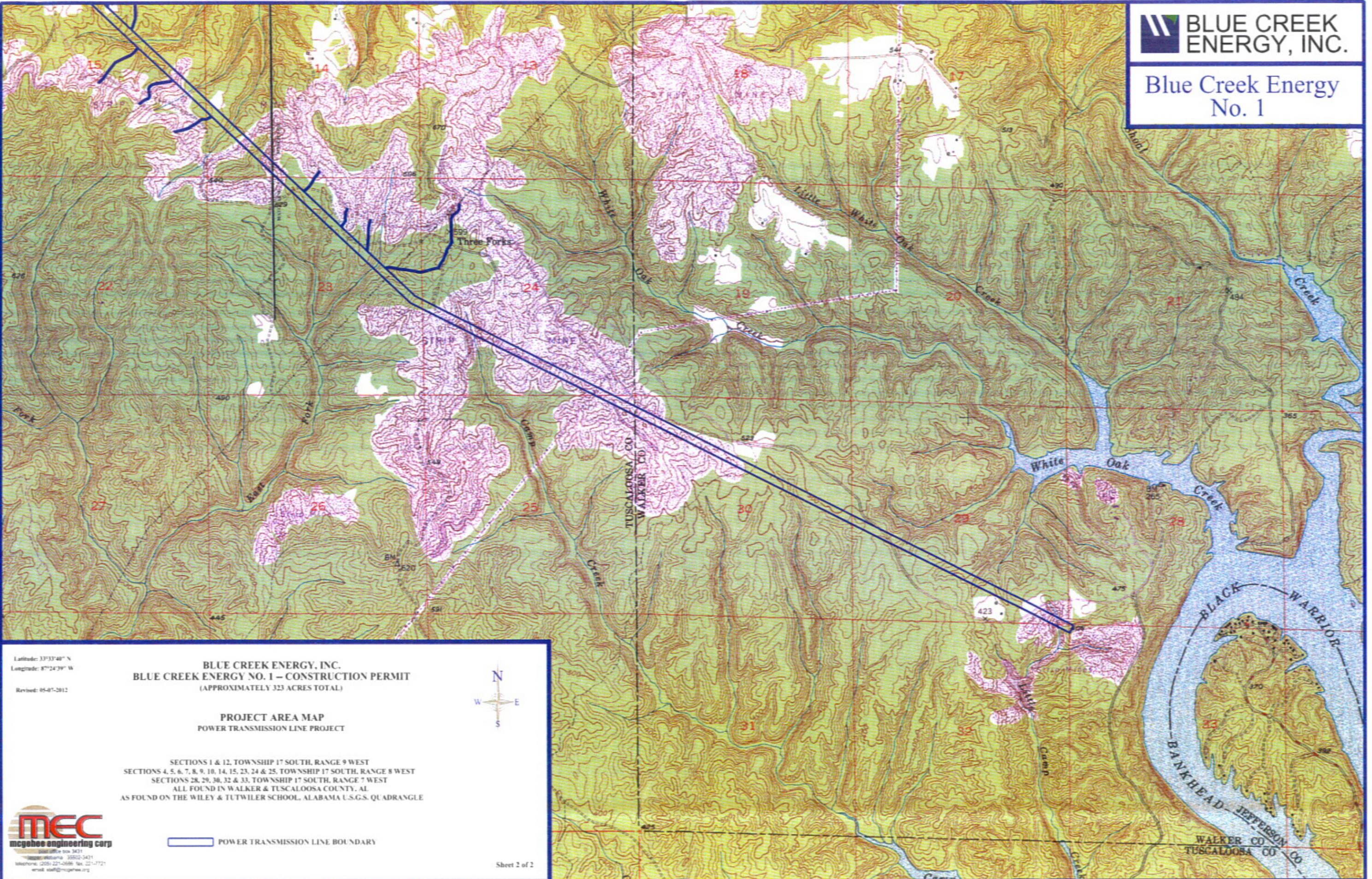
SECTIONS 1 & 12, TOWNSHIP 17 SOUTH, RANGE 9 WEST
SECTIONS 4, 5, 6, 7, 8, 9, 10, 14, 15, 23, 24 & 25, TOWNSHIP 17 SOUTH, RANGE 8 WEST
SECTIONS 28, 29, 30, 32 & 33, TOWNSHIP 17 SOUTH, RANGE 7 WEST
ALL FOUND IN WALKER & TUSCALOOSA COUNTY, AL
AS FOUND ON THE WILEY & TUTWILER SCHOOL, ALABAMA U.S.G.S. QUADRANGLE



Scale: 1" = 2000'

Sheet 1 of 2

 POWER TRANSMISSION LINE BOUNDARY



Latitude: 33°33'40" N
Longitude: 87°24'39" W
Revised: 05-07-2012

BLUE CREEK ENERGY, INC.
BLUE CREEK ENERGY NO. 1 – CONSTRUCTION PERMIT
(APPROXIMATELY 323 ACRES TOTAL)

PROJECT AREA MAP
POWER TRANSMISSION LINE PROJECT

SECTIONS 1 & 12, TOWNSHIP 17 SOUTH, RANGE 9 WEST
SECTIONS 4, 5, 6, 7, 8, 9, 10, 14, 15, 23, 24 & 25, TOWNSHIP 17 SOUTH, RANGE 8 WEST
SECTIONS 28, 29, 30, 32 & 33, TOWNSHIP 17 SOUTH, RANGE 7 WEST
ALL FOUND IN WALKER & TUSCALOOSA COUNTY, AL
AS FOUND ON THE WILEY & TUTWILER SCHOOL, ALABAMA U.S.G.S. QUADRANGLE



 POWER TRANSMISSION LINE BOUNDARY