

# Dakota Counsel

March 2015

Organizing • Research • Advocacy • Education

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## Don Nelson Makes the Case to Hold State Officials Accountable

*This op-ed by Don Nelson has been in numerous newspapers in March. This was in the Fargo Forum, March 8, 2015 and headlined “Forum oil train editorial short on common sense.”*

The *Forum* editorial Feb. 20 about responsibility for the explosion of North Dakota oil in a West Virginia train derailment missed the mark on so many fronts.

Unlike the *Forum*, most people would understand that there is a straight line between explosive cargo and cargo exploding. Instead of addressing the problem, the *Forum* repeated off-the-wall name-calling. Sidestepping real safety questions, the *Forum* swallowed “all or nothing” thinking and attacked the messenger, in this case the local group Dakota Resource Council.

### A good life

I am a rancher, mineral owner and businessman in the middle of western North Dakota’s oil boom.

I’ve been a member of Dakota Resource Council for more than 25 years because it’s important to make sure



that the lives and livelihoods of those who’ve spent generations building farms, ranches and a good life here are not destroyed while oil and coal are extracted and developed. DRC brings together my farm and ranch neighbors, small business people, workers and others around the state to work on

natural resources, energy and agriculture issues. In recent years, DRC has added urban members in Fargo and other cities. We make sure the voice of local common sense is heard.

See **Don Nelson**, pg. 7

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## Dunn County Fights for Local Control

Dunn County DRC members are in the middle of a waste dump war. Earlier this year, DRC members were faced with Calgary-based Secure Energy Services proposing an oilfield waste landfill 5.5 miles south of Manning and a mile east of Highway 22.

DRC members and their neighbors were a little more worried about this proposal than usual, due to the Dunn County Commission removing a county code in

2014 that required 60 percent approval of landowners within a half-mile of a proposed landfill.

On March 10, 150 people turned out to hear DRC members and other citizens lead the charge to tell the Dunn County Planning and Zoning Board to put back the 60 percent rule in the books. After a long discussion, board members voted to recommend putting the requirement back into the county code.

March 18, the recommendation to reinstate the 60 percent rule went in front of the Dunn County Commission. Over 100 people turned out and DRC members Curt Kralicek, Dale Dvorak, Mark Kovash made the case for the 60 percent. The commissioners voted to table the issue until April.

For more information, e-mail DRC organizer Kathryn Hilton at [Kathryn@drcinfo.com](mailto:Kathryn@drcinfo.com) or call the DRC office at (701) 224-8587.



The Dakota Counsel is published four times a year by Dakota Resource Council, a nonprofit, grassroots activist organization. Dakota Resource Council's mission is to promote sustainable use of North Dakota's natural resources and family-owned and operated agriculture by building member-led local groups that empower people to influence the decision-making processes that affect their lives and communities.

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## **Springing Forward**

by **DRC Board Chair Linda Weiss**

January was off to a running start with the State Legislature convening. Our members and staff have been busy attending committee hearings at the Capitol on several bills. Then, there were the public hearings by the North Dakota Health Department in Williston, Bismarck and Fargo on the radioactive TENORM proposed levels. DRC made their presence known as members from all over the state showed up to each hearing, making the case for making North Dakota safer.

It is gratifying to see our oil and gas organizers in action at the legislature and out in the state organizing when there is concern about a waste dump being forced onto landowners and farming operations. They have been following up on a number of problems affecting members in the Bakken country.

Another Bakken Bomb train derailed in West Virginia February 16, 2015. There have been more editorials and commentaries in publications not only from DRC members, but droves of citizens in North Dakota and across the United States asking our state government for safer rail cars and less volatile crude on the trains as they go through many small and urban communities. The incident in Quebec was more than enough evidence for this.

As we focused on oil and gas issues affecting our lives and livelihoods, I read that solar energy generated 1% of U.S. electricity. Solar added 7.4 gigawatts (GW) last year, a 42% jump from 2013. The clean energy task force can be reactivated to look at that and other renewable campaigns.

