


**PUBLIC SERVICE COMMISSION  
Reclamation Division**

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**Memorandum**

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

**FROM:**  Jim Deutsch

**DATE:** November 1, 2016

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

On April 5<sup>th</sup> 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. Revision No. 27 updated mining and reclamation plans for another five-year permit term.

On May 4<sup>th</sup>, we received a timely request for a formal hearing from the attorney for Mr. Robert Nelson, the owner of land downstream of the permit area. Mr. Nelson's land will be affected by water that is discharged from water impoundments at the Falkirk Mine. The formal hearing was scheduled for May 25<sup>th</sup>, but before the hearing the two parties requested a continuance of the hearing to allow further communications between themselves to avoid the need for a hearing in the matter.

The parties communicated over the summer and early fall to work on a resolution of the disputed issues and on October 31<sup>st</sup> we received a joint motion withdrawing the request for a formal hearing in the matter. The filing states that the parties have amicably resolved the dispute themselves. Therefore, attached is a motion for the November 2<sup>nd</sup> Commission meeting to approve the joint motion withdrawing the request for formal hearing and to close the case.

Attachment

Minedata/Falkirk/Permits/NAFK-9503/Revisions/No.27/Memo\_withdraw\_hearing\_rqt\_11-1-16

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**Memorandum**

Public Service Commission Staff

Jim Deutsch