

File # 3 Copy Done

PERMIT AMENDMENT APPROVAL

Amendment File

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| Title: <i>Inlet Designs for ponds D007 & D007</i> | PERMIT NUMBER: <i>ACT/007/011</i> |
| Description: <i>Abatement of N94-41-5-6</i> | PERMIT CHANGE #: <i>94 H</i> |
| | MINE: <i>Hawetha</i> |
| | PERMITTEE: <i>U.S. Fuel</i> |

WRITTEN FINDINGS FOR PERMIT APPLICATION APPROVAL

YES, NO or N/A

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| 1. The application is complete and accurate and the applicant has complied with all the requirements of the State Program. | Yes |
| 2. The proposed permit area is not within an area under study or administrative proceedings under a petition, filed pursuant to R645-103-400 or 30 CFR 769, to have an area designated as unsuitable for coal mining and reclamation operations, unless: | Yes |
| A. The applicant has demonstrated that before January 4, 1977, substantial legal and financial commitments were made in relation to the operation covered by the permit application, or | Yes |
| B. The applicant has demonstrated that the proposed permit area is not within an area designated as unsuitable for mining pursuant to R645-103-300 and R645-103-400 or 30 CFR 769 or subject to the prohibitions or limitations of R645-103-230. | Yes |
| 3. For coal mining and reclamation operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Division the documentation required under R645-301-114.200. | Yes |
| 4. The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. | Yes |
| 5. The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). | Yes |
| 6. The Division has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Division has determined that no additional protection measures are necessary. | Yes |
| 7. The Applicant has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application. | Yes |
| 8. The Applicant has demonstrated that any existing structure will comply with the applicable performance standards of R645-301 and R645-302. | Yes |
| 9. The Applicant has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870. | Yes |
| 10. The Applicant has satisfied the applicable requirements of R645-302. | NA |
| 11. The Applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural postmining land use, in accordance with the requirements of R645-301-353.400. | NA |

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT AMENDMENT APPROVAL

YES NO

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| 1. Are there any variances associated with this permit amendment approval? If yes, attach. | | X |
| 2. Are there any special conditions associated with this permit amendment approval? If yes, attach. <i>See attached</i> | X | |
| 3. Are there any stipulations associated with this permit amendment approval? If yes, attach. | | X |

The Division hereby grants approval for Permit Amendment to the Existing Permit by incorporation of the proposed changes described herein and effective the date signed below. All other terms and conditions of the Existing Permit shall be maintained and in effect except as superseded by this Permit Amendment.

Signed *Dawn A. Haddock*
 Division of Oil, Gas and Mining

11/3/94
 EFFECTIVE DATE

CONDITION to APPROVAL

Inlet Designs for Ponds D004 and D007

Amendment 94H
U. S. Fuel Company
Hiawatha Mine

During channel construction, if the 3/4 inch road base is used instead of the filter fabric material as proposed, U. S. Fuel must analyze the base material to determine the necessity and size requirements of a granular channel liner.

*No condition
Approved filter fabric
designed spec
Jes [Signature]*