

Appendix E

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History Log (from phone log and emails)

compiled by Clyde Eisenbeis

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Phone log has been kept for business calls (spanning many years).

Clyde Eisenbeis lived in Iowa.

- Fall of 2011 Phone call from NAC (North American Coal)
 - I was told of erosion on the farmland.
 - NAC wanted to install a diversion ditch on the west side of the fence (on the east side of the farmland).
 - I asked them to put the diversion ditch on the east side of the fence (land that NAC owned).
 - I was told NAC could not as there are electric power poles in the way.
 - I made some phone calls to learn more.

- 15 Nov 2011 Phone call with Bill Kirk, NAC
 - I was told there are 5 poles, the closest pole is 24 feet. There is not enough room for a ditch
 - I stated that a distance of 24 feet is plenty of room.
 - Also, the electric power is not in use. The poles can be removed.

- 29 Nov 2011 Phone call with Bill Kirk, NAC
 - I stated they could use steeper slopes and put diversion ditch on east side of fence.
 - I also asked them to repair the erosion damage.

- 10 Apr 2012 Phone call with Bill Kirk, NAC
 - I called to check if the farmland was repaired.

- 21 Nov 2014 Phone call with Troy Langang, NAC
 - I was told that there is erosion on the farmland again.
 - Bill Kirk is on medical leave.

- 17 Dec 2014 Phone call with Jerry Becker, NAC
 - I was told that NAC plans to dig the diversion ditch deeper and wider.
 - I re-stated that the diversion ditch should not be on the farmland.

Clyde Eisenbeis moved back to North Dakota in Oct 2015

- 6 Apr 2016 Phone call with Dean Gervich, Glen Ullin farmer
 - I was told that he is interested in renting the farmland.

- 11 Apr 2016 Email from Dean Gervich, Glen Ullin farmer / potential renter
 - He won't rent the farmland, because there is no approach.

- 13 Apr 2016 Meeting at the farmland with Bill Kirk, NAC Engineer, and Jerry Becker, NAC
- We met to review the approach location.
 - Jerome Boeshans and son Jayme Boeshans (decided to rent the farmland) were there too.
 - Based on Bill Kirk's comments:
 - The necessary engineering docs had been prepared
 - Those docs included a wide-angle approach for semis, and included two culverts.
 - After reviewing with Jerome Boeshans and Jayme Boeshans, I verbally approved the design and the location.
 - I was asked to obtain approval from the County Engineer. Ken Miller approved the approach on 9 May 2016.
 - NAC stated they could start installing the approach in two weeks.
 - I noticed the farmland was not level, from the erosion.
 - I asked NAC to level the farmland with topsoil.
 - NAC said it did not have any topsoil.
 - I requested that they find topsoil, so the farmland is level again.
 - There was no mention of requiring written authorization to install the approach.
- 19 Apr 2016 Meeting with Wes Gunsch, Mercer County Commissioner
- I was told the County Commissioners has no jurisdiction over the farmland.
 - I was told to contact the Mercer County Water Board and the PSC.
- 29 Apr 2016 Meeting with Brad Erickson, NAC
- I was told the approach could be installed in two weeks.
 - There was no mention of requiring written authorization to install the approach.
- 13 May 2016 Phone meeting with Greg Lange, Mercer County Water Board
- I was told the Water Board has no jurisdiction over the farmland.
 - I was told to contact the PSC.
- Esther Eisenbeis died on 18 Jun 2016
- 29 Jul 2016 Meeting with Brad Erickson, NAC
- Brad Erickson said it was too wet to install approach.
 - I asked how could farmers plant crops if it was too wet?
 - There was no mention of requiring written authorization to install the approach.
- 27 Oct 2016 I contacted the PSC
- 27 Oct 2016 Email from Guy Welch, PSC
- The PSC planned to visit the farmland.
- 13 Apr 2017 Email from Guy Welch, PSC
- The PSC looked at the site, and did not see any changes from last fall.

- PSC stated that NAC personnel had been in contact with me in an attempt to resolve this issue.
- The PSC will raise this issue with NAC next week.

28 Apr 2017 Email from Guy Welch, PSC

- "The Reclamation Division discussed this issue with Coteau last Friday and were informed that Coteau had been willing to provide you with an approach but that you would not sign an agreement to allow them to construct the approach."

