



STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
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May 12, 2015

Mr. Rich Weaver
DSM Design Group, LLC
P.O Box 690
Jasper, AL 35502

RE: Sensitive Species Information request
Birmingham Coal & Coke, Inc. - Knight Mine

Dear Mr. Weaver:

The Natural Heritage Section office received your e-mail dated 5/5/2015 addressed to Ashley Peters on 5/11/2015 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 Franklin County. 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 Franklin County. 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 5 miles from the subject site. There appears to be no imminent threat to any known sensitive species in the immediate area.



«AddressBlock»

5/12/2015


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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

Potentially helpful web sites

Information about federally listed species

<http://daphne.fws.gov/es/specieslst.htm>

<http://www.pfmt.org/wildlife/endangered/>

<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.

Franklin

Protection Status	Common Name	Scientific Name	Applicable State Regulation
Endangered / State Protected	Cumberlandian Combshell	<i>Epioblasma brevidens</i>	220-2-.98 (1) (a)
Endangered / State Protected	Dark Pigtoe	<i>Pleurobema furvum</i>	220-2-.98 (1) (a)
State Protected	Eastern Hellbender	<i>Cryptobranchus alleganiensis alleganiensis</i>	220-2-.92 (1) (b)
Endangered / State Protected	Gray Bat	<i>Myotis grisescens</i>	220-2-.92 (1) (e)
State Protected	Green Salamander	<i>Aneides aeneus</i>	220-2-.92 (1) (b)
Endangered / State Protected	Indiana Bat	<i>Myotis sodalis</i>	220-2-.92 (1) (e)
Endangered	Leafy Prairie-clover	<i>Dalea foliosa</i>	
State Protected	Little Brown Bat	<i>Myotis lucifugus</i>	220-2-.92 (1) (e)
Threatened	Lyrate Bladderpod	<i>Paysonia lyrata</i>	
Threatened / State Protected	Orangenacre Mucket	<i>Lampsilis perovalis</i>	220-2-.98 (1) (a)
Endangered / State Protected	Ovate Clubshell	<i>Pleurobema perovatum</i>	220-2-.98 (1) (a)
Threatened / State Protected	Rabbitsfoot	<i>Quadrula cylindrica</i>	220-2-.98 (1) (a)
Endangered / State Protected	Slabside Pearlymussel	<i>Lexingtonia dolabelloides</i>	220-2-.98 (1) (a)
State Protected	Slenderhead Darter	<i>Percina phoxocephala</i>	220-2-.92 (1) (a)
Endangered / State Protected	Snuffbox	<i>Epioblasma triquetra</i>	220-2-.98 (1) (b)
State Protected	Southeastern Five-lined Skink	<i>Plestiodon inexpectatus</i>	220-2-.92 (1) (c)
Endangered / State Protected	Southern Clubshell	<i>Pleurobema decisum</i>	220-2-.98 (1) (a)
Endangered	Tennessee Yellow-eyed Grass	<i>Xyris tennesseensis</i>	
Candidate	White Fringeless Orchid	<i>Platanthera integrilabia</i>	

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. 2013-2014. Alabama Department of Conservation and Natural Resources. See <http://www.outdooralabama.com/watchable-wildlife/regulations/nongame.cfm> for more information.

Notes:

- Birds: The Nongame Species Regulation 220-2-.92 (1)(d) states: All nongame birds are protected under the provisions of this regulation except crows, starlings, blackbirds, English sparrows, Eurasian collared doves, pigeons and other non-native species.
- The Bald Eagle (*Haliaeetus leucocephalus*) has been delisted. This species is still protected by the Nongame Species Regulation and the Migratory Bird Act. This species is distributed statewide, but it is most likely to be observed near large rivers and reservoirs.
- Black Bear (*Ursus americanus* ssp.) may occur statewide.