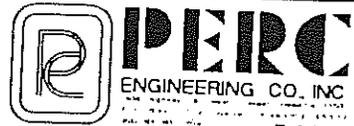


TOWNSHIP 16 SOUTH

Note.

Part of Adamsville, Sylvan Springs, Dora and Brookside, Al. U.S.G.S. Quadrangle maps.

P-3768
 P = Palustrine
 FO = Forested
 I = Broad leaved Deciduous
 A = Temporary



Proposed Pratt Seam
 Underground Mine
 Near Graysville, Alabama

DRAWN BY	DATE
DWG NAME: MRBK1	11-27-96
APPROVED BY	SCALE: 1" = 2000'

12/1/96
 12/27/96

P-3768



STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130

FOB JAMES, JR.
GOVERNOR

JAMES D. MARTIN
COMMISSIONER
BOB MACRORY
ASSISTANT COMMISSIONER

January 14, 1997

Mr. R. Evan Parrish
PERC Engineering Co., Inc.
P. O. Box 1712
Jasper, AL 35502

Re: PERC Engineering Co., Inc.
Pratt Mine (Jefferson County, Alabama)
Alabama Heritage Database Inquiry No. 96-12-04-2

Dear Mr. Parrish:

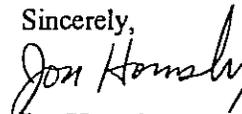
Based on information provided in your letter of December 6, 1996, no wetlands greater than 0.25 acres (if any) are impacted by the project, and no protected species were known to occur in the drainage area where the permit boundaries are indicated based on the now-outdated January 13, 1992 update of the Alabama Heritage Data Base. The Alabama Department of Conservation and Natural Resources has no objection to the above-referenced project provided:

1. That wetland losses associated with this activity be mitigated at a compensation ratio of 2:1 to 10:1, depending on which of the four mitigation options (restoration, creation, enhancement or preservation) the applicant chooses to use. If in-kind creation of new wetlands is used to offset project losses then a mitigation ratio of 3:1 is recommended. The Corps of Engineers advises that all wetlands on mine sites, whether previously disturbed or pristine areas, fall within the category of jurisdictional wetlands; however, dredge and fill activities may be permitted under a nationwide permit in certain of those wetlands.
2. That water quality is not adversely impacted. Adverse water quality impacts include impacts which reduce the density or diversity of aquatic biota in streams or wetlands. Excessive stream sedimentation is a water quality violation resulting in adverse aquatic impacts. The construction of settling ponds on streams is troubling, because the sediment load of the water receiving the runoff from the mine will inevitably be deposited in the streambed between the mine and the settling pond; under these conditions, the stream itself functions as a sediment trap. The result is a severe reduction in aquatic habitat suitability and biotic integrity within the stream. The natural stream habitat may totally be destroyed by excessive sedimentation. Another problem with locating settling ponds on streams is the alteration of natural flows downstream of the pond; during low flow periods, there is often no flow or inadequate flow in the stream downstream of the dam. The 100-foot stream setback and other Surface Mining Commission regulations have frequently proven inadequate to prevent excessive stream sedimentation or other adverse aquatic impacts. Non-point source pollution is the most serious problem facing the streams in Alabama at present, and the cumulative effect of many "minor" impacts is tremendous. The best way to prevent non-point source impacts is to prevent sediment from entering streams in the first place. We therefore recommend that silt barriers be installed and properly maintained along streamside buffer zones, that spoil banks or other slopes be grassed as early as possible (well prior to reclamation), that properly constructed check dams and terraces be installed on

slopes, that the width of the streamside buffer zone be 100 feet, that the buffer zone be well vegetated and that sedimentation ponds not be constructed in stream beds or wetlands.

3. That channel realignment, channel excavation, diversion or alteration of flow, bank destabilization, headcutting, or excessive sedimentation of streams or wetlands do not occur as a result of mining. We recommend that the mine operator should be responsible for restoration or mitigation if such impacts do occur.
4. That no state-protected or federally-listed species is adversely impacted by mining activities.
5. That activities affecting public trust resources (including stream beds of any size) are initiated only upon the issuance of an easement from the State Lands Division, following consultation with the Environmental Coordinator, Department of Conservation and Natural Resources. The address and phone number of the Lands Division are as follows: Department of Conservation and Natural Resources, State Lands Division, 64 N. Union Street, Montgomery, Alabama, 36130 (334-242-3484). The Environmental Coordinator may be reached at: Department of Conservation and Natural Resources, Game and Fish Division, 64 N. Union Street, Montgomery, Alabama 36130 (334-242-3420)

