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21 May 2012

DSM Design Group, LLC
ATTN: J. Rich Weaver
1400 Viking Drive
P.O. Box 690
Jasper, AL 35502-0690

Dear Mr. Weaver:

This letter is my report of findings from a study to determine if any endangered or threatened species habitats occur in +/- 236 acres of a proposed Birmingham Coal & Coke, Inc. Knight Mine project in Winston and Franklin counties, Alabama. The site is located north of Haleyville and southeast of Phil Campbell in the Bear Creek drainage. They are in the Warrior Basin District of the Cumberland Plateau physiographic region within the Pottsville Formation, which is capped by sandstone.

As of May 2012, the proposed project was reduced to 170 acres and all but 28 acres were included in the January 2012 field survey. After careful review of the additional acreage from aerial maps and from observations from the previous field work, there will be no impacts to any of the species listed below. The new sites are upland pastures and old-fields. The new map can be found at the end of this report with the additional areas signed by me.

As requested, I conducted a habitat survey on January 28, 2012 for Tennessee Yellow-eyed-grass (*Xyris tennesseensis*), Lyrate Bladderpod (*Lesquerella lyrata*), Leafy Prairie-clover (*Dalea foliosa*), Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Bald Eagle (*Haliaeetus leucocephalus*), Bewick's Wren (*Thryomanes bewickii*), Eastern Hellbender (*Cryptobranchus alleganiensis*), Green Salamander (*Aneides aeneus*), Slenderhead Darter (*Percina phoxocephala*), Rabbitsfoot (*Quadrula cylindrica*), Slabside Pearlymussel (*Lexingonia dolabelloides*), Cumberlandian Combshell (*Epioblasma brevidens*), Slabside Pearlymussel, Cumberlandian Combshell (*Epioblasma brevidens*), and Rabbitsfoot (*Quadrula cylindrica*).

Threatened and Endangered Species

Searches were made for habitats of the above species and no potential habitats were located in the study area. Also no protected species were observed on the proposed site. Therefore, no impacts or effects to any federally listed species or their habitats are expected at this site from the project.

Tennessee Yellow-eyed-grass is a grass-like plant that occurs in wet peaty seeps or shallow peaty swales and streambanks in Highland Rim (Interior Low Plateau) of Alabama and Tennessee and the Ridge & Valley physiographic province of northwest Georgia and northeast Alabama. Unlike other *Xyris* which are typically in acidic soil this species grows in calcareous substrates. No habitat for this species was present. The substrate at the site is derived from acidic sandstone from the Pottsville Formation.

Lyrate Bladderpod is annual mustard with orange-yellow flowers. Flowering takes place from mid-March to mid-April. It is only known from northwestern Alabama. Populations occur in shallow soils adjacent to limestone outcroppings known as cedar glades and the species has only been found in the Highland Rim of the Interior Low Plateau physiographic province. The study area (in the Cumberland Plateau physiographic area) had no suitable habitat for this species.

Leafy Prairie-clover is mostly known from cedar glades and riparian prairie remnants in northwest Alabama and adjacent Tennessee. These habitats are typically open (allow lots of sun) and they have shallow silt to silty clay loam soils over flat horizontally bedded limestone of dolomite bedrock, with basic to circumneutral soils. There was no habitat found on the site that would support this species.

Bald eagles are most often observed close to large rivers and other large bodies of water. Their aerie (roosting nest) is most often located at the tops of trees near these large bodies of water. Fish make up the bulk of this birds diet, and this is the reason why its preferred habitat is near large bodies of water. No nests or birds were seen in the area and suitable habitat was not present.

The last confirmed record of Bewick's Wren in Alabama was in 1974 within the town of Newburg (Franklin County) further north of the study site. This species is typically found west of the Mississippi and may possibly be an accidental occurrence and now possibly extirpated from our state. It actually prefers farmyards and rural dwellings and its decline in the East is

thought to have been from competition of the native House Wren. There were no wren species observed during the survey.

No species of bats were seen or their habitat located in the study area. The two bat species require caves or rock shelters for their hibernacula and roosting. No caves or rock shelters were observed and the rock type in the area rarely has these kinds of geologic features. They are mostly found in the limestone regions of the Alabama.

The Green Salamander lives mostly in moist crevices of cliff faces, rock outcrops and in shaded, mesic hardwood forests. None of these types of niches were observed in the study area and no suitable habitat was present for these salamanders.

There was no habitat for any of the listed aquatic species of animals. All the listed mussels (known to occur in Franklin and Winston counties), Slenderhead Darter and Eastern Hellbender require moving water of creeks, streams or rivers, which were not present at the site.

Habitat Description

A mixed pine/hardwood forest is the most common habitat of the areas surveyed. The composition of pines to hardwood varied with either being the common canopy tree, but pines are more often the dominant component. Almost half of the area surveyed was disturbed habitat and consisted of old fields, young pine forest, former clear-cuts, and cleared rights-of-way.

