

Hamre, John G.

From: Brinkman, Zanna A.
Sent: Tuesday, August 9, 2022 1:34 PM
To: hannah@ndna.com
Cc: Hamre, John G.; Emmer, Jonathan W.
Subject: Notice to publish August 18 and 25
Attachments: Hearing_notice_8-8-22.docx; Hearing_notice_8-8-22.pdf

Importance: High

Hannah,

Please have the attached notice published **once a week for two consecutive weeks** beginning the week of August 15th in the **Bismarck Tribune and the Beulah Beacon**.

We do not have any wiggle room on this one. It must be published on **August 18th and 25th** to meet the notice requirements.

Please direct the billing to ndpsc@nd.gov and specify Case No. RC-22-339.

Please provide a draft as soon as possible.

Thank you,

Zanna Brinkman

Director Reclamation & AML Divisions

ND Public Service Commission

600 E Blvd. Ave Dept. 408

Bismarck, ND 58505-0408

(701) 328-3403

zbrinkman@nd.gov

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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Clyde Eisenbeis
Complaint**

Case No. RC-22-339

NOTICE OF FORMAL HEARING

September 1, 2022

Preliminary Statement

The Public Service Commission (Commission) received a Formal Complaint on August 3, 2022, a revised Formal Complaint on August 4, 2022, and a request for a Formal Hearing on August 5, 2022, from Clyde Eisenbeis, Allen Eisenbeis, and JoAnn Crabtree (Eisenbeis family) who own land adjacent to The Coteau Properties Company's Freedom Mine Surface Coal Mining Permit No. NACT-9501 that covers 6,525.7 acres of land located in portions of Sections 30, 31, and 32, T146N, R87W; Sections 14, 15, 16, 22, 23, 25, 26, 27, 34, 35, and 36, T146N, R88W in Mercer County. Permit No. NACT-9501 was approved by the Public Service Commission on April 3, 1996. All coal has been removed and the permit is in reclamation status.

The Eisenbeis family alleges the mine installed a path for surface water to flow onto their property in the NW1/4 of Section 34, T146N, R88W; the mine restricted access to farmland by modifying the county road ditch and diversion outside the permit area without proper permits; that pond overflows and discharges caused erosion and flooding; that mine operations resulted in the loss of acreage and crop income; that surface water from ponds and discharges is seeping into the groundwater which is raising the water table and contaminating the aquifer with sulfur; and other related concerns as stated in the August 4th Formal Complaint. The complaint cites North Dakota Century Code 38-14.1-01, 38-14.1-01(1), 38-14.1-02, 38-14.1-02(17), 38-14.1-02(19), 38-14.1-02(34), 38-14.1-02(35)(a) and (b), 38-14.1-14, 38-14.1-14(1), 38-14.1-21(3)(c), 38-14.1-24, and 38-14.1-24(8); North Dakota Administrative Code 69-5.2-01, 69-05.2-01-02, and 69-05.2-01-02(1); and Policy Memorandum 6, Activities Covered by Surface Coal Mining Permits.

Notice of Formal Hearing

Notice is hereby given that the captioned matter is set for a Formal Hearing, commencing at **8:30 a.m. CST**, on **September 1, 2022**, in the Public Service Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.

PUBLIC SERVICE COMMISSION

**Steven Kahl
Executive Director**

Hamre, John G.

From: Hamre, John G.
Sent: Tuesday, August 9, 2022 4:10 PM
To: Brinkman, Zanna A.
Subject: FW: Notice to publish August 18 and 25
Attachments: PSC- Clyde Eisenbeis Case No. RC-22-339.doc

From: Hannah Hertz <hannah@ndna.com>
Sent: Tuesday, August 9, 2022 3:49 PM
To: Hamre, John G. <jghamre@nd.gov>
Subject: RE: Notice to publish August 18 and 25

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Here is that proof.

NDNA has entered summer hours and will be closed every Friday at noon until September 2nd, 2022.

.....
Hannah Hertz
Advertising Coordinator
North Dakota Newspaper Association
1435 Interstate Lp., Bismarck, ND 58503
Direct: 701-595-7312 • Web: www.ndna.com
NDNA: 701-223-6397 • Fax: 701-223-8185

From: Hannah Hertz <hannah@ndna.com>
Sent: Tuesday, August 9, 2022 1:47 PM
To: Brinkman, Zanna A. <zbrinkman@nd.gov>
Cc: Hamre, John G. <jghamre@nd.gov>; Emmer, Jonathan W. <jemmer@nd.gov>
Subject: RE: Notice to publish August 18 and 25

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Received.