In the coming months the board and staff plan for more member events. Check the Facebook site as well as mailings in the near future. With any luck, spring is due soon.



## **Can You Help???**

Our staff has grown and we are in dire need of another vehicle to get our organizers where they need to be to do DRC's important work for you.

We have had 4 vehicles donated and they served us well but 3 of them got tired and retired so we need some new wheels. If you happen to have an extra new(er) well-maintained vehicle hanging around and need a tax deduction, we would be more than happy to take it off your hands!

As you know, we are a 501(c)(3) nonprofit so it's a win-win for both of us! Call Aleta at 483-2851 or aleta@drcinfo.com with good news:)



## DRC Challenges State Leaders to Stabilize Bakken Crude

In the early afternoon hours of February 16, the community of rural Mount Carbon, West Virginia a Bakken Bomb Train hauling 109 tank cars of crude oil from North Dakota to Virginia derailed and exploded. The huge fire forced the evacuation of hundreds of families, shut down two nearby water treatment plants, and 14 railcars carrying crude oil caught fire, including one that plunged into the Kanawha River. Each car was carrying up to 30,000 US gallons of Bakken crude oil. One person was treated for potential inhalation. The West Virginia National Guard took water samples to determine whether oil seeped into Armstrong Creek and CSX contractors also monitored the air for pollution linked to the fires.

The next day, DRC released a statement holding North Dakota leaders accountable for deciding not to make our oil safe enough before allowing it on

trains. See the reprinted op-ed by Donny Nelson (page 1) and letter to the editor below by Jim Stenslie. The fact is North Dakota officials are allowing more and more of an explosive product to be put into a transportation system they know can't handle it. We believe

public officials should be held accountable for their decisions.

You can help encourage North Dakota officials to do the right thing. Please write a letter to the editor to your local and state-wide newspapers or call talk shows to state the facts of stabilization versus the new weak oil conditioning standards.



**Theodora Bird Bear & Scott Skokos at news conference**

If you'd like facts about stabilization versus conditioning or for some help on writing and sending a letter to the editor, please e-mail DRC Communications Director Sean Arithson at [sean@drcinfo.com](mailto:sean@drcinfo.com) or call the DRC office.

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## Jim Stenslie Knows Credibility

*Letter to the editor, Fargo Forum, March 2, 2015*

The Friday, Feb. 20, editorial by the *Forum* regarding the Dakota Resource Council was disturbing to me. I am a longtime member of DRC and currently a board member. I cannot find a single paragraph in that editorial that is not inaccurate or misleading. Two statements are especially upsetting.

To call us "radical environmentalists" was obviously intended as an insult. DRC is much more than that. A bit of research of our history would have enlightened the *Forum* of that fact. The DRC was begun by local farmers and ranchers and is still largely made up of rural people.

Secondly, the claim that our staff is "credibility challenged" is a terrible insult to Don Morrison and the marvelous staff he has put together. As a board member and one who has attended many legislative hearings and other discussions of oil/gas issues, I have been amazed by the work these people do to research the issues as they travel across the Bakken area, and as they bring support to those who have been negatively impacted by the result.

I would suggest that the credibility issue may more clearly belong to the *Forum* than DRC.

*Stenslie lives in Napoleon ND and is a member of DRC's Board of Directors.*

# DRC Audit Bill Fails in House

At the end of 2014, members of DRC's Oil and Gas Task Force called for an independent audit of the Oil and Gas Division of the North Dakota Department of Mineral Resources and the North Dakota Department of Health. These agencies have biennial audits, but Task Force members want a full independent performance audit to prove or disprove unethical decisions made in reference to oil and gas development policy.

DRC launched a petition for supporters to sign. As soon as it went on-line and physical petitions

handed out in the Bakken, the petition drive received attention from the media and DRC received calls of support and agreement. After a few more calls and some talk with legislators, House Minority Leader Kenton Onstad, (DNPL-Parshall), sponsored House Bill 1259 that would require performance audits within the next two years of the two state agencies.

