

**Appendix A: Department of Natural Resources (DNR) Responses to Public
Comments Concerning
The Jumbo Dome Mine Permit application**

Following are the responses to the comments received from the public by in writing a during the public comment period (November 11, 2011 to January 13, 2012).

The DNR received a total of 11 comment submittals (letters, comment forms, e-mails and other transcripts) containing 30 individual comments.

Of the 11 comments submitted, one comment came from a private individual, six were from non-government organizations, and four were from state and local government agencies. There were no comments from federal agencies. The table below breaks down comments based where the comments originated.

General Area*	0
Mat-Su Area	0
Fairbanks-Healy	0
Kenai	0
Statewide	1
Out of State	0
Non-Government Organizations	6
Community and Tribal Councils	0
Borough Government	1
State Agencies	3
Federal Agencies	0
Total	11

Responses to Comments:

Public Notice Information

Comment (C): DNR must evaluate whether the Jumbo Dome Surface Coal Mine would be in the public’s best Interest before any development can occur.

Response (R): *Best Interest Determinations pursuant AS 38.05.035(e) states: “the director need only prepare a single written finding.”* This statute is based on Oil and Gas Leasing for the State. The document, which applies to coal mines, is the Alaska Surface Coal Mining and Reclamation Act (ASMCRA). In accordance with 11 AAC 90.907(h) “The Commissioner will review a complete application, petition, notice or request, all written comments, and the record of any informal

conference before making a decision. The decision will be written and will contain findings of fact and the determination of any issues presented. A decision will be distributed simultaneously to the person requesting the action, each person who filed a written comment, each party to any informal conference, and appropriate local government officials.

Please refer to the Decision and Findings of Compliance dated February 7, 2012, for DNR's evaluation of the public's interest in regard to Jumbo Dome Mine.

Comment (C): The Permit Application appears to improperly limit the analysis of impacts and plan of operations to only the first five years of the proposed 30-year mine.

Response (R): Please refer to section 3.2 Mining Techniques, of the Decision and Findings of Compliance document, which states, "that the basic mining and reclamation methods described...will be utilized throughout the life of the Jumbo Dome mining operations; however, detailed pit layouts, backfill plans, and mining and reclamation sequencing have only been completed for the current term. Future mining blocks and disturbance areas have been identified and conceptual plans developed to determine the overall life-of mine material balance and post-mining configuration. Detailed planning, pit, and reclamation sequencing will be completed for future mining areas prior to permit term during which these areas will be mined." The Cumulative Hydrologic Impact Analysis found in section 4.6.8 deals with the potential impacts to the hydrologic balance and addresses the ways that these impacts will be minimized.

Comment (C): The proposed Plan of Operation fails to ensure compliance with ASCMCRA's contemporaneous reclamation requirements.

Response (R): 11 AAC 90.441(1) requires that rough backfilling and grading must follow coal removal by not more than 60 days or 1,500 linear feet. UCM's applications states that backfilling will follow coal removal by **no more than 600 feet**. This is more conservative than the ASMCRA requirement and will meet or exceed the contemporaneous reclamation requirements for contour mining.

Please also refer to section 3.3, Approximate Original Contour and Excess Spoil, of the Decision and Findings of Compliance document, which describes the post-mining topography design, the approximate final reclamation contours, the post-mining drainage control plan, and cross-sections of pre-mining and post-mining topography. "The two-dimensional model, Slide 6.0 modeling, was performed for the proposed 4H:1V out-of-pit spoil pile. These results for the proposed 4H:1V configuration meet the ASMRCA requirements for long-term stability of an out-of-pit spoils pile (minimum factor of safety of 1.5) and were shown to be compatible with the natural surroundings and is suitable for the post-mining land use." The area shown on Plate D2-3 is land in which final grading, topsoil replacement and initial seeding will be completed. The remainder of the area will include land that has been rough graded or has had final grading.

Comment (C): The Bond must be determined prior to permit issuance

Response (R): Part D. Section 10.0 of the Original permit application detailed the proposed reclamation bonding assumptions and calculations submitted by UCM during the first five year permit term, for early closure at the end of year 5. Also included in section 4.4.7 Bonding, of the Decision and Findings of Compliance Document are two tables, which list a complete Summary of Jumbo

Dome Reclamation Bond Costs for Pond Construction and A Summary of UCM's Reclamation Bond Calculation.

