

FINAL FINDINGS OF FACTS AND DECISION
Renewal of Surface Coal Mining Permit S-0604

The Alaska Department of Natural Resources, Division of Mining, Land and Water, Mining Section (DMLW-Mining) has reviewed the permit renewal request for the Rosalie Mine Permit, S-0604, submitted by Usibelli Coal Mine, Inc. (UCM), PO Box 1000, Healy, AK 99743. 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 the Surface Coal Mining Permit Number S-0604 was filed with the Division of Mining, Land and Water on April 8, 2024. Renewal of the permits has been requested in accordance with AS 27.21.080(d) and 11 AAC 90.129(b).
2. DNR found the renewal application to be consistent with AS 27.21 and 11 AAC 90 and makes the following Final Findings of Fact and Decision.
3. The Rosalie Mine Permit area includes 837 acres, located approximately seven miles east of Healy, Alaska. The proposed mining activities are within: Sections 17-20, Township 12 South, Range 6 West, and Sections 21-24, 26 and 27, Township 12 South, Range 7 West, of the Fairbanks Meridian. The area can be found on the Healy D-4 quad map.
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 a part of this permit renewal. The originally approved permits meet the requirement 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. During the permit term, parts of the permit application have been revised to provide current information as required by 11 AAC 90.021 through 11 AAC 90.101.
5. 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.
6. Public notice of this Permit Renewal Application was given in accordance with 11 AAC 90.907 to parties known or likely to be affected by this decision. Public notice of the complete renewal application was given for the period starting on September 20, 2024, and ending November 11, 2024. Legal ads were placed in the Fairbanks Daily News Miner on September 20, 2024. Also, on September 20, 2024, notice was mailed directly to the Division's mailing list of affected persons and agencies posted in the Healy, Alaska Post Office.
7. During the public notice of the Preliminary Findings of Fact comment period, the DMLW-Mining received one comment (e-mail) from the US Fish and Wildlife Service regarding the proposed renewal. This comment was a resubmittal of the Service's February 23, 2018,

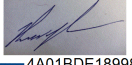
comment letter to the U.S. Army Corps of Engineers for POA-2014-375 requesting conditions be added to the Corps authorization. Conditions 2-4 from the Service's letter were added to the U.S. Army Corps of Engineers permit. Conditions 2 and 3 in POA-2014-375 will be added as a special stipulation in DMLW-Mining permit renewal . Performance standards found in 11 AAC 90 deal with the protection of the hydrologic balance and the introduction invasive species and will not be added a separate stipulation in the permit renewal.

8. Pursuant to 11 AAC 90.129(4) and 11 AAC 90.201(a) the Department has determined that an initial Phase 0 incremental bond in the amount of \$ 61,276.00 for the reclamation of the haul road and a Phase 1 total mining bond in the amount of \$850,090.00 to cover reclamation cost for the remainder of the first permit term are sufficient to guarantee the present obligations under this permit. 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.
9. 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 permit 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.
10. The permit areas have not changed and are not within an area designated unsuitable for mining under AS 27.21.260.
11. The proposed surface coal mining reclamation and operation plan will not affect known threatened or endangered species or their critical habitat.
12. The applicant meets the criteria of AS 27.21.180 and the renewal of the surface coal mining permit S-0604 can be approved. The conditions and stipulations of this renewal include those for the original permit.
13. Public notice of this final decision for renewal of the Rosalie will be given for the period starting on November 20, 2024, and ending on December 21, 2024. A Legal ad will be placed in the Fairbanks Daily News Miner on November 20, 2024. On November 20, 2024, the notice of the decision will be distributed to DMLW's list of affected persons, state and federal agencies, local government agencies, posted on the State public notice site and in the Healy, Alaska Post Office.

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 (<https://aws.state.ak.us/OnlinePublicNotices/>).

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 (request must be received by December 21, 2024).** The request for a hearing may be mailed or delivered to 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.

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Russell Kirkham, CPG
Coal Program Manager

11/19/2024

Date