Sincerely,



Jon Hornsby
Environmental Coordinator

cc: Lands Division
U. S. Fish and Wildlife Service

P 3768



REP

P-3768



United States Department of the Interior

FISH AND WILDLIFE SERVICE

2001-A Highway 98
P. O. Drawer 1190
Daphne, Alabama 36526

IN REPLY REFER TO:

R4397061a

December 11, 1996

Mr. R. Evans Parrish
PERC Engineering Co., Inc.
P.O. Box 1712
Jasper, AL 35502

Dear Mr. Parrish:

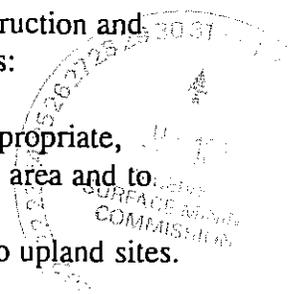
Thank you for your letter, dated September 11, 1996, requesting comments on the proposed Pratt (underground coal) Mine (MR Pratt One, LLC) in Jefferson County, Alabama. We have reviewed the information you enclosed and are providing the following comments in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. et seq.) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

A. Fish and Wildlife Coordination Act

According to the project map, the area of interest is located within the drainage area of Coal Creek and other unnamed tributaries. Our National Wetlands Inventory maps (on microfiche) indicate that palustrine wetlands occur within this drainage system. Precautions should be taken to prevent activities and erosion from entering these wetlands. Significant adverse impacts to fish and wildlife resources could be minimized by containing sedimentation and all other mining generated runoff.

If wetland habitats cannot be avoided, we recommend the area be evaluated by either the U.S. Army Corps of Engineers (COE) or a COE-certified wetland delineator to verify presence/absence of wetlands that would require a Section 404 permit. If a permit is required, a mitigation plan should be developed and submitted to this office. Regardless of whether a permit is needed, the following measures should be incorporated into your project plans and be implemented during construction and maintenance of the proposed project to protect fish and wildlife values:

1. Best Management Practices will be implemented, as appropriate, during mining to reduce potential erosion in the project area and to protect water quality in aquatic habitats.
2. Equipment staging and refueling areas will be limited to upland sites.



3. Stabilization efforts, such as disking and reseedling with native vegetation, will be conducted in disturbed areas outside of the actual mine immediately after construction.
4. Minimize removal of trees and riparian vegetation by maintaining a 100 foot buffer between the wetland areas identifies on the map provided with your letter.
5. Existing hydrology will be maintained or restored at the completion of construction.
6. The pH of all water entering Coal Creek from the mine site should meet state water quality standards.

B. Endangered Species Act

Our records indicate that no endangered, threatened or proposed species, or their critical habitat occur in the project area. Therefore, no further endangered species consultation will be required for this portion of the project unless: 1) the identified action is subsequently modified in a manner that causes an effect on listed species or critical habitat; 2) new information reveals the identified action may affect Federally protected species or critical habitat in a manner or to an extent not previously considered; or 3) a new species is listed or critical habitat is designated under the Endangered Species Act that may be affected by the identified action.