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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

Public Service Commission
Clyde Eisenbeis Case No. RC-22-339
Complaint

NOTICE OF FORMAL HEARING
September 1, 2022

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PUBLIC SERVICE COMMISSION
Steven Kahl
Executive Director

Hamre, John G.

From: Hamre, John G.
Sent: Tuesday, August 9, 2022 4:27 PM
To: Hannah Hertz
Cc: Brinkman, Zanna A.
Subject: RE: Notice to publish August 18 and 25

It looks good Hannah.

Thanks for your quick response.
Please let us know as soon as you have confirmed that this was successfully published into the Bismarck Tribune and the Beulah Beacon.

Best regards,

John G. Hamre
Administrative Services IV
North Dakota Public Service Commission
600 E. Blvd. Ave., Dept. 408
Bismarck, ND 58505-0480
701-328-4279
jghamre@nd.gov

From: Hannah Hertz <hannah@ndna.com>
Sent: Tuesday, August 9, 2022 3:49 PM
To: Hamre, John G. <jghamre@nd.gov>
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To: Brinkman, Zanna A. <zbrinkman@nd.gov>
Cc: Hamre, John G. <jghamre@nd.gov>; Emmer, Jonathan W. <jemmer@nd.gov>
Subject: RE: Notice to publish August 18 and 25

Hamre, John G.

From: Hamre, John G.
Sent: Monday, August 15, 2022 2:10 PM
To: Hannah Hertz (hannah@ndna.com)
Subject: Corrected Notice
Attachments: Hearing_notice_with_corrected_date_header_8-12-22.docx

John G. Hamre

Administrative Services IV
North Dakota Public Service Commission
600 E. Blvd. Ave., Dept. 408
Bismarck, ND 58505-0480
701-328-4279
jghamre@nd.gov

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Clyde Eisenbeis
Complaint**

Case No. RC-22-339

NOTICE OF FORMAL HEARING

August 8, 2022

Preliminary Statement

The Public Service Commission (Commission) received a Formal Complaint on August 3, 2022, a revised Formal Complaint on August 4, 2022, and a request for a Formal Hearing on August 5, 2022, from Clyde Eisenbeis, Allen Eisenbeis, and JoAnn Crabtree (Eisenbeis family) who own land adjacent to The Coteau Properties Company's Freedom Mine Surface Coal Mining Permit No. NACT-9501 that covers 6,525.7 acres of land located in portions of Sections 30, 31, and 32, T146N, R87W; Sections 14, 15, 16, 22, 23, 25, 26, 27, 34, 35, and 36, T146N, R88W in Mercer County. Permit No. NACT-9501 was approved by the Public Service Commission on April 3, 1996. All coal has been removed and the permit is in reclamation status.

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PUBLIC SERVICE COMMISSION

**Steven Kahl
Executive Director**

Hamre, John G.

From: Hannah Hertz <hannah@ndna.com>
Sent: Monday, August 15, 2022 2:13 PM
To: Hamre, John G.
Subject: RE: Corrected Notice
Attachments: PSC ClydeEisenbeisCaseNo.RC-22-339.doc

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Advertising Coordinator
North Dakota Newspaper Association
1435 Interstate Lp., Bismarck, ND 58503
Direct: 701-595-7312 • Web: www.ndna.com
NDNA: 701-223-6397 • Fax: 701-223-8185

From: Hamre, John G. [mailto:jghamre@nd.gov]
Sent: Monday, August 15, 2022 2:10 PM
To: Hannah Hertz (hannah@ndna.com)
Subject: Corrected Notice

John G. Hamre
Administrative Services IV
North Dakota Public Service Commission
600 E. Blvd. Ave., Dept. 408
Bismarck, ND 58505-0480
701-328-4279
jghamre@nd.gov

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PUBLIC SERVICE COMMISSION**

Public Service Commission

Clyde Eisenbeis

Case No. RC-22-339

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PUBLIC SERVICE COMMISSION

Steven Kahl

Executive Director

Hamre, John G.

From: Hamre, John G.
Sent: Monday, August 15, 2022 2:19 PM
To: Hannah Hertz
Cc: Emmer, Jonathan W.; Brinkman, Zanna A.; Kahl, Steven M.
Subject: RE: Corrected Notice
Attachments: Corrected Notice proof.pdf

Thanks Hannah,

It looks good.
Sorry about the inconvenience.

We appreciate it!

Please send us confirmation when you find out from the Beulah Beacon and the Bismarck Tribune that they in fact will be able to publish the corrected Notice on August 18th and the 25th as we discussed on the phone.

