

# STATE OF ALASKA/

SEAN PARNELL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER

550 W 7<sup>th</sup> Ave., Suite 920  
Anchorage, AK 99501-3577  
Telephone: (907) 269-8621

June 7, 2010

Pete Praetorius  
13329 E. Oceanview Rd  
Palmer, AK 99645

RE: PETITION TO DESIGNATE THE WISHBONE HILL AREA AS UNSUITABLE FOR COAL MINING

Dear Mr. Praetorius:

On May 24<sup>th</sup>, the Department of Natural Resources received your petition to designate the Wishbone Hill Area unsuitable for mining. Having reviewed the petition and find that it contains lands that are exempt from the petition review process and that the petition is incomplete.

Under the Alaska Surface Coal Mining Control and Reclamation Act at AS 27.21.260(g) and the corresponding regulations at 11 AAC 90.715(a)(1) and (2), lands on which surface coal mining operations were being conducted on or before August 3, 1977 or lands for which a coal mining permit has already been issued are exempt from designation under the petition process. In the Wishbone Hill area there are numerous historic coal mining operations that were in existence on or before August 3, 1977 including the Evan Jones Mine, Eska Mine, Knob Hill, Premier Mine, Buffalo Mine, Matanuska Sinner Mine, Black Diamond Mine, Baxter Mine, Lonesome Mine and the Doherty Mine. In addition, the Wishbone Hill area includes both the Wishbone Hill Mine (Permit No. 01-89-796 and 02-89-796) and the Jonesville Underground Mine (permit # U-0201) which are all valid active permits issued under 11 AAC 90. Lands including within these historic mining areas and covered under the current active permit are exempt from the petition process. A petitioner must identify and exclude these areas from their request for areas to be designated unsuitable for mining.

In addition to the areas exempt from the petition process, the department a review the completeness of the application before it can review the merits of petition (11 AAC 90.703). This review found that the petition did not contain all of the information required by 11 AAC 90.701(a) including a notarized signature, a detailed identification of the petition area including a detailed map, and an identification of your interest that may be adversely affected. To be considered for review a petition must include the following information:

1. The petitioner's name, address, telephone number, and notarized signature;
2. Identification of the petitioned area, including its location and size, and a United States Geological Survey topographic map outlining the perimeter of the petitioned area;

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3. An identification of each of the petitioner's interests that is or may be adversely affected by surface coal mining operations, a description of the injury to each of the petitioner's specific affected interests, and a demonstration of how the petitioner is among persons whose interests are or may be injured;
4. A description of how mining of the area has affected or may adversely affect people, land, air, water, or other resources, including the petitioner's interests;
5. Allegations of fact and supporting evidence that cover all lands in the petition area, and that tend to establish that the area is unsuitable for all or certain types of surface coal mining operations, under the criteria of AS 27.21.260(c) specified in the allegations, assuming that contemporary mining practices required under AS 27.21 and this chapter would be followed if the area were to be mined; each allegation of fact must
  - a. be specific as to the mining operation, if known;
  - b. specify each portion of the petitioned area that would be affected;
  - c. specify the petitioner's interests that would be affected; and
  - d. be supported by evidence that tends to establish the validity of the allegations; and
6. Other information that is readily available and that the commissioner considers necessary to making a determination whether to designate lands as unsuitable for surface coal mining operations.

The petitioner is welcome to submit a new petition including the information noted above to the Department for review. If you have any questions please do not hesitate to contact me.

Sincerely,



Rick Fredericksen  
Chief  
Mining Section

CC: Dick Mylius, DNR  
Russell Kirkham, DNR  
Steve Denton, UCM  
Glenn Waugh, OSM