28 Apr 2017 I emailed Guy Walsh, PSC, copied NAC

- "That is not true. Who told you that?"
- [There was no response]

1 May 2017 I emailed Guy Walsh, PSC, copied NAC

- "Attached is a document that is a written authorization to substantiate a verbal authorization to install an approach on the north side of:"

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27-146-88-00-34-400, Township 146 North, Range 88 West, Section 34, S1/2 of NW1/4

and

27-146-88-00-34-401, Township 146 North, Range 88 West, Section 34, N1/2 of NW1/4

The authorization was given verbally on 13 Apr 2016 to William Kirk and Jerry Becker, after being shown the proposed location of the approach.

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- "I am copying Brad Erickson, as he met with me on 29 Jul 2016. That is when he told me it was too wet to install the approach."

22 May 2017 Mail from NAC, agreement document

- [excerpt]

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"AND FURTHER, Eisenbeis agrees to fully indemnify and hold harmless Coteau against any and all claims, losses, expenses, actions, causes of action and liability of whatsoever kind or nature arising from the use or existence of said approach and diversion."

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- I did not sign this doc. NAC should be held liable for damage to the farmland.

12 Sep 2017 Email from Dean Moos, PSC

- "In response to your inquiry, it is our understanding that on May 19, 2017 Coteau provided you with an agreement (see discussion below) to sign regarding construction of the approach. We also understand that the agreement has not been returned to them but that they will construct the approach once the agreement is signed and returned."

15 Sep 2017 I emailed Dean Moos, PSC, copied NAC

- "That North American Coal agreement document includes items that are not relevant to the deep ditch that blocks access to the farmland.
- I have provided North American Coal with the written authorization to install the approach at the location shown to me ... see attachment. What else is needed?
- Also note that there is, again, considerable damage to the farmland that was created by North American Coal's water runoff.
- North American Coal's attempts to fix this problem have created more damage to the farmland."

2 Oct 2017 Mail from NAC, agreement document

- [excerpts]

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"We sent you an Agreement regarding an approach on May 19, 2017 and received no response.

...

In response to your inquiry, it is our understanding that on May 19, 2017 Coteau provided you with an agreement (see discussion below) to sign regarding construction of the approach. We also understand that the agreement has not been returned to them but that they will construct the approach once the agreement is signed and returned."

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- I had responded on 1 May 2017 with a written authorization.

10 Sep 2017 Meeting at farmland with Jerome Boeshans and son Jayme Boeshans, renters

- New gullies in the farmland.
- I was told about the pond water netting found on the farmland, again.

15 Sep 2017 I emailed Dean Moos / PSC staff, and Sarah J Flath, Bradley Erickson, Christopher Friez / NAC

- New gullies in the farmland.

2 Oct 2017 I emailed Dean Moos, copied NAC

- "Attached is a document I received from North American Coal (NAC. It appears to contain multiple errors ... see my notes added to the document."
- [excerpts]

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"I sent an email response on 22 May 2017 at 7:11am to 'Welch, Guy A.' <gwelch@nd.gov>, 'Moos, Dean K.' <dmoos@nd.gov>, 'Flath, Sarah J' <sarah.flath@nacoal.com>, 'Erickson, Bradley' <bradley.erickson@nacoal.com>, and 'Friez, Christopher' <christopher.friez@nacoal.com>."

"Are Sarah J. Flath, Bradley Erickson, and Christopher Friez claiming that they did not receive my 22 May 2017 mail?"

...

"The NAC document contains this statement, '... fully indemnify and hold harmless ... of said approach and diversion.'"

"I am unaware of any damage to the farmland 'before' North American Coal became involved."

"There has been significant damage, multiple years, to the farmland 'after' North American Coal became involved. Damage to the farmland happened, again, this year."

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- [There was no response]

