2023-0134964 JMR

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mcgehee engineering corp

September 28th, 2023

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

RE: Warrior Met Coal BC, LLC – Blue Creek Mine No. 1 – Revision R-9
USWS # 2023- 0134964

Dear Mr. William J. Pearson

In regards to the above referenced project,

We are in the process of applying for a permit revision with the Alabama Surface Mining Commission (ASMC) for the area described below an would like to request comments from your office in order to proceed with this project.

Warrior Met Coal BC, LLC has existing operations in Tuscaloosa County, Alabama. Warrior Met BC, LLC proposes to add approximately 244-acres at the project site located in Sections 27, 34 & 35, Township 16 South, Range 9 West, and Sections 1 & 2, Township 17 South, Range 9 West all in Fayette & Tuscaloosa County, Alabama. The proposed site location is shown on the attached 2000' scale project area map attachment "B".

The 244-acre project site received a habitat assessment in April, May, June and September of 2023. In the assessment it states that there is not suitable habitat for any of the listed threatened and endangered species with exception of approximately 58-acres of potential summer roosting habitat for the Indiana bat *(myotis sodalist)* and the Northern Long eared bat *(myotis septentrionalis)*. A copy of the habitat assessment is included in attachment "C" for your reference.

The project consists of the construction of a portion of a conveyor belt line from the existing mining operation south of the Revision R-9 Area.

Post Office Box 3431 • 450 19th Street • Jasper, Alabama 35502-3431 • 205-221-0686 • Fax 205-221-7721 • brady.pugh@mcgehee.org

Warrior Met Coal BC, LLC plans to adhere to the Alabama Surface Mining Commission Administrative Code, Chapter 880-X-10C, PERFORMANCE STANDARDS SURFACE MINING The mine plan will closely adhere to the protective measure in the ADEM regulations sections 335-6-10.06 (a) and (c) to maintain minimum water quality conditions applicable to all state waters in the proposed ADEM NPDES permit.

An erosion control plan that is tailored to the construction site will be part of the ASMC permit. Erosion and sedimentation controls will be installed and maintained between the construction site and any nearby, down-gradient surface waters. All erosion controls will be inspected routinely, especially during and immediately following significant rainfall events, to ensure no impacts to nearby surface waters and aquatic habitat. Immediate corrective actions will take place if erosion or sedimentation discharges are observed.

Warrior Met Coal BC, LLC will adhere to the current requirements for the inspections of BMPs that are in strict accordance with both Alabama Surface Mining Commission (ASMC) and Alabama Department of Environmental Management (ADEM) Rules and Regulations.

The mine plan will closely adhere to the protective measures in the ADEM regulations sections 335-6-10.06 (a) and (c) to maintain minimum water quality conditions applicable to all state waters in the ADEM permit.

BMP's and Sediment basins (as needed) will be located down gradient but outside of any vegetated buffer to capture any disturbed run-off before leaving the site. These sediment basins are inspected semi-monthly for erosion, instability, etc., with maintenance performed as necessary. Sediment basins are examined quarterly for structural weakness, instability, slope failure, or other hazardous conditions with maintenance performed as necessary. Formal inspections are made annually, by qualified professional engineer or other qualified personnel under the direction of a professional engineer, including any reports or modifications, in accordance with 880-X-10C-.20[1(j)] of the Alabama Surface Mining Regulations.

There is a headwater stream of Keith Branch that crossed the project around the center of the project boundary. However, this headwater stream as well as any additional jurisdictional waters are not proposed for impact and will be avoided and spanned where necessary. BMP's including vegetated buffers will be left in place along Keith Branch and any additional jurisdictional waters in order to avoid impacts to the waters.

Warrior Met Coal BC, LLC will limit its tree removal for this site to occur only October 15th through March 31st as described in the 2023 Range-Wide Indiana Bat Protection & Enhancement Plan. In the event timber removal from the potential habitat is necessary outside of the recommend timber harvesting time frame of October 15th through March 31st, Warrior Met Coal BCE will contract with a qualified Biologist to submit to your office a request for Presence/Absence Survey and obtain approval prior to any disturbance within the designated potential habitat areas.

Therefore, based upon the attached habitat assessment and provided the potential habitat is avoided or if the potential summer roosting habitat is unavoidable; if the timber is only removed from October 15th through March 31st as described in the 2023 Range-Wide Indiana Bat protection & Enhancement Plan Guidelines would you concur that the project activities will have no adverse effect on any threatened or endangered species and that no further species consultation will be required.

I would like to thank you for your cooperation 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.

L. Stephen Blankenship

Digitally signed by L. Stephen Blankenship
Date: 2023.09.28 15:43:17 -05'00'

L. Stephen Blankenship
Environmental Engineering Manager

Attachments:

(A) Project Notification Summary
(B) Project Area Map 2000 Scale
(C) Habitat Assessment – McGehee Engineering Corporation – MEC 2023

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

Your project site contains suitable spring/summer habitat for the endangered Indiana bat and northern long-eared bat. However, you have stated that tree removal will occur between October 15 and March 31; therefore, no impacts to the Indiana bat and/or northern long-eared bat are anticipated as a result of your proposed project. No other 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. We recommend the use of best management practices specific to your project (See https://www.fws.gov/project/best-management-practices-alabama).

SEP 29 2023

William J. Pearson Field Supervisor Date # 9b
Field Supervisor
Alabama Ecological Services Field Office

SCALE: 1" = 2000'
July 13th, 2023
Map Size: 8.5"x11"

WARRIOR MET COAL BC, LLC
BLUE CREEK MINE NO. 1
REVISION R-9

(APPROXIMATELY 244 ACRES)

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S

PROJECT AREA MAP

SECTIONS 27, 34 & 35, TOWNSHIP 16 SOUTH, RANGE 9 WEST,
SECTIONS 1 & 2, TOWNSHIP 17 SOUTH, RANGE 9 WEST,
ALL IN FAYETTE & TUSCALOOSA COUNTY, ALABAMA
AS FOUND ON THE WILEY, ALABAMA USGS QUAD

PROJECT BOUNDARY

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