After reviewing the proposed bond to this permit, the Division determined that the proposed bond amount is sufficient to conduct the required reclamation for disturbance during the 5 year term of the Jumbo Dome Mine. In accordance with AS 27.21.160 and 11 AAC 90.120 (a), before a permit, major revision, or renewal may be issued, the applicant shall file a surety, collateral, escrow account bond, or a combination of these bonds.

Comment (C): DNR must require Usibelli to further refine the blasting plan prior to issuing a mining permit to allow the public to meaningfully comment.

Response (R): Part D, Section 4.4 of the permit application outlines the basic Blasting Schedule and Public Notice information. The Decision and Findings of Compliance Document, Section 3.2 Mining Techniques explains, "Blasting will be used for both loosening and casting overburden, and for fracturing of coal. Blasting will occur at any time between 6:00 a.m. and 9:00 p.m. or during daylight hours, whichever is greater. The proper officials of local governments and public utilities will be verbally notified of unscheduled blasts prior to executing the blasts." Further precautions for blasting in regard to protection of fish are in place due to the Office of Surface Mine setback requirements, which are more stringent than the Alaska Department of Fish and Game (ADFG) requirements and therefore will meet or exceed any or all ADFG requirements for fish protection.

Section 4.4.2 Blasting Plan, of the Decision and Findings of Compliance Document outlines the stipulations and regulations that must be adhered to in order for UCM to be in compliance with their blasting plan.

Comment (C): The proposed plan of operations fails to ensure compliance with the Clean Air Act and ASCMCRA.

Response (R): 11 AAC 90.079 Air Pollution Control Plan requires each application to include an air pollution control plan showing how all surface areas will be stabilized and protected to comply with applicable federal and state air quality regulations. A review of the EPA website in January of 2012 shows no public record of air quality violations for UCM at any of their mine locations in Healy. An Air pollution Control Plan is included with UCM's permit application in Chapter D, Section 13.0, which complies with 11 AAC 90.079 and 11 AAC 90.421.

AECOM together with UCM reviewed the requirements for air permitting for new sources and has concluded that a construction permit for this new operation is not required under Alaska Regulations (18 AAC 50.502). This Conclusion is based on the following factors that relate to the new operation.

1. The proposed operation includes only mining, loading and storage operations. There are no operations that meet the definition of a coal preparation plant (breaking, crushing, screening, wet or dry cleaning, or thermal drying). See also 40 CFR 60 Subpart Y (60.251(a)).
2. Therefore a permit is not required under 18 AAC 50.502(b).
3. The proposed operations will emit only fugitive dust from coal handling, overburden removal, and from any stockpiles that apply to the site.
4. Fugitive emissions are not included in determining permit applicability for a new source that is not a "listed source" in accord with 18 AAC 50.306, which adopts the federal regulation 40 CFR 52.21. The federal rule excludes fugitive emissions from determining applicability for PSD

permitting for sources that are not one of the 28 listed source groups in the federal rule. The proposed operation is not one of those source groups.

5. Under 18 AAC 50.502(e), the regulation specifically spells out the inclusion of fugitive emissions for modifications to major sources for actual emissions and net emission increases (18 AAC 50.502(c)(B)). The rule is silent on the inclusion of fugitive emissions for new sources 18 AAC 50.502(c)(3)(A). We conclude that since the rule did not specifically state the applicability of fugitive emissions to new non-listed minor sources, that fugitive emissions are not included in determining minor source applicability, in accord with the federal rule.
6. There are no direct stationary sources at the proposed operation; therefore there are no sources or potential emissions to evaluate the applicability using thresholds under 18 AAC 50.502(c)(A). If in the future UCM determines a stationary source is necessary to facilitate mining operations, UCM will obtain the proper air permits.
7. Mobile source emissions are not included in determining permit applicability for stationary sources.
8. Since the facility is not a coal preparation plant, has no stationary emitting sources, does not trigger an applicable New Source Performance Standard, and does not have units that have potential emissions above the thresholds established in 18 AAC 502(c)(A), no minor source permit is required under 18 AAC 50.502.