- 2 Oct 2017 Again I emailed Dean Moos, PSC staff, Sarah J Flath, Bradley Erickson, Christopher Friez / NAC
- New gullies in the farmland.
- 26 Oct 2017 Email from Rick Becker, ND Legislator
- Arranged for me to meet with Brian Kroshus, PSC Commissioner
- 22 Nov 2017 Meeting with Brian Kroshus, PSC Commissioner
- Brian agreed to investigate this.
- 18 Jan 2018 Meeting with Dean Moos, and staff, PSC
- I asked if NAC's actions were legal.
 - The PSC response was that they don't give legal advice.
 - I interpret this response as: 1) the PSC does not know the laws, or 2) the PSC is unwilling to help the public.
- 13 Apr 2018 I emailed Dean Moos, and staff, PSC, email
- Jerome Boeshans and son Jayme Boeshans (farmers / renters) want to plant corn. They need an approach for their corn planter.
 - [There was no response]
- 21 Apr 2018 I emailed Dean Moos, and staff, PSC
- The new gullies have not been repaired.
- 23 Apr 2018 Mailed a letter to Gov. Burgum
- There was no response.
- 26 Apr 2018 Meeting at farmland with Guy Welch, PSC, Bruce Beechie, PSC, Jerome Boeshans, farmland renter, and Jamie Boeshans, farmland renter
- We discussed the extensive damage to the farmland.
 - Guy Welch took photos of the damage to the farmland.
 - Guy Welch picked up some netting (from NAC ponds) in new erosion gullies.
 - The new gullies start on the east side, at the location where NAC lowered the berm by the fence.
 - The farmland renters stated their farming equipment has been plugged many times by this netting.
 - The creek, running through the land, was full of water. In the past, it was always dry.
 - Guy Welch said that the PSC did not require a permit for this farmland.

- 30 Apr 2018 Email from Bruce Beechie, PSC
- The email had an attachment that provided water table levels measured over a span of multiple years.
 - The records show that the water table, at the MP03-P018 location, has rising significantly, which has led to water flooding the southwest corner of the farmland.
- 3 May 2018 Phone meeting with Dean Moos, and staff, PSC
- Items discussed (I'm adding relevant details that were not mentioned):
 - 1) Why have the new gullies not been repaired?
 - Sarah J Flath, Bradley Erickson, and Christopher Friez were informed about the gullies on 15 Sep 2017 and 2 Oct 2017 via emails
 - PSC was copied on those emails.
 - 2) I described the discussion I had with Bill Kirk and Jerry Becker (at the farmland) on 13 Apr 2016 regarding the approach design and location.
 - The discussion can be verified by Jerome Boeshans and Jayme Boeshans (renters) who were at that meeting.
 - 3) The first time a written authorization for installing an approach was mentioned, was in an email from Guy Welch on 28 Apr 2017.
 - There had been no requests for written authorization prior to 28 Apr 2017.
 - 4) On 1 May 2017, I emailed a written authorization to install the approach.
 - Sarah Flath and Brad Erickson were copied on that email.
 - What else is needed?
 - 5) On 22 May 2017, I receive a written authorization from NAC that included that NAC should "not" be held liable for damage to the farmland.
 - I did not sign that document.
 - 6) The meetings with Brad Erickson on 29 Apr 2017 and 29 Jul 2017 are outlined above.
 - 7) Other emails / phone calls / meetings are outlined above (prior to this 3 May 2018 log).
 - 8) I was asked to email this doc to North American Coal.

Spring of 2018 renters accessed the farmland via a neighbor's farmland to plant a crop.

- 20 Jun 2018 Email from Sarah Flath, NAC
- The email "repeats" the bogus claim that I have not responded to an agreement written by NAC.
 - [Chris Friez, NAC, later acknowledged this is a false claim in a letter to me.]
- 5 Jul 2018 Email from Chris Friez and staff, NAC
- The email contains a letter as an attachment.
 - The letter acknowledges NAC has received my emails and attachments regarding written agreements (contrary to Sarah Flath's responses).
 - The letter claims the facts in this doc are baseless allegations.
 - The letter also claims that NAC has not caused any damage to the farmland.
- 6 Jul 2018 I emailed Chris Friez and NAC staff, PSC, Boeshans father / son farmland renters

- My email stated:

"Mr. Friez,

I am copying the PSC on this response, which includes your letter as an attachment.

I am also copying the Farmland renters who were at some of the meetings with Coteau and the PSC.

 On 13 Apr 2016 Bill Kirk and Jerry Becker showed us where they thought the approach could be installed (marked with wooden stakes). Jerome Boeshans and Jayme Boeshans were at that meeting at the Farmland. We approved the location of the approach. Bill Kirk and Jerry Becker thought they could start in a couple of weeks. Nothing was said about a written authorization.

On 29 Jul 2016 Brad Erickson told me the approach would be installed in two weeks. Nothing was said about a written authorization.

After waiting six months, on 27 Oct 2016, I contacted the PSC.

 There is a major error in your letter. The facts show that Coteau has caused all of the damage to the Farmland. See the attachment for a summary and details.

Which facts do you categorize as baseless allegations? Identify all of the statements that you categorize as baseless allegations on the first page, item by item, including the numbered items.

In addition, identify the facts you categorize as baseless allegations in the details section, date by date, including the pages with images."

