




**PUBLIC SERVICE COMMISSION**  
**Reclamation Division**  
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**Memorandum**

**TO:** Commissioners Kalk, Christmann and Fedorchak  
Darrell Nitschke, Executive Secretary  
Illona Jeffcoat-Sacco

**FROM:**    Jim Deutsch, Dean Moos and Randy Kowalski

**DATE:** March 21, 2013

**SUBJECT:** Revision No. 34 to Permit No. NAFK-8705 held by The Falkirk Mining Company, Case No. RC-12-386

On June 21, 2012, The Falkirk Mining Company filed the application for Revision No. 34 to Surface Coal Mining Permit NAFK-8705. The revision proposes to change the post-mining land use on 70.3 acres located in the N½NW¼ of Section 28, T146N, R82W, from cropland and hayland to recreational. This tract is located about a half mile south of Underwood and is immediately adjacent to the city's sewage lagoon. The land affected by the land use change will contain a horizontal well system that is placed in the bottom of the final mine pit, pipelines, pumps and a holding pond to supply irrigation water for the nearby golf course managed by the City of Underwood.

The revision also updates other information and operations and reclamation plans in the existing permit as required by staff's recent midterm review of Permit NAFK-8705. These updates include business entity and right of entry information, ground water information and monitoring plans, and operation and reclamation plans and schedules. The Reclamation Division has completed its review of this revision application and respectfully recommends it be approved.

While Falkirk furnished a Letter of Intent from the City of Underwood to execute a Transfer Agreement for the land affected by the proposed land use change and a Temporary Water Permit has been issued by the State Water Commission for this golf course irrigation source, the actual Transfer Agreement and a more permanent Water Use Permit is needed. Therefore, a condition will be attached to the approval of this revision requiring Falkirk to submit these documents before applying for final bond release on the recreational land.

This revision application was considered a significant revision application and was subject to the public notice requirements. Falkirk has submitted the affidavits of publication for the newspaper notices. We notified the appropriate agencies, affected landowners and the advisory committee members. We received no objections to this revision application.

Attached for your consideration are the proposed motion for the March 27<sup>th</sup> Commission meeting, revision approval form, the revision approval notice that we will publish in the appropriate newspapers, and the permit condition discussed above.

Attachments