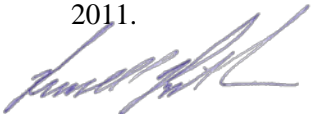


**PRELIMINARY FINDINGS OF FACT AND DECISION**  
Renewal of Surface Coal Mining Permits  
Wishbone Hill Mine, Permit Numbers 01-89-796 & 02-89-796

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 and Decision 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 renewal request contains all the information required by 11 AAC 90, and is sufficient for this office to make a decision.
3. 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.
4. 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.
5. Public notice of this permit renewal application was given for the period starting on August 24, 2011, and ending on October 14, 2011. Legal ads were placed in the Anchorage Daily News on August 24, 2011 and will be noticed for four consecutive weeks. On August 24, 2011, notice was mailed directly to the Division's mailing list of affected persons and agencies.
6. 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.
7. 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.

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. The applicant meets the criteria of AS 27.21.180 and the renewal of the surface coal mining permits 01-89-796 and 02-89-796 can be approved. The conditions and stipulations of this renewal include those for the original permit.
11. 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 900D, 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)). Comments regarding this permit should be sent to Russell Kirkham at the address listed above, by fax at (907) 269-8930, or by e-mail at [russell.kirkham@alaska.gov](mailto:russell.kirkham@alaska.gov). The deadline for comments is 5:00 P.M., October 14, 2011.



August 24, 2011

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

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Date