- [There has been no response]

Summer of 2018 Phone call, etc. from Roger Kolling, ND State Water Commission

- The ND State Water Commission installed a raw water pipe along the west side of the farmland.
- While they dug a trench for the raw water pipe, they pumped water from the trench into the ditch (don't know how many days). The level of water in the creek dropped significantly.
- After installing the raw water pipe, they modified portions of the topsoil which disturbed portions of the erosion in that area. The ground over the trench is lower than the adjacent farmland topsoil.

23 Jul 2018 Email from Esther Jangula and staff, PSC

- Attachments were:

- A PSC letter (dated 23 Jul 2018) that states NAC is not responsible for farmland damage.
- A PSC Inspection Report (dated 26 Apr 2018).
- **The PSC letter contradicts portions of the PSC Inspection Report**

9 Aug 2018 I emailed Attorney General Office

- Sent history and requested information about relevant laws.
 - For a clarification of relevant laws, you will have to consult your own private attorney. We cannot provide such service to you.
 - We are prohibited by state law from providing any of the services you request or from reviewing a PSC action. My initial response to you was reviewed and approved by the Chief Deputy Attorney General before I sent it. Mr. Stenehjem is aware of your communications. There is nothing Mr Stenehjem or any of our staff can do for you.

21 Aug 2018 I emailed Guy Welch and staff, PSC

- I requested that the Inspection Report adds:
 - A map that shows the new gully originates where NAC lowered the berm by the fence
 - A photo of the NAC netting found in the gullies. (The farmland renters have found numerous pieces of netting on the farmland before ... plugs their farm equipment)
- [I requested this two more times in Aug and in Oct, to no avail.]

23 Aug 2018 I emailed Dean Moos, PSC

- I requested a map that documents the mining, location of ponds, and drainage paths.
- I requested relevant mining permits.

23 Aug 2018 Email from Dean Moos, PSC

- Mining permits NACT-9501 and NACT-9001 are the two relevant permits. Both of these permits are "paper copy" permits (not in an electronic format). ... The permit is available for viewing at the Commission's offices (13th Floor, State Capital) and at the Mercer County Courthouse.

28 Aug 2018 I emailed Dean Moos, PSC

- I requested size of the ponds, pond discharge paths (info received is conflicting)
- I requested if the ponds were lined (they were not)
- [Quite likely the ponds caused the water table to rise. One water table rose after the ponds were installed.]

28 Aug 2018 I emailed Dean Moos, PSC

- I requested info about rainfall data (because NAC claims the rain caused the water table to rise which flooded part of the farmland).

7 Sep 2018 Email from Dean Moos, PSC

- "As outlined in our July 23rd letter to you, the Reclamation Division views the reconstruction of the diversion on your property as a matter between Coteau and the landowner. Since reconstruction of the diversion was not a mining related activity, it was not subject to our jurisdiction or approval."

- 8 Sep 2018 Phone call from Jerome Boeshans, farmland renter
- Wanted to know if the approach will be installed so they can harvest their corn crop.
 - [I contacted Dean Moos, PSC. Never received a response.]
- 12 Sep 2018 Phone call from Jerome Boeshans, farmland renter
- Lucille Sailer has water in her farmhouse basement again because of NAC water flowing through the creek again (near her farmhouse).
 - [Additional proof that NAC pond water discharge is raising the water tables.]
- 12 Sep 2018 I emailed Dean Moos, PSC
- I requested if NAC released water into the creek
- 2 Oct 2018 Email from Dean Moos, PSC
- NAC had made the rainfall measurements. It is unknown if the measurements are accurate.
- 2 Oct 2018 Another email from Dean Moos, PSC
- Acknowledges that NAC has continued to release water from the NAC ponds.
- 15 Nov 2018 Email from Dean Moos, PSC
- PSC has been too busy to respond to my email inquiries.
- 3 Dec 2018 Meeting with Jason Dockter, ND Legislator
- I provided Jason with the history.
- 7 Dec 2018 I emailed Dean Moos, PSC
- 1) when was permit originally issued,
 - 2) how many times was the permit renewed,
 - 3) list the permit revisions (including subject) along with dates issued,
 - 4) what is the current permit status,
 - 5) what is the performance bond status,
 - 6) has performance bond been released in total or phases,
 - 7) on what date did the ten year responsibility period start and how many years remain for that performance responsibility period,
 - 8) has the permit ten year responsibility period been restarted for any compliance reasons,
 - 9) are some, or all, of these basic permit questions been compiled and readily available?.
 - 10) What are the dates of the water discharges from the ponds, and the volume of water for each date?
- 21 Dec 2018 Email from Dean Moos, PSC
- Mining permits NACT-9501 and NACT-9001 are the two relevant permits. Both of these permits are "paper copy" permits (not in an electronic format). ... The permit is available for viewing at the Commission's offices (13th Floor, State Capital) and at the Mercer County Courthouse.