Comment (C): Usibelli failed to include in its Permit Application a description of all violations of environmental laws over the past three years and has a poor track record of complying with applicable laws and regulations.

Response (R): Usibelli's Permit Application Section 2.0 Compliance Information has been updated to list, "Violations received by UCM in connection with its existing surface coal mining operation during the past three years..." as required by AS 27.21.180(e) and 11 AAC90.023(f)(3). These occurrences have been documented, and are a matter of public record. Usibelli has made amends or otherwise rectified issued violations in accordance with the Articles laid out in 11 AAC 90.601-641. These efforts have been documented by DNR Inspectors, and are also a matter of public record. There are currently no outstanding violations issued under the 11 AAC 90. Any violations pertaining to the Federal Mine Safety and Health Act fall outside of the jurisdiction of both the Alaska Statutes and the Surface Coal Mining Program and will need to be addressed through the proper channels.

Comment (C): The permit application does not ensure compliance with ASCMCRA's performance standards for groundwater and surface water quality.

Response (R): In accordance with 11 AAC 90.047 a ground water description is included in the permit application in Part C, Chapter IV and VI. A Ground water description is also included in section 2.7 of the Decision and Findings of Compliance Document. Please refer to section 4.6.7 Hydrologic Concerns of the Decision document for Surface water and Groundwater Quality Information. "The hydrologic concerns for surface water quality are changes in surface water dissolved solid content and specific ionic concentrations. There is a potential to see increases in total dissolved solids ranging from 20 to 1,200 milligrams per liter (mg/L) in area surface waters due to exposure, weathering, and leaching of overburden and interburden materials in the backfilled areas. Another concern is possible temporary changes in total suspended sediment concentrations because of increased runoff and erosion potential associated with exposed and unvegetated topsoil, overburden, and interburden sedimentary rock ... The hydrologic concerns for ground water quality are an increase in the total dissolved solids and changes in the chemical composition of the ground water ... Existing

water quality data from the Marguerite Creek watershed indicate that surface waters are of high quality and generally meet State and Federal standard for water quality. Seven metals had at least one sample that had concentrations higher than the Alaska Water Quality Standards ... Surface water quality from runoff should not be affected since runoff from the disturbed areas will be completely retained within the disturbance area and not discharged to the existing surface water ... Water quality of ground water in the permit area is generally not elevated above, and for the most constituents, meets state and federal water quality standards with exceedances in iron, Manganese, and Copper ... Cumulative impacts to ground water quality are not expected to be significant because the affected area is small relative to the total size of the drainage, no historic or present mining has occurred, and there are no present or anticipated users of ground water within the unnamed drainage.”

Comment (C): Usibelli should obtain an APDES permit prior to commencing mining to cover anticipated point source discharges to surface waters

Response (R): Under the current operations and reclamation plans there is no direct discharge to Marguerite Creek requiring an APDES permit. Section 5.2 Stipulations, of the Decision and Findings of Compliance document, “3. APDES PERMIT. Water may not be directly discharged from ponds JD-1, JD-2, JD-3 and JD-4 into Marguerite Creek unless an APDES permit is issued from the Alaska Department of Environmental Conservation.”

Comment (C): The surface and groundwater monitoring plans are insufficient to ensure compliance with ASCMCRA’s performance standards.

Response (R): In UCM’s permit application Part D, Section 12.9 and Part D, Section 12.10, a monitoring plan was proposed for surface and ground water quality and quantity. As stated in Section 4.6.10 Monitoring of Surface of Groundwater Quality and Quantity, of the Decision and Findings of Compliance Document, “The division finds that the location for surface and groundwater monitoring is adequate to monitor potential impacts to the hydrologic balance. The division also found that the proposed monitoring frequency is not adequate to detect changes to the hydrologic balance in a timely fashion. The permit will stipulate changes to the monitoring frequency for surface and groundwater. Monitoring for surface water quality and quantity will be monitored on at least a bi-monthly interval (every other month). Monitoring locations for groundwater quality will be sampled annually along with the water level measurements. As part of the inspection process, the Division may conduct additional monitoring at these locations and other locations at their discretion.”