John

John G. Hamre

Administrative Services IV
North Dakota Public Service Commission
600 E. Blvd. Ave., Dept. 408
Bismarck, ND 58505-0480
701-328-4279
jghamre@nd.gov

From: Hannah Hertz <hannah@ndna.com>
Sent: Monday, August 15, 2022 2:13 PM
To: Hamre, John G. <jghamre@nd.gov>
Subject: RE: Corrected Notice

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.....
Hannah Hertz
Advertising Coordinator
North Dakota Newspaper Association
1435 Interstate Lp., Bismarck, ND 58503
Direct: 701-595-7312 • Web: www.ndna.com
NDNA: 701-223-6397 • Fax: 701-223-8185

Hamre, John G.

From: Hannah Hertz <hannah@ndna.com>
Sent: Tuesday, August 16, 2022 8:05 AM
To: Hamre, John G.
Subject: RE: Corrected Notice

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

I do know that Beulah was able to make the change. I have sent it off to Bismarck as well but I am still waiting on the response confirming the change.

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Hannah Hertz
Advertising Coordinator
North Dakota Newspaper Association
1435 Interstate Lp., Bismarck, ND 58503
Direct: 701-595-7312 • Web: www.ndna.com
NDNA: 701-223-6397 • Fax: 701-223-8185

From: Hamre, John G. [mailto:jghamre@nd.gov]
Sent: Monday, August 15, 2022 2:19 PM
To: Hannah Hertz
Cc: Emmer, Jonathan W.; Brinkman, Zanna A.; Kahl, Steven M.
Subject: RE: Corrected Notice

Thanks Hannah,

It looks good.
Sorry about the inconvenience.

We appreciate it!

Please send us confirmation when you find out from the Beulah Beacon and the Bismarck Tribune that they in fact will be able to publish the corrected Notice on August 18th and the 25th as we discussed on the phone.

John

John G. Hamre
Administrative Services IV
North Dakota Public Service Commission
600 E. Blvd. Ave., Dept. 408
Bismarck, ND 58505-0480
701-328-4279
jghamre@nd.gov

From: Hannah Hertz <hannah@ndna.com>
Sent: Monday, August 15, 2022 2:13 PM

Hamre, John G.

From: Hamre, John G.
Sent: Tuesday, August 16, 2022 8:45 AM
To: Hannah Hertz
Cc: Brinkman, Zanna A.; Emmer, Jonathan W.
Subject: RE: Corrected Notice

Ok, thanks for the update. That's good news.
If Bismarck cannot make the change please run the first one we sent and for the second running use the corrected Notice.

Thanks! And please keep us updated regarding the Bismarck publication.

Greatly appreciated!
John

From: Hannah Hertz <hannah@ndna.com>
Sent: Tuesday, August 16, 2022 8:05 AM
To: Hamre, John G. <jghamre@nd.gov>
Subject: RE: Corrected Notice

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From: Hamre, John G. [<mailto:jghamre@nd.gov>]
Sent: Monday, August 15, 2022 2:19 PM
To: Hannah Hertz
Cc: Emmer, Jonathan W.; Brinkman, Zanna A.; Kahl, Steven M.
Subject: RE: Corrected Notice

Thanks Hannah,

It looks good.
Sorry about the inconvenience.

We appreciate it!

Hamre, John G.

From: Hannah Hertz <hannah@ndna.com>
Sent: Wednesday, August 17, 2022 10:25 AM
To: Hamre, John G.
Subject: RE: Corrected Notice

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Yes the change has been made in the Bismarck Tribune. Thank you for checking back!

NDNA has entered summer hours and will be closed every Friday at noon until September 2nd, 2022.

.....
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North Dakota Newspaper Association
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Direct: 701-595-7312 • Web: www.ndna.com
NDNA: 701-223-6397 • Fax: 701-223-8185

From: Hamre, John G. [mailto:jghamre@nd.gov]
Sent: Wednesday, August 17, 2022 10:22 AM
To: Hannah Hertz
Cc: Brinkman, Zanna A.; Emmer, Jonathan W.
Subject: RE: Corrected Notice

Hi Hannah,

Just a follow up regarding the Bismarck publication.
Have you heard anything?

Thanks,
John

From: Hamre, John G.
Sent: Tuesday, August 16, 2022 8:45 AM
To: Hannah Hertz <hannah@ndna.com>
Cc: Brinkman, Zanna A. <zbrinkman@nd.gov>; Emmer, Jonathan W. <jemmer@nd.gov>
Subject: RE: Corrected Notice

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Greatly appreciated!
John