

Moos, Dean K.

From: Moos, Dean K.
Sent: Thursday, May 30, 2019 4:46 PM
To: 'Fleischman, Jeffrey'; Clyde Eisenbeis
Cc: David Berry; Brinkman, Zanna A.; Jeffcoat-Sacco, Illona; Schuh, John M.
Subject: RE: [EXTERNAL] OSMRE Formal Citizen Complaint ... Eisenbeis Farmland ... 29 May 2019

Mr. Eisenbeis and Mr. Fleischman,

The Reclamation Division is drafting a response to your May 15, 2019 filing, and our recommendation to the Commission. Our recommendation and proposed response will be provided to the Commissioners for discussion at the Administrative Matters portion of the Commission's Regular Meeting on June 12, 2019. You are welcome to attend the meeting, listen to the meeting via phone, or listen to the meeting broadcast via the Commission's website.

Please let me know if you have any questions.

Dean K. Moos

Director, Reclamation & AML Divisions

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From: Fleischman, Jeffrey <jfleischman@osmre.gov>
Sent: Wednesday, May 29, 2019 2:15 PM
To: Clyde Eisenbeis <cte677@gmail.com>
Cc: David Berry <dberry@osmre.gov>; Moos, Dean K. <dmoos@nd.gov>
Subject: Re: [EXTERNAL] OSMRE Formal Citizen Complaint ... Eisenbeis Farmland ... 29 May 2019

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Mr. Eisenbeis,

Thanks for your inquiry. Since we are awaiting a response from the ND PSC, I cannot give you an exact timeline. I have copied the Mr. Moos with the ND PSC, and he may be able to indicate when they will have a response. Once that is completed, OSM will then evaluate the ND PSC response to determine if there is a reason to believe a violation of the approved State program exists. Our Directive INE-35 directs us to afford ND PSC a reasonable amount of time to investigate the matter and respond. There is not a specific time schedule; so a reasonable amount of time is going to be a bit subjective--depending on the complexity of the

circumstances. I would not expect this matter to go longer than a few weeks--depending on availability of staff.

Sincerely,

Jeff

On Wed, May 29, 2019 at 12:57 PM Clyde Eisenbeis <cte677@gmail.com> wrote:

Hi Jeff,

What is the schedule for an OSMRE Formal Citizen Complaint after it has been submitted?

Thanks!

Clyde

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On Tue, May 21, 2019 at 2:21 PM Fleischman, Jeffrey

<[jfleischman@osmre.gov](mailto:jfleischman@osmre.gov)> wrote:

>

> Mr. Eisenbeis,

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> I have reviewed your complaint(s) and understand you have filed a formal complaint with the North Dakota Public Service Commission (ND PSC) regarding the Coteau Mine. Pursuant to OSM Directive INE-35 Part 4.c. (attached), OSM will afford the Regulatory Authority (RA) an opportunity to investigate and consider the RA's action before determining if there is a reason to believe a violation exists. The RA in this instance is the ND PSC and they are actively investigating this matter. Once they have finished their investigation and respond to you, OSM will evaluate their response and determine what action(s), if any, to take regarding your complaint. Please feel free to contact me if you have any questions about the complaint process.

>

> Sincerely,

>

> Jeff

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> On Wed, May 15, 2019 at 6:23 AM Clyde Eisenbeis <[cte677@gmail.com](mailto:cte677@gmail.com)> wrote:

>>

>> Attached are:

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>> 1) A copy of a letter to the ND PSC Commissioners

>> 2) A letter to the OSMRE Casper Field Office Director

>> 3) An OSMRE Formal Citizen Complaint

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>> Is this adequate, or do you require a paper copy mailed to you.

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>> This is my first OSMRE Formal Citizen Complaint. Let me know of

>> errors or clarifications I should correct.

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>> These docs and the appendices are available at <https://Beulah.FoxPing.com/>.

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>> Thanks!

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>> Clyde  
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