Comment (C): The plan of operations does not adequately protect the hydrologic balance of either the permit area or adjacent areas.

Response (R): The probable hydrological consequences are described in Part D, Section 12.13, Hydrologic Consequences of the Operation of the permit application. Section 4.6.3, Probable Hydrologic Consequences, of the Decision and Findings of Compliance Document provides a summary of hydrological consequences also. It states, “Ground water recharge after mining will be at least equal to that which existed prior to mining.”

No toxic or acid forming stratum have been identified thus both surface and ground water integrity should be maintained. No significant long-term adverse effects on the hydrologic regime should occur from the proposed mine development.”

Comment (C): The permit application fails to ensure compliance with ASCMCRA’s performance standards for fish and wildlife.

Response (R): Please refer to the Decision and Findings of Compliance Document, Section 2.9, Fish and Wildlife and Section 4.5 Fish and Wildlife, Section 4.5.1 Wildlife Resources, and Section 4.5.2 Fisheries Resources, for information and findings related to UCM compliance ASMCRA regulations as well as ADFG requirements when applicable.

Comment (C): The description of mining method included in section 2.2 is inadequate.

Response (R): Section 4.4 Mine Engineering, 4.4.1, Mining Plan, of the Decision and Findings of Compliance Document, lists the major equipment in compliance with 11 AAC 90.071 (1) and the expected use of each type of equipment. This information is adequate for the division to evaluate the mining and reclamation plan and determine the associated impacts.

Comment (C): The reference in section 2.3 to “appropriate” storm water management practices is overly vague and provides no indication of what methods the applicant intends to utilize.

Response (R): Section 4.6.8, Surface Water Quantity in the Decision and Findings of Compliance document describes the design for the storm water, which will be directed into one of four sediment ponds that are designed in accordance within the volume and capacity standards outlined in 11 AAC 90.331. “These calculations are conservative and the actual volume that can be stored in the pit is larger than the 100 year six hour precipitation event. Runoff from larger events will be diverted to the active mine pit.” An additional site is proposed for land application if it is needed to deal with storm water as well. “Given these values the expected impact on surface water quantity during mining should be minimal.” Best management practices are common methods that have proven effective in controlling sediment runoff from storm event. These practices include but are not limited to silt fences, hay bales, straw waddles, and vegetative berms.

Comment (C): Section 2.4 and 3.1 refer to topsoil that is not “operationally salvageable.” These sections do not provide any explanation of what is meant by “operationally salvageable,” nor do they explain what factors make the topsoil not operationally salvageable. Usibelli may not avoid the expense of proper topsoil removal and storage based on the unsubstantiated application of an unexplained standard like this.

Response (R): Topsoil will be removed in accordance with 11 AAC 90.311, which states, “Topsoil must be removed and conserved in a separate layer from the areas to be disturbed unless use of topsoil substitutes or supplements is approved by the commissioner.” The standard criteria will be followed by the operator for determining if topsoil is salvageable or not. If salvageable topsoil is encountered, it will be salvaged in accordance with permit conditions.

Comment (C): Section 3.4 indicated that only 75% of the maximum recoverable topsoil will actually be recovered. Usibelli does not provide an adequate explanation for why only 75% of the topsoil will be recovered, or a description of the effect this will have on the success of reclamation.

Response (R): Topsoil Redistribution 11 AAC 90.315, (a) After final grading and before the replacement of topsoil and other segregated materials, the regraded land must be treated to eliminate slippage surfaces and to promote root penetration. If the operator shows, and the commissioner approves, that no harm will be caused to the topsoil and vegetation, treatment may be conducted after topsoil is replaced.

(b) Topsoil and other materials must be redistributed in a manner that

(1) achieves an approximate uniform, stable thickness consistent with the approved post-mining land uses, contours, and surface water drainage systems;

(2) prevents unnecessary compaction of the material; and

(3) protects the material from wind and water erosion before and after it is seeded and planted

Section 3.4, Topsoil Salvage and Replacement explains, “The 75 percent estimate accounts for potential loss of topsoil during transport and the potential for less than the anticipated amount of topsoil being salvaged at certain location. This estimated salvage rate is considered to provide a minimum topsoil thickness of 12 inches, which can be redistributed throughout the reclaimed areas to achieve approximate uniform stable thickness consistent with approved post-mining land uses, in accordance with 11 AAC 90.315.”