On February 12, the House voted 67-22 against the audit bill, but, that wasn't the end of the story. During the legislative process, members of both parties

agreed that a performance audit should take place, but the process could start with the Legislature's Audit and Fiscal Review Committee, which has the authority to request performance audits of any state agency.

For more information on the petition or to sign an on-line version, please visit our website at [drcinfo.com](http://drcinfo.com) and type the word **PETITION** in the search box on the top right hand corner of the home page. For questions or to get involved to support the audit, call DRC organizer, Nicole Donaghy at (701) 224-8587.

## Department of Health Hears from DRC Members

DRC members all over the state jumped into action the week of January 19 as the North Dakota Department of Health held public hearings in Williston, Bismarck and Fargo on a proposal to raise the state's radioactive limit for certain landfills from the current 5 picocuries to 50 picocuries.

DRC members have major concerns about the proposed increase. The ten North Dakota landfills that could take the radioactive material aren't equipped like the facilities that currently accept that radioactive waste in Colorado and Idaho. Often, with heavy rains, radioactive material in these landfills can run off into streams and underground water resources.

Activist and Honor the Earth Program Director, Winona LaDuke, stood with DRC members and said, "There's no safe level of radiation exposure. Do you guys want to explain to me my recommended daily allowance? The fact is none. There is a reason we don't have new nuclear power plants in this country because if you can't taste it, and you can't smell it, and it's going to kill you, and it lasts 13 million years."

Following the public hearings, at the request of DRC members, the department extended the comment period for another month. DRC submitted comments; email or call the DRC office to get the link to the comments. The Dalrymple Administration is not sure when the new rules will be finalized.



**DRC member Joletta Birdbear makes the case at the Bismarck hearing January 21**

# Meet and Greet your DRC Board and Staff



Area members and friends visiting with the board and staff after the March 14 meeting in New Town

The DRC Board of Directors want to visit with you and is having informal “Meet and Greet” with area members and potential members following Board meetings around the state.

The Board meets six times a year in different locations. The next “Meet and Greet” will be in Valley City May 9 at 3:00 p.m. following the Board meeting. Watch for details.

These visits and the involvement of members help DRC keep moving in the right direction.

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## March-May Membership Months

*“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.” Margaret Mead*

We’re sure you have heard this famous quote at some point in your life, and as a DRC member, it really applies! The longevity speaks for itself; going strong since 1978, an impressive life span for a non-profit. It takes lots of work, dedication, and loyalty and our members have done an amazing job!

DRC is on a mission to increase our membership and strengthen our organization and here’s an opportunity you won’t want to miss.

We are having a “March thru May Membership Months” drive and here is the **meat** of this spectacular event. All you need to do is spread the good word about DRC and sign up the most new members and you could be the lucky recipient of **35 pounds of homegrown beef**. That’s right! Donny and Rena Nelson will generously donate this box of beef to the person who brings in the most members and the beef is yours to enjoy just in time for the grilling season.

Yes, I want to join Dakota Resource Council!

Name \_\_\_\_\_ General Membership

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ e-mail \_\_\_\_\_

Referred by \_\_\_\_\_

\_\_\_\_\_ \$35 Individual

\_\_\_\_\_ \$55 Household

\_\_\_\_\_ \$100 Century Club

\_\_\_\_\_ \$250 Sustaining

\_\_\_\_\_ \$500 Watchdogs of the Prairie

Where’s the Beef?



**Send in the most memberships and the beef will be on your grill!** Print this form again and again, be sure to put your name on the bottom and mail to DRC, P.O. Box 1095, Dickinson, ND 58601.

## DRC Welcomes Tim Glaza

In mid-January, DRC officially welcomed new Agriculture and Food Organizer Tim Glaza to the staff. Tim grew up in Waterloo, IA and studied at Iowa State University. As a Peace Corps Volunteer in Zambia, Tim worked with farmers on a variety of agriculture projects. Tim has a Master of Science degree from Illinois State University where he worked with partners on building a stronger community-based food system. Prior to joining DRC, Tim managed a canvassing office in a political campaign in Iowa.