Conclusions

In my professional opinion it is safe to proceed with the plans for the proposed coal mining operations. There will be no protected species that will be affected by this project in either Winston or Franklin counties. I do recommend that appropriate Best Management Practices (BMPs) be applied to minimize siltation and in-stream disturbance to sediments to help to mitigate impacts to all aquatic habitat and water quality in the project area.

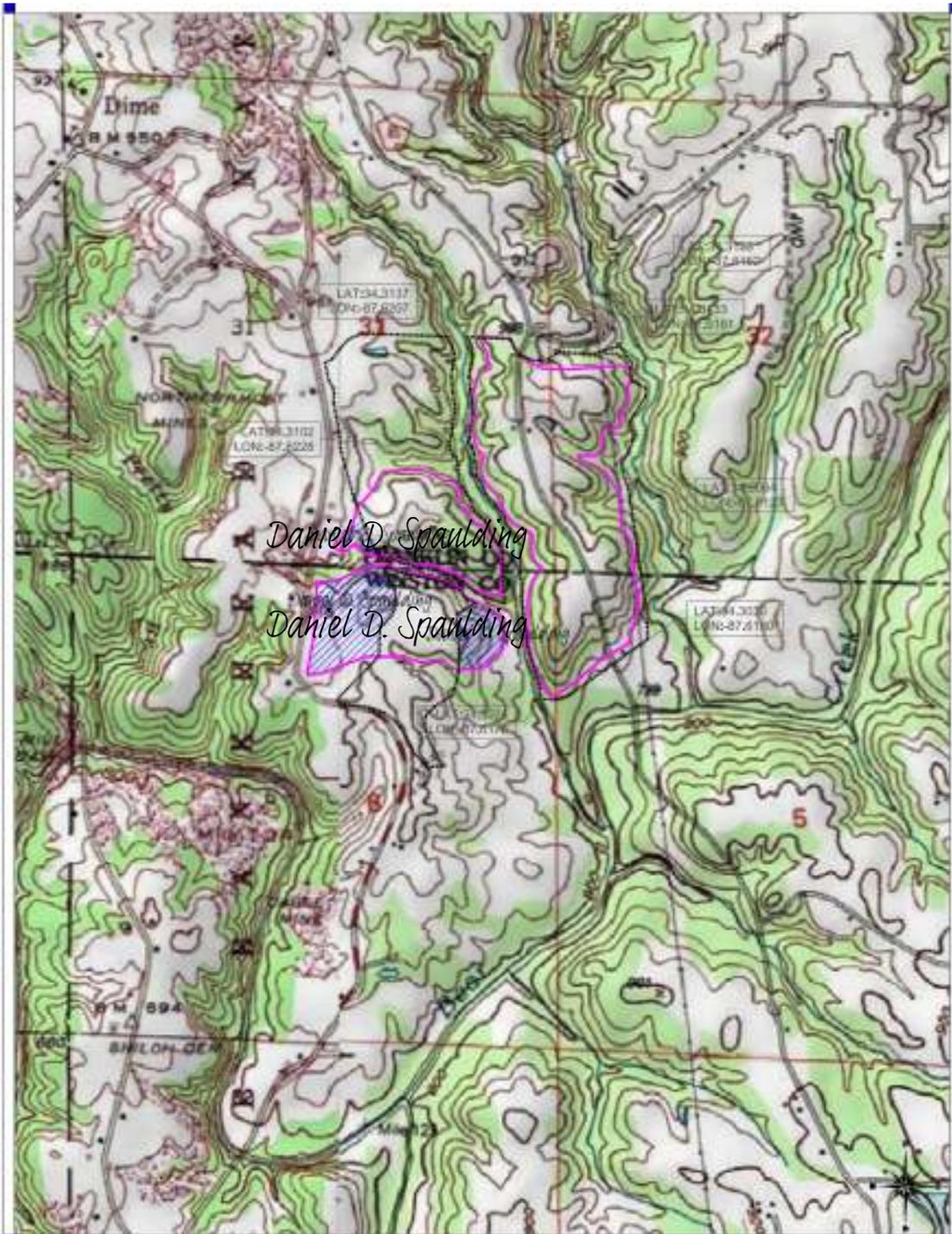
Sincerely,

Daniel D. Spaulding

Daniel D. Spaulding
Environmental Consultant
dspaulding@annistonmuseum.org

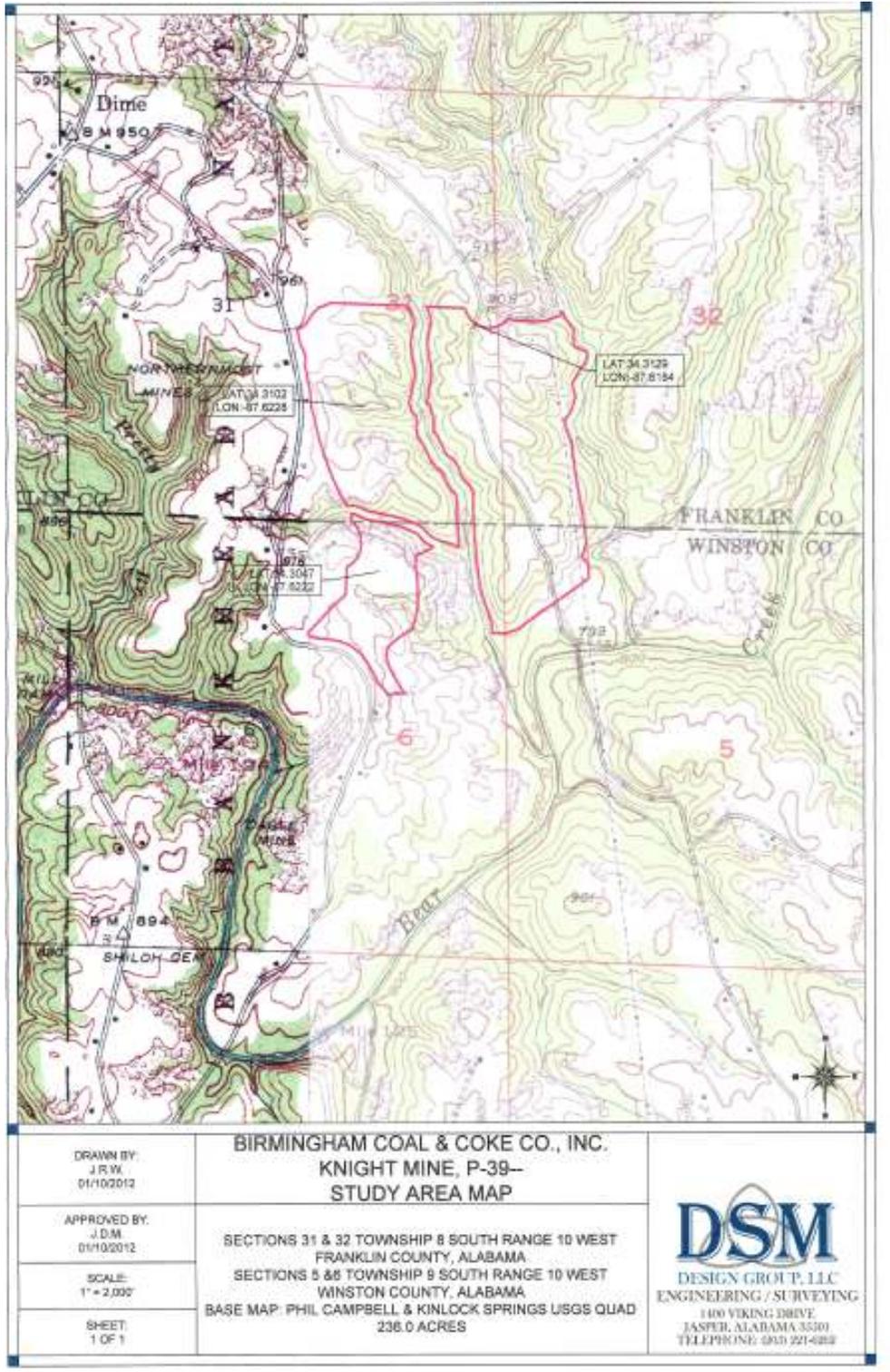
Attachments

Updated Map of Study Area



<p>DRAWN BY: J.R.W. 05/18/2012</p>	<p>BIRMINGHAM COAL & COKE CO., INC. KNIGHT MINE, P-39-- STUDY AREA MAP</p>	 <p>DSM DESIGN GROUP, LLC ENGINEERING / SURVEYING 100 YIKING DRIVE JASPER, ALABAMA 35901 TELEPHONE: (205) 221-0292</p>