- One attachment was a NDPDES (Dept. of Health) pond water discharge volume and dates.
- 10 Jan 2019 Email from DOH ... ND Dept. of Health
- DOH provided a link to NAC pond water discharge dates and volumes. The DOH records state that NAC discharged millions of gallons of pond water into the farmland creek. This volume of water has flooded the southwest corner of the farmland.
- 7 Jan 2019 Meeting with Nicole Poolman, ND Legislator
- I provided Nicole with the history.
- 12 Jan 2019 Email from Nicole Poolman, ND Legislator
- Recommended I hire an attorney.
- 23 Jan 2019 Email from Rachel Grimm, Mercer County
- There was no Mercer County permit to deepen the ditch.
- 25 Mar 2018 I emailed Dean Moos, PSC
- Did North American Coal inform the PSC when pond water discharge caused farmland erosion in 2011 and 2014?
 - Does the PSC have photos of that erosion?
- 31 Mar 2019 Phone call from Lucille Sailer, has farmhouse close to farmland creek
- NAC discharging pond water into the farmland creek has caused flooding in her basement.
- 8 Apr 2018 (I received a FLASH stick from Dean Moos, PSC
- The FLASH stick contained:
 - 2011 and 2014 Inspection Reports
 - Photos from 2011 and 2014
 - **The photos contradict the PSC letter (dated 23 Jul 2018)**
- 8 Apr 2018 I emailed Dean Moos, PSC
- Why are the photos of the erosion not included in the 2011 and 2014 reports? The erosion is significant. There is loss of topsoil and loss of crop income.
 - [there has been no response.]
- 11 Apr 2019 Meeting at the farmland with Ken Miller (Mercer County Road Sup.), Dwight Berger (County Commissioner), Jerome Boeshans and Jayme Boeshans, farmland renters
- Ken Miller mentioned inviting Jessica Binder, Mercer County State's Attorney to view the ditch.
 - Dwight Berger mentioned discussing this at a County Commissioner Meeting.
 - Clyde Eisenbeis agreed to forward this history doc to Ken Miller and Dwight Berger.
- 11 Apr 2019 Meeting with Lyle Eisenbeis, adjacent farmland owner
- Lyle Eisenbeis remembers Perreault Construction, Beulah, digging the ditches for NAC.

- 17 Apr 2019 I attended Mercer County Commission meeting, Duane Scheurer, Wes Gunsch, Marvin Schwehr, Wayne Entze, Dwight Berger
- The gist of my comments were:
 - Starting in 2011, Coteau discharged millions of gallons of pond water into the farmland creek.
 - This resulted in extensive erosion and flooded part of the farmland.
 - To handle that flow of water, Coteau deepened the road ditch, which blocks access to the farmland.
 - My question to the County Commissioners: "Is this legal."
 - The Community Commissioners' response was to investigate this.
- 15 May 2019 I emailed the PSC
- [A Formal Complaint](#). The email also included these statements: "Please forward this email and attachments to: Brian Kroshus, Commissioner, Julie Fedorchak, Commissioner, Randy Christmann, Commissioner, Attached are: 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."
- 30 May 2019 Email from Dean Moos, PSC
- The email stated, "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."
- 10 Jun 2019 Email from Dean Moos, PSC
- The email had two attachments. A PSC Division (Dean Moos) recommendation (in the form of a letter dated June XX, 2019) and a NAC letter dated 19 Jun 2018.
 - I had not seen either letter prior to 10 Jun 2019
 - I responded on 11 Jun 2019, via email, to Dean Moos with comments added onto both letters (in blue font).
 - On 11 Jun 2019, Dean Moos forwarded my comments (on the PSC Division recommendation letter draft) to the PSC Commissioners.
- 12 Jun 2019 [Meeting at 10am at PSC with PSC Commissioners and Dean Moos](#)
- I was not allowed to make comments at this meeting.
 - When my Formal Citizen Complaint was mentioned, a second meeting was scheduled for 2:30pm to continue discussion about this complaint. I was not allowed to make comments at either meeting.
 - Prior to the PSC 2:30pm meeting, I attempted to give a written doc, to the PSC Commissioners, that contained questions I would like to hear asked (because I was not allowed to speak). The PSC Commissioners refused to read that written doc.
 - The PSC Commissioners:
 - Discussed the PSC Division (Dean Moos) recommendation letter draft.