Since January, Tim has been out meeting with members and talking about past, current and potential future issues that interest DRC members. Tim also has been at the Capitol during the legislative session, keeping an eye on SB 2351, a bill that would weaken the current anti-corporate farming law in North Dakota, which in turn, could hurt family farms.

If you are interested in ag and food issues, please contact Tim at (701) 224-8587 or e-mail [tim@drcinfo.com](mailto:tim@drcinfo.com).

## DRC Members Talk Fast Track Authority with Hoeven, Heitkamp Staffs

On February 25, DRC member Gene Wirtz and organizer Tim Glaza met with Don Larson, Senator John Hoeven's Chief of Staff, to talk about an upcoming vote on giving the Obama Administration fast track trade authority to negotiate free trade agreements including the Trans-Pacific Partnership.

DRC opposes Fast Track Authority because it would enable an amazingly wide range of public interest policies to be rewritten without any public, democratic policy-making process. With Fast Track Authority, the United States would enter massive new trade deals without a full debate about the potential implications. Instead, Congress would limit their own debate, surrender their right to offer amendments, and bind themselves to a straight up or down vote.

Larson said that Senator Hoeven will make his decision by thinking through what is best for North Dakota and whether the senator thinks it is fair to North Dakota producers. He also told Gene and Tim that Senator Hoeven is normally very supportive of free trade and opening up trade but may not support Fast Track because of the Obama Administration.

A week later, DRC members Jeri Lynn Bakken, Gene Wirtz, and Todd Leake, and organizer Tim Glaza talked on the phone with Tyler Jameson of Senator Heidi Heitkamp's DC staff. Senator Heitkamp also has not made a decision about how she will vote.

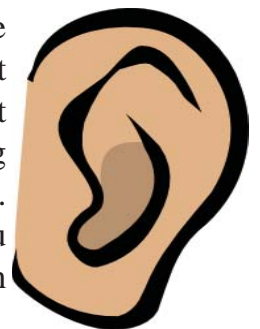
DRC provided letters for Senators Hoeven and Heitkamp urging them to vote NO on the issue. A vote on the Fast Track Bill could be as soon as April and both the Heitkamp and Hoeven camps are unclear on a decision.

For more information on this issue, please call DRC Ag and Food organizer, Tim Glaza at (701) 224-8587 or email him at [tim@drcinfo.com](mailto:tim@drcinfo.com).

## Have You Heard???

DRC is constantly on the move and wants you, our members, to have the latest information at all times. Updates are found on Facebook, the DRC website ([www.drcinfo.org](http://www.drcinfo.org)) and by means of your personal e-mail.

If you have not been receiving e-mail updates, we may not have your current address or have an incorrect address. If you've been missing out, please send [Aleta@drcinfo.com](mailto:Aleta@drcinfo.com) your e-mail address so you can "hear" what you've been missing!



## Don Nelson, from pg. 1

### False choice

DRC members understand that the issues facing us in North Dakota are not “all or nothing” – being in favor of everything the oil industry wants or being against fossil fuels. That is a false choice. Unfortunately, during the past eight years of rapid oil development, state officials and the oil industry have viewed legitimate questions and concerns as unwelcome attacks on the oil industry. They’ve shown an amazingly thin skin. Lynn Helms, the director of the state’s Department of Mineral Resources, even called people impacted by oil development “collateral damage.”

Meanwhile, the daily spills of oil and hazardous waste, illegal dumping of radioactive waste, threats to landowners over pipeline easements, exploding trains of North Dakota oil, and a host of crime and other problems continue to be a new part of our daily life.

### A ‘myth’?

So far, six trains carrying North Dakota crude oil have exploded in North America, including one in Quebec that killed 47 people. The response of North Dakota officials began with Helms proclaiming the state should do a study to refute the “myth” that North Dakota oil was overly explosive. Then, a train carrying North Dakota oil exploded in Casselton, 20 miles from downtown Fargo.