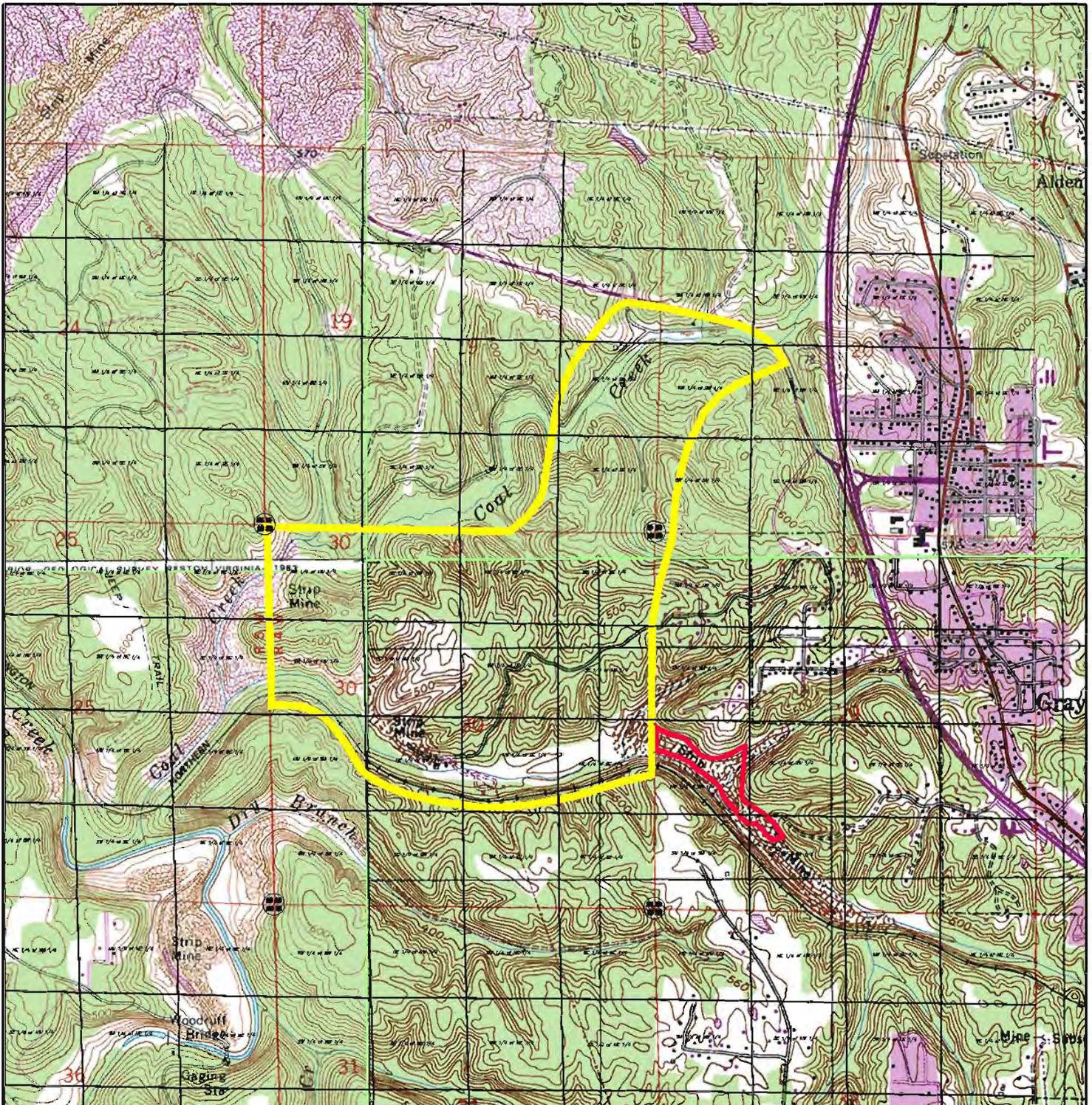
If you have any questions or need additional information, please contact Ms. Kimberly Rawsley at (334) 441-5181, ext. 34.

Sincerely,



E. R. Roach
Acting Field Supervisor





Township 16 South

BASE MAP TAKEN FROM THE ADAMSVILLE, BROOKSIDE, DORA & SYLVAN SPRINGS U.S.G.S. QUADRANGLE.



LEGEND

- Previously Studied Under ASMC Permit P-3876
- Area of Interest



**North Pratt Mining, LLC
Pratt No. 1 Mine
Sections 29 and 30, Township 16 South, Range 4 West
Jefferson County, Alabama**

DRAWN BY: G.O.R.	DATE: 5-9-12
DWG. NAME: NPPMSLM	
APPROVED BY: J.H.F.	SCALE: 1" = 2000'



STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
64 NORTH UNION STREET, SUITE 464
MONTGOMERY, ALABAMA 36130

ROBERT BENTLEY
GOVERNOR

N. GUNTER GUY, JR.
COMMISSIONER

CURTIS JONES
DEPUTY COMMISSIONER

June 19, 2012

PATRICIA J. POWELL, DIRECTOR
GREGORY M. LEIN, ASSISTANT DIRECTOR
STATE LANDS DIVISION

TELEPHONE (334) 242-3484
FAX NO (334) 242-0999

Mr. Heath Franks
PERC Engineering Co., Inc.
P.O. Box 1712
Jasper, AL 35502-1712

RE: Sensitive Species Information request
North Pratt Mining, LLC - Pratt No.1 Mine

Dear Mr. Franks:

The Natural Heritage Section office received your e-mail dated 6/19/2012 addressed to Ashley Peters on 6/19/2012 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 Jefferson 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 Jefferson 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 on the subject site. This federally listed endangered species (Cahaba Shiner) inhabits primarily the main channel of the upper Cahaba River. It is threatened by high nutrient loads from upstream settlements, pollutants from the Birmingham area, siltation and is possibly adversely affected by strip-mining activities and chlorine from sewage treatment facilities.*



Mr. Heath Franks

6/19/2012

Page 2

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

*Paraphrased Information from NatureServe. 2006. NatureServe Explorer: An online encyclopedia of life [web application]. Version 5.0. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: August 18, 2006).

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.