- Did not discuss the contents of my complaint, or my comments added to the PSC Division recommendation letter draft.
- Asked Dean Moos about the diversion ditch prior to NAC modifying it.
 - Dean Moos did not state the PSC had photos of the diversion ditch prior to NAC modifying it.
 - Dean Moos did not state there were diversion ditch photos on page 5 of my complaint.
 - I was not allowed to speak.
- Did not mention the "contradictions" I had stated: 1) in my complaint, and 2) onto the PSC Division recommendation letter draft.
 - From a distance I saw that Julie Fedorchak had my comments (with blue font) to the PSC Division recommendation draft.
 - My comments in the complaint and on the PSC recommendation draft were never mentioned.
- The PSC Commissioners approved the PSC Division recommendation letter draft. The PSC Commissioners comments implied they never read the Eisenbeis Complaint or comments on the PSC Division recommendation draft letter.
 - Brian Kroshus, PSC Commissioner, had read the Eisenbeis History doc with photos when he met with Eisenbeis on 22 Nov 2017.

1 Jul 2019

Meeting with Jason Dockter, ND Legislator

- Jason planned to meet at the ND Attorney General Office.
- After this meeting, never returned phone calls or emails.

2 Jul 2019

I emailed to thePSC

- "I am working on filing another Formal Complaint. What is my deadline for filing this Formal Complaint?"
 - On 5 Jul 2019 John (Jack) Schuh, PSC responded, "Your filing is still subject to the applicable law and procedure. We are unable to advise you on that matter."
- Asking for a deadline date is a legal matter?

26 Jul 2019

(I started exchanging emails with Dean Moos, PSC

- *1 Aug 2019, to Dean Moos*, "I received "photos" and "photo locations" of our farmland in 2011 and 2014. **I'm interested in 'every' photo and every photo location of the 'NAC land' east of our farmland in 2011 and 2014.**"
 - *9 Aug 2019, from Dean Moos*, "We have provided every photograph that we are aware of for your area of concern."
- *11 Aug 2019, to Dean Moos*, "Are you claiming that there are no other photos of the land east of our farmland where the ponds were located?"
- *27 Aug 2019, to Dean Moos*, "Still waiting for a response to my question. Are you claiming that there are no other photos (2011 and 2014) of the land where the ponds were located (east of our farmland)?"
 - *17 Sep 2019, from Dean Moos*, "We have searched all the photo files of current and former employees and have not found any additional photos."
- *18 Sep 2019, to Dean Moos*, "Are you claiming the PSC took no photos of the pond and water overflow path on NAC land when the ponds overflowed?"

- 20 Sep 2019, from Dean Moos, "...17 Sep 2019, from Dean Moos, "We have searched all the photo files of current and former employees and have not found any additional photos."
- ... more emails
 - 7 Nov 2019, email from John Schuh, PSC, "Based on your request I just wanted to follow-up to let you know that we believe that we have provided the documentation that is the subject of your request."
- ... more emails
- 6 Feb 2020, to Dean Moos, "You did not answer the question. **Did the PSC 'take' those photos?**"
 - 9 Aug 2019, from Dean Moos, "I believe all the photos we have provided were taken by PSC Reclamation Division staff."
- **Dean Moos, PSC never answers the question.**

1 Oct 2019 (I wrote a letter to the ND Ethics Commissioners

- Commissioners are David B. Anderson, Ronald Goodman, Ward Koeser, Cynthia Lindquist, and Paul Richard.
- I provided docs and a link to Beulah.FoxPing.com.

19 Nov 2019 (I received a letter from the Office of Attorney General

- "... the Ethics Commission ... Board concluded that the complaint alleged no violation that falls within the substantive jurisdiction of the Ethics Commission
- "... the Board ... will take no further action".

10 Aug 2019 (I received a phone call from Lucille Sailer

- Her land is flooded again.
- I contacted KFYZ and KNET. KFYZ did not respond. KNET did respond and interviewed me (<https://www.kxnet.com/news/local-news/rural-landowner-describes-years-long-informal-dispute-with-coal-company/>)

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 There have been many more emails. This history log attempts to summarize them.
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