Denial gave way to reluctant regulation. In December, new rules went into effect that require oil be conditioned to 13.7 pounds per square inch before it is loaded onto trains carrying the crude out of state. This was not much of an improvement, since most oil producers in the state already do that. The West Virginia explosion was pegged at 13.9 psi, almost identical to what North Dakota officials are calling good enough. The oil that exploded in Quebec was at 9.3 psi and safe standards are at less than 6 psi. Obviously, North Dakota still has a long way to go.

### Lesser ND standard

DRC provided testimony at the Department of Mineral Resources hearing in September pointing out that technology is available to stabilize the oil so it is much safer to transport by train. This would take the explosive gases out before it is loaded on the trains. Oil companies do that in Texas. But because that would add costs for the oil industry, North Dakota officials opted for a lesser standard.

Now, some state lawmakers are threatening to make matters worse by eroding surface owners’ rights by eminent domain to build pipelines. Again, they want others to do the sacrificing. Instead, they should focus on safety, health, and lessening the impact on other people’s livelihoods through the industry’s use of better technology, whether it is pipelines, trains or trucks.

### Direct line

The fact is North Dakota officials are allowing an explosive product to be sent by train across the continent. DRC pointed out the obvious when we stated that responsibility for the explosion of North Dakota oil in West Virginia was a direct line to Gov. Jack Dalrymple and the North Dakota officials who made the decision to let it happen. We believe public officials should be held accountable for their decisions.

*Nelson is a Keene, ND rancher and past chairman of DRC.*

**Keep up to date with DRC!**



**Like DRC on FACEBOOK**  
To get the word out ‘SHARE’ our posts with your friends.



**I’D LIKE TO SUPPORT DRC  
ENCLOSED PLEASE FIND:**

#### General Membership

\_\_\_ \$500 • Watchdog of the Prairie

\_\_\_ \$250 • Sustaining

\_\_\_ \$100 • Century Club

\_\_\_ \$ 55 • Household

\_\_\_ \$ 35 • Individual

\_\_\_ \$ 15 • Student/Low Income

#### BARC/DRC Membership

Household \$60\_\_\_ Individual \$40\_\_\_

#### GFC3/DRC Membership

Household \$60\_\_\_ Individual \$40\_\_\_

#### MCETA/DRC Membership

Household \$65\_\_\_ Individual \$ 45\_\_\_

#### MVRC/DRC Membership

Household \$60\_\_\_ Individual \$40\_\_\_

#### SARC/DRC Membership

Household \$75\_\_\_ Individual \$ 45\_\_\_

Name\_\_\_\_\_

Address\_\_\_\_\_

City, State\_\_\_\_\_

Zip\_\_\_\_\_ Phone\_\_\_\_\_

e-mail\_\_\_\_\_

# Members Urge Veto of Corporate Farming Bill

Major weakening of North Dakota's anti-corporate farming law is working its way through the legislature. The House and Senate have passed slightly different versions. If the differences are worked out, the bill will go to the governor.

SB 2351 would allow non-family corporations to operate and own land for dairy and swine production. The bill gives oversight and monitoring responsibilities to Agriculture Commissioner Doug Goehring, a strong supporter of corporate farming.

DRC isn't the only one fighting against this bill as North Dakota Farmer's Union, Independent Beef Association of North Dakota, the Catholic Conference, the Bismarck Tribune and an overwhelming majority of North Dakota people came out opposing this bill. Also a poll by DFM Research of St. Paul that was released by North Dakota Farmers Union showed 75 percent of North Dakotans are opposed to this bill.

Meanwhile, now is the time to write and call the Governor and ask him to veto SB 2351 because it would hurt North Dakota family farmers.

You should have received an e-mail from DRC organizer Tim Glaza about sending a message to the Governor. If you didn't received that e-mail, you can write the governor by visiting his website at [governor.nd.gov](http://governor.nd.gov) and clicking "Contact Us" or by calling him at 701.328.2200.

Save the Date  
for  
DRC's 38th Annual Meeting  
October 24  
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