Comment (C): The topsoil in the area appears to be fragile, making the proposed “salvage” operations and equipment inappropriate.

Response (R): UCM’s permit application Chapter X, Soil Resources states, “These materials are not highly weathered and do not have properties adversary to plant growth...Based on test plots conducted at nearby Two Bull area that shares similar lithology, Helm (1996), has proved that the native soils in the area are suitable for revegetation.”

Please refer to section 3.4 Top Soil Salvage and Replacement, of the Decision and Findings of Compliance document.

Section 3.4, Topsoil Salvage and Replacement explains, “The 75 percent estimate accounts for potential loss of topsoil during transport and the potential for less than the anticipated amount of topsoil being salvaged at certain location. This estimated salvage rate is considered to provide a minimum topsoil thickness of 12 inches, which can be redistributed throughout the reclaimed areas to achieve approximate uniform stable thickness consistent with approved post-mining land uses, in accordance with 11 AAC 90.315.”

Comment (C): The overburden and interburden analysis must consider selenium as a potential toxic material.

Response (R): Please refer to Section 4.7 Soils, Over Burden, and Vegetation, and Section 4.7.1 Overburden Chemistry of the Decision and Findings of Compliance Document for more information regarding this comment. “The geology of the permit area was described down to and including the stratum immediately below the lowest coal seam to be mined. Logical overburden units were defined and characterized based upon the anticipated mining operation plans. Each unit was screened based upon its geochemical characteristics. The purpose was to assess each unit for its acid and/or toxic forming materials and its suitability for reclamation.” Looking at water quality data from discharges from mining in the same formation as being proposed at Jumbo dome, there has not been an increase in selenium from the backfilled coal mine areas at Two Bull Ridge and Poker Flats. This leads the

Division to find that the selenium in overburden/interburden from Jumbo Dome does not contribute to it being a toxic forming material.

Comment (C): Permit application uses conditional language...for example, Usibelli should not perform *any* tree removal during the migratory bird nesting period, rather than complying with this prohibition only when “practicable.” Commenter’s have similar concerns with equivocal language used in section 7.2 regarding road maintenance operations.

Response (R): Please refer to the Decision and Findings of Compliance Document, Section 4.5 Fish and Wildlife, Section 4.5.1 Wildlife Resources, and Section 4.5.2 Fisheries Resources, for information and findings related to UCM compliance with ASMCRA regulations as well as ADFG recommendation when applicable.

Comment (C): A sentence in section 5.4.2 reads, “The fill area of the Out-of-Pit Spoil Pile will be as free as possible of standing water.” Comments request that the Division require the removal of all standing water from the foundation area of the Out-of Pit Spoil Pile prior to commencement of construction of the foundation.

Response (R): As noted in the Decision and Findings of Compliance Document Section 4.4.3, Disposal of Excess Spoils, Permanent Out-of-Pit-Spoil Pile, which states, “If seeps are encountered a French drain will be installed under the pile to keep any water from coming in contact with the spoils pile. Spoil placement will then begin with a truck/shovel method. After placement, the spoil will be regraded, topsoil replaced, and revegetation initiated to complete dump construction” Section 4.4.3, also states, “Construction of the lower spoil pile lifts over a free-draining material will enhance the ability of the pile to efficiently transfer subsurface water flows along or below the existing ground surface and toward Marguerite Creek. This will minimize seepage into the spoil pile and maintain a phreatic surface below the pile itself. Borehole logs 09JD11 and 09JD12 (see Appendix D5-1) show that all of material types represent good foundation materials for the construction of the permanent out-of-pit spoil pile.

Active efforts to control several important aspects of the permanent out-of-pit spoil pile construction process will be employed. These include placing as thin a lift as practicable, not allowing for the concentration of ice-rich or saturated spoil material within focused areas, and enhancing compaction of placed material using dozer spreading techniques and allowing for layer consolidation, especially of the weaker finer-grained spoil material. These simple construction methods have been successfully employed by UCM for the Two Bull Ridge valley-fill spoils dump. Similarly for Jumbo Dome, it will be important to maintain a low phreatic surface while maximizing efforts for material compaction during spoil placement, thereby ensuring a factor of safety of 1.5 can be maintained for the pile. All the applicable criteria of 11 AAC 90.391 will be met and the disposal plan is acceptable.”

