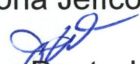


PUBLIC SERVICE COMMISSION
Reclamation Division

Memorandum

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

FROM: 
Jim Deutsch

DATE: May 4, 2016

SUBJECT: Formal Hearing request on the decision to approve Revision No. 27
to Permit No. NAFK-9503 held by The Falkirk Mining Company,
Case No. RC-15-755

On April 5th the Commission approved Revision No. 27 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company. This approval was subject to the right of any person that is or may be adversely affected by the decision to request a formal hearing in the matter. This revision identified the next five-year coal removal subareas and made other updates that had been requested by the Reclamation Division for the next five-year permit term. On May 4th, we received a timely request for a formal hearing from the attorney for Mr. Robert Nelson, the owner of some land that is near the permit area.

Based on past discussions that Mr. Nelson has had with a Reclamation Division staff member, it appears he is concerned about discharges from ponds that Falkirk has constructed upstream of his property.

The formal hearing provisions in the reclamation law, N.D. Century Code Section 38-14.1.30, require that the hearing be held within 30 days of receipt of a formal hearing request. These provisions also require that the notice of formal hearing be published in newspapers at least once a week for two consecutive weeks prior to the hearing. Therefore, the hearing needs to be scheduled as soon as possible.

Attached is a motion to schedule a hearing in the matter; however, the date for the hearing will need to be determined during the administrative portion of the May 5th Commission meeting.

Attachment

Minedata/Falkirk/Permits/NAFK-9503/Revisions/No.27/Memo_formal_hearing_5

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Memorandum

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Public Service Commission Staff

Jim Deutsch