

## **PRELIMINARY FINDINGS OF FACT**

### **Renewal of Surface Coal Mining Permits**

#### **Wishbone Hill Mine, Permit Numbers 01-89-796 & 02-89-796**

The Division of Mining, Land, and Water has reviewed the permit renewal request for the Wishbone Hill Mine, Permit Numbers 01-89-796 and 02-89-796, submitted by Usibelli Coal Mine, Inc., PO Box 1000, Healy, AK 99743. The Division has reviewed the request, and other relevant information received regarding the renewal and makes the following Preliminary Findings of Fact in accordance with AS 27.21 and 11 AAC 90.

1. A request to renew Surface Coal Mining Permits 01-89-796 and 02-89-796 was filed with the Division of Mining, Land and Water on May 9, 2011. Renewal of the permits has been requested in accordance with AS 27.21.080(d) and 11 AAC 90.129(b). Under AS 27.21.080, Surface Coal Mining Permits 01-89-796 and 02-89-796 have the right of successive renewal for areas within the permit boundary.
2. The Wishbone Hill Mine permit consist of a 1,351-acre project area located on State, Mental Health Trust, and Private Land and approximately five (5) miles west of Sutton, Alaska, near the Buffalo/Soapstone Community. The mine is located in Sections 22, 23, 26, 27, 28, 34, 35, and 36, Township19 North, Range 2 East, and Section 1, Township18 North, Range 2 East, of the Seward Meridian. The permit area can be found on the Anchorage C-5 quadrangle map.
3. The renewal request is complete contains all the information required by 11 AAC 90 and is sufficient for this office to make a decision.
4. This renewal request is for an additional five-year term and includes the permit areas previously approved in the existing permits. No additional mining areas or revisions to the existing boundaries are proposed. Parts of the permit application have been revised to provide current information as required by 11 AAC 90.021 through 11 AAC 90.065. No changes or modifications to the operation or reclamation plan are being proposed.
5. Initial surface coal mining operations under the permit occurred in June of 2010. At the request of Usibelli Coal Mine, all operations except for maintenance and monitoring have been under temporary cessation under 11 AAC 90.471 since September 24, 2013.
6. The originally approved permits meet 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 will comply with these requirements.
7. Public notice of this permit renewal application was given for the period starting on February 14, 2020 and scheduled to end on April 6, 2020. Legal ads were placed in the Anchorage Daily News on February 14, 2020 and will be noticed for four consecutive weeks. On February 14, 2020, notice was mailed directly to the Division's mailing list of affected persons and agencies.
8. 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 subject to the stipulations of the original permits, which ensure that the surface coal mining reclamation and operation plan comply with these requirements.

9. Pursuant to 11 AAC 90.205(d) the Division has determined that reclamation bond in the amount of \$7,707,780 is sufficient to guarantee the present obligations under the surface mining 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.

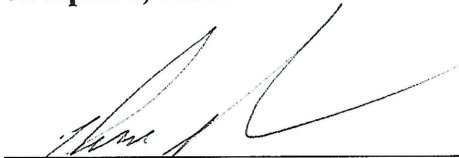
10. Any changes to the approved activities will require approval and modification of the posted reclamation bond.

11. The permit areas have not changed and are not within an area designated unsuitable for mining, under AS 27.21.260.

12. The proposed surface coal mining reclamation and operation plan will not affect known threatened or endangered species, or their critical habitat.

Copies of the application and preliminary decision are available for review at the Alaska Department of Natural Resources, Division of Mining, Land and Water, 550 W. 7<sup>th</sup> Ave., Suite 920, Anchorage, AK 99501-3577 or on our website at ([www.dnr.state.ak.us/mlw/mining/index.htm](http://www.dnr.state.ak.us/mlw/mining/index.htm)).

A person who is or may be adversely affected by the renewal of this permit may file written comments or objections and may include with an objection a request for an informal conference (AS 27.21.140). Written comments should be addressed to Russell Kirkham, Division of Mining, Land and Water, 550 West 7th Avenue, Suite 920, Anchorage, AK 99501-3577, or by e-mail to [coalprogram@alaska.gov](mailto:coalprogram@alaska.gov) with the subject, "Wishbone Hill Mine Permit Renewal". **The deadline for written comments is 5:00 PM on April 6, 2020.**

  
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Russell Kirkham – Manager, Coal Regulatory Program  
Division of Mining, Land and Water

  
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Date