<p>APPROVED BY: J.D.M. 05/18/2012</p>	<p>SECTIONS 31 & 32 TOWNSHIP 8 SOUTH RANGE 10 WEST FRANKLIN COUNTY, ALABAMA SECTIONS 5 & 6 TOWNSHIP 9 SOUTH RANGE 10 WEST WINSTON COUNTY, ALABAMA</p>	
<p>SCALE: 1" = 2,000'</p>	<p>BASE MAP: PHIL CAMPBELL & KINLOCK SPRINGS USGS QUAD 236.0 ACRES</p>	
<p>SHEET: 1 OF 1</p>		

Previous Map



DRAWN BY:
J.R.W.
01/10/2012

APPROVED BY:
J.D.M.
01/10/2012

SCALE:
1" = 2,000'

SHEET:
1 OF 1

BIRMINGHAM COAL & COKE CO., INC.
KNIGHT MINE, P-39--
STUDY AREA MAP

SECTIONS 31 & 32 TOWNSHIP 8 SOUTH RANGE 10 WEST
FRANKLIN COUNTY, ALABAMA
SECTIONS 5 & 6 TOWNSHIP 9 SOUTH RANGE 10 WEST
WINSTON COUNTY, ALABAMA
BASE MAP: PHIL CAMPBELL & KINLOCK SPRINGS USGS QUAD
236.0 ACRES

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IMAGE OF AREA