Comment (C): The reference in section 5.4.2 to “channel JD-3 appears to be a typographical error, as there is no “channel JD-3” on the schematic drawing of the out-of-pit spoil disposal area. This error must be corrected to enable evaluation of the proposed design.

Response (R): Plate D9-1, Drainage and Sediment Control Plan, has been corrected to show channel JD-3.

Comment (C): DNR must determine whether the “out-of-pit spoil pit structure” is a permanent excess spoil disposal structure and, if so, must require that this structure receive an APDES permit.

Response (R): As stated in the Decision and Findings of Compliance Document Section 4.3.6, Approvals Required Under 11 AAC 90As stated in the Decision and Findings of Compliance Document Section 4.3.6, Approvals Required Under 11 AAC 9001 – 11 AAC90.501, Excess Spoils, “The permanent out-of-pit spoil pile will be located just outside the 3 seam sub-crop to the south of the Jumbo Dome Mine area.” It further states in 4.4.3, Disposal of Excess Spoils, There will be a permanent out-of-pit spoil pile. A stable disposal site was identified for permanent out-of-pit spoil disposal, which has more than adequate volume for the required spoil (see Plate D2-1). Until final bond release, all runoff from the out-of-pit spoil will report to a pond and not be directly discharged to Marguerite Creek.

Comment (C): The 3h:1v and 4h:1v maximum slope provisions do not guarantee the required 1.3 long-term static safety factor and seem very steep in light of the apparent pre-mining topography. Section 5.4.1 describes the designed slope of the out-of-pit spoil pile as greater 2.8H:1V, requiring special stability measures, but these special requirements are not acknowledged or addressed. Moreover, section 5.4.2 indicates that the pile will be terraced. The maximum grade of the terrace outslopes is 2h:1v, but this requirement is neither acknowledged nor discussed.

Response (R): Please refer to revised section 5.4.1 permanent out-of-pit spoil pile, Section 5.4.2 reclamation and drainage control and Section 5.4.3 stability summary and construction inspection of the application.

Comment (C): A sentence in 2.3 reads, “The drainage and sediment control ponds and roads for access and coal hauling will be left in the spoils and reclaimed at the conclusion of mining.” The meaning of this sentence is unclear.

Response (R): Part D of UCM’s Application, Section 10.7 Post-Mining Drainage Control Plan explains, “Reclamation of mine disturbance areas, including backfilling, regrading, topsoil replacement and revegetation, is the primary mechanism for assuring effective control of post-mining drainage. The regraded configuration, as discussed in sections D10.4 and D10.5 and illustrated by plate D10.1, Approximate Final Reclamation Contours and Post-Mining Drainage Control Plan, is designed with reduced slope gradients relative to the pre-mining condition and surface undulations to minimize overland flow velocities and limit channelization of flow except in designed post-mining drainages. Grading along the contour, soil material replacement, surface preparation, and revegetation will all work together to minimize surface runoff and limit both runoff flows and surface erosion. The detailed sediment and drainage control plan for the first 5-year permit term is presented in Section D9.0.”

“The ponds used to contain the water runoff during mining are not permanent structures. Near the end of the bonding period, when water quality from the regraded mine area is such that they are no longer needed, the ponds will be drained and backfilled creating slight depressions to allow establishment of wetlands and drainage.”

Please refer to the Response for the next comment for the reclamation plan for the long-term haul road located in the Jumbo Dome Mine Area.

Comment (C): The justification contained in Section 10.1 for retaining a sizeable haul road post-mining is suspect at best. Such a proposal is inconsistent with the proposed post-mining land use of wildlife habitat and seems to be an attempt to avoid the full cost of reclamation.

Response (R): Part D of UCM's Application, Section 7.1.1 JD Long-Term Haul Roads, states, "The main long-term haul road for Jumbo Dome Mine overlaps the existing Jumbo Dome Haul Road Corridor that was permitted under permit number S-0605 within the southern portion of the Jumbo Dome Mine permit, and continues in a north-northeasterly direction." Under the Jumbo Dome Mine Permit S-0606 no roads will remain after post-mining.

