

FINAL FINDINGS OF FACT AND DECISION
Renewal of Surface Coal Mining Permit 02-83-796, and S-0602-A

The Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water - Mining Section (DMLW-Mining) has reviewed the Gold Run Pass renewal application, submitted by Usibelli Coal Mine, Inc. (UCM), PO Box 1000, Healy, AK 99743. The DMLW-Mining has reviewed the request, all written comments and other relevant information received regarding the renewal and makes the following Final Findings of Fact and Decision in accordance with the Alaska Surface Coal Mining Control and Reclamation Act (ASCMCRA), found at AS 27.21, and the implementing regulations found at 11 AAC 90.

1. A request to renew Surface Coal Mining Permits 02-83-796, and S-0602-A was filed with the Division of Mining, Land and Water on April 2, 2014. This request was received more than the 120 days before the expiration of the permit (September 27, 2015) as required by AS 27.21.080(d) and 11 AAC 90.129(b). Under AS 27.21.080(a), A Surface Coal Mining Permit has the right of successive renewal for areas within the previously approved permit boundary.
2. The Gold Run Pass Mine permitted area consists of a 519-acre mine site and is located approximately twelve miles northeast of Healy, Alaska. The proposed mining activities are within Sections 34-35, Township 11 South, Range 6 West, of the Fairbanks Meridian. Land affected by this proposed renewal is owned by the State of Alaska.
3. The renewal request contains all the information required and is sufficient for this office to make a decision. The application meets the requirements of the Alaska Surface Coal Mining Program (AS 27.21 and 11 AAC 90.111 – 11 AAC 90.133).
4. This renewal request is for an additional five-year term and includes the permit areas previously approved in the existing permits. No revisions have been requested as part of this permit renewal. The originally approved permit meets the requirements of AS 27.21 and 11 AAC 90 subject to the stipulations of the original permits, which are revised to ensure that the surface coal mining and reclamation operations comply with these requirements.
5. Public notice of the complete renewal application was given for the period starting on July 8, 2015 and ending on August 28, 2015. Legal ads were placed in the Fairbanks News Miner and the Alaska Dispatch News on July 8, 2015 and were noticed for once a week, for four consecutive weeks. In addition, the Public Notice was posted on the DNR Public Notice website and in the Healy, Alaska Post Office.
6. During the public notice of the Preliminary Findings of Fact, no comments were received regarding the proposed renewal.
7. Any changes to the approved activities will require approval and modification of the posted reclamation bond.

8. The permit areas have not changed and are not within an area designated unsuitable for mining under AS 27.21.260.
9. The proposed surface coal mining reclamation and operation plan will not affect known threatened or endangered species or their critical habitat.
10. This renewal does not change the scope or the environmental impacts of the project. The activities proposed in the renewal do not differ from the originally approved permits and meet the requirements of AS 27.21 and 11 AAC 90, which ensure that the surface coal mining reclamation and operation plan comply with these requirements.
11. Pursuant to 11 AAC 90.205(d) the DMLW-Mining has determined that a reclamation bond in the amount of \$754,662 is sufficient to guarantee the present obligations under these permits. The bond is conditioned upon the completion of the required reclamation and compliance with all terms, stipulations, and conditions of the original permits and this renewal.
12. The application for renewal meets the criteria of AS 27.21.180 and it is the decision of DMLW-Mining to renew Surface Coal Mining Permits 02-83-796, and S-0602-A.
13. Prior to requesting renewal parts of the application were in the process of being revised under 11 AAC 90.129 and 11 AAC 90.133 with updated information to insure that the application continues to contain the information required by 11 AAC 90.021 – 90.065. These revisions are outstanding and being adjudicated under a separate review cycle as the renewal application.
14. Public notice of this final decision for renewal of the Gold Run Pass Mine will be given for the period starting on September 2, 2016, and ending on October 3, 2016. A Legal ad will be placed in the Fairbanks News Miner on September 2, 2016. On September 2, 2016, the notice of the decision will be distributed simultaneously to each person who filed a written comment, DMLW's list of affected persons, state and federal agencies, appropriate local government agencies and placed on the State of Alaska Public Notice Website and the DMLW Mining Resources Website.

Copies of the Preliminary Findings of Fact, the Final Findings of Fact and Decision, are available for review at the Alaska Department of Natural Resources, Division of Mining, Land and Water, 550 W. 7th Ave., Suite 920, Anchorage, AK 99501-3577, or on our website (www.dnr.state.ak.us/mlw/mining/index.htm).


Russell Kirkham, Manager,
Coal Regulatory Program

September 1, 2016
Date

The applicant, or a person with an interest, which is or may be adversely affected by this decision may request in writing a hearing under AS 27.21.150 to review the reasons for this decision. **Any request for a hearing must be received within 30 calendar days after the date of publication of this decision.** The request for a hearing may be mailed or delivered to Andrew T. Mack, Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, AK 99501; faxed to 907.269.8918; or sent by electronic mail to dnr.appeals@alaska.gov.