Jefferson

Protection Status	Common Name	Scientific Name	Applicable State Regulation
Candidate	Black Warrior River Waterdog	<i>Necturus alabamensis</i>	
Candidate/ State Protected	Rush Darter	<i>Etheostoma phytophilum</i>	220-2-.92 (1) (a)
Endangered	Leafy Prairie Clover	<i>Dalea foliosa</i>	
Endangered/ State Protected	Cahaba Shiner	<i>Notropis cahabae</i>	220-2-.92 (1) (a)
Endangered/ State Protected	Plicate Rocksnail	<i>Leptoxis plicata</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Southern Clubshell	<i>Pleurobema decium</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Triangular Kidneyshell	<i>Ptychobranhus greenii</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Upland Combshell	<i>Epioblasma metastriata</i>	220-2-.98 (1) (a)
Endangered/ State Protected	Vermilion Darter	<i>Etheostoma chermocki</i>	220-2-.92 (1) (a)
Endangered/ State Protected	Watercress Darter	<i>Etheostoma nuchale</i>	220-2-.92 (1) (a)
State Protected	Cooper's Hawk	<i>Accipiter cooperi</i>	220-2-.92 (1) (d)
Threatened/ State Protected	Blue Shiner	<i>Cyprinella caerulea</i>	220-2-.92 (1) (a)
Threatened/ State Protected	Finelined Pocketbook	<i>Hamiota altilis</i>	220-2-.98 (1) (a)
Threatened/ State Protected	Flattened Musk Turtle	<i>Sternotherus depressus</i>	Section 9-11-269
Threatened/ State Protected	Goldline Darter	<i>Percina aurolineata</i>	220-2-.92 (1) (a)
Threatened/ State Protected	Orangenacre Mucket	<i>Hamiota perovalis</i>	220-2-.98 (1) (a)

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. 2009-2010. Alabama Department of Conservation and Natural Resources. See <http://www.outdooralabama.com/hunting/regulations/regs.cfm> for more information.

Notes:

- Bald eagle (*Haliaeetus leucocephalus*), red-cockaded woodpecker (*Picoides borealis*) and the American peregrine falcon (*Falco peregrinus anatum*) may occur in any county, if habitat exists.
- Wood stork: July - October
- Bald eagle (*Haliaeetus leucocephalus*) has been delisted. This species is still protected by the non-game species regulation and the migratory bird act. This species distribution is statewide but it is most likely to be observed near large rivers and reservoirs.
- Sea turtles: Only loggerhead is potential nester, the rest are in coastal waters.
- Black bear (*Ursus americanus* sp.) - known to exist in Mobile County, but not listed.
- Gulf moccasinshell (*Mediondus penicillatus*), oval pigtoe (*Pleurobema pyriforme*), Chipola slabshell (*El liptio chipolaensis*), and purple bankclimber (*Elliptoideus sloatianus*) are freshwater mussels of the family Unionidae found only in eastern Gulf Slope streams draining the Apalachicola Region, defined as streams from the Escambia to the Suwannee river systems, and occurring in southeast Alabama, southwest Georgia, and north Florida. All are listed as "Endangered".
- Fanshell (*Cyprogenia stegaria*), oyster mussel (*Epioblasma capsaeformis*), and Catspaw (purple cat's paw pearlymussel) (*Epioblasma obliquata obliquata*) are historically known to be found in the Tennessee River system and drainage.
- Gentian pinkroot (*Spigelia gentianoides*) has been historically found along the Alabama-Florida border.
- West Indian Manatee (*Trichechus manatus*) has been known to move north along the gulf coast west to Louisiana.



Telephone: (205) 384-5553
Facsimile: (205) 295-3114 - Main Building
(205) 295-3115 - Water Lab
Web Address: www.percengineering.com

2012-TA-0515 June 19, 2012



Mr. Bill Pearson
Fish and Wildlife Services
Daphne ES Field Office
1208-B Main Street
Daphne, Alabama 36526

RE: North Pratt Mining, LLC
Pratt No. 1 Mine

Post-it® Fax Note 7671		Date 6-27-2012	# of pages 4
To Heath Franks	From USFWS		
Co./Dept.	Co.		
Phone #	Phone #		
Fax # 205-295-3114	Fax #		

Dear Mr. Pearson:

Attached please find a request for the identification of areas of special concern and mapping showing the proposed permit area for the above referenced disturbance for an underground coal mining operation with surface projects. These areas are identified on the attached maps as the "Area of Interest". Please process at your earliest convenience. Your prompt consideration will be most appreciated.

If you require additional information, please feel free to call at (205) 295-3112 or email at hfranks@percengineering.com.

Sincerely,
PERC Engineering Co., Inc.

Heath Franks
Environmental Scientist



U.S. Fish and Wildlife Service
1208-B - Daphne, Alabama 36526
Phone: 251-441-5181 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, Field Supervisor Date 6-27-2012 # 4