UCM proposes to reclaim mine disturbance areas within the Jumbo Dome Mine area to the primary post-mining land use of wildlife habitat. Public recreation will be a related secondary land use. These proposed primary and secondary post-mining uses are consistent with the Tanana Basin Area Plan for State lands.

To address the secondary land use component of public recreation, UCM is proposing to leave the Jumbo Dome long-term haul road [permitted under S-0605] in place after mining has been completed. This road will provide long-term public access to State land. The Portion of the main Jumbo Dome haul road system that will be incorporated into the post-mining land use is depicted on Plate D10-1 of the application. The portion of the haul road shown on Plate D10-1 is small and will be significantly reduced from an appropriate mining width to a size suitable to recreational use.

Comment (C): [...]DNR must evaluate whether the Poker Flats mine and reclamation permit fully and adequately analyzed the additional impacts from continued operations attributable to other mining operations. If not, failing to analyze those impacts here would mean that those impacts would completely escape review [an] analysis under applicable laws and regulations.

Response (R): Ancillary facilities, that are located outside the Jumbo Dome permit area, will be used for surface mining operations. The Jumbo Dome road corridor and the tipple/coal transfer facility have been permitted under surface mining permit number S-0605 and 01-83-796, respectively. The load out facilities associated with the Poker Flat permit have been evaluated as a long term facility for transferring coal to the railroad and crossing the Nenana River. Using this load out facility has the least amount of environmental impacts.

Comment (C): At the end of each 5 years during the proposed life of the mine (30 years), renewal of the permit will be noticed and open for public scrutiny.

Response (R): In accordance with 11 AAC 90.113 at the time an application for a permit, renewal of a permit, or major revision of a permit is determined to be complete, the commissioner will make the application available for copying and inspection in the district office of the Department of Natural Resources closest to the affected area and in the office of the Director of the Division of Mining Land and Water and provide notice as provided in 11 AAC 90.907(d), including a newspaper advertisement at least once a week for four consecutive weeks. The commissioner will also provide notice as required under 11 AAC 90.023(a)(2) and (3), 11 AAC 90.907 (e), 11 AAC 90.113(1), (2) and 11 AAC 90.301-11 AAC 90-501.

Comment (C): The permit will stipulate an accurate and full-faith bond amount to pay for reclamation

Response (R): In accordance with AS 27.21.160 and 11 AAC 90.120 (a), before a permit, major revision, or renewal may be issued, the applicant shall file a surety, collateral, escrow account bond, or a combination of these bonds. The amount of the bond will be for the full cost to reclaim the mining operation by a third party contracted by the Division.

Comment (C): Inspection reports of mine operations, performed according to permit schedule, will be made available after they are written, on the internet.

Response (R): Inspections are currently conducted in accordance with 11 AAC 90.601 and will be continued at the Jumbo Dome Mine area. The requirement “includes the prompt filing of inspection reports adequate to enforce the requirements of the Act and this chapter.” At this time, hardcopy of all inspection reports is available in the Anchorage DNR Coal Library for public viewing. The Division is reviewing option to make available on the state website all inspection report performed under ASCMCRA.

Comment (C): Standards for water quality protection during mining activities will be maintained at the highest level, and water quality inspection reports will be made available to the public on the internet.

Response (R): UCM’s Permit Application, Part D Section 12.9 and Part D Section 12.10, has proposed a monitoring plan for surface and ground water quality and quantity. Section 4.6.10 of the Decision and Findings of Compliance Document explains, “The division finds that the location for surface and groundwater monitoring is adequate to monitor potential impacts to the hydrologic balance. The division finds that the proposed monitoring frequency is not adequate to detect changes to the hydrologic balance in a timely fashion. The permit will stipulate changes to the monitoring frequency for surface and groundwater. Monitoring for surface water quality and quantity will be monitored on at least a bi-monthly interval (every other month). Monitoring locations for groundwater quality will be sampled annually along with the water level measurements.”

This information is not currently available in an electronic format but will be available in hardcopy in the Anchorage DNR Coal Library Office for public viewing as it becomes available.