

Dakota Counsel

DON MORRISON NEW DRC DIRECTOR

Dakota Resource Council hired Don Morrison as the new executive director. He began February 1 and will be taking over from long time director Mark Trechock who is retiring February 29.

He said, “DRC is one of the most successful and committed grassroots organizing groups in North Dakota and I am excited about the challenges and the people I will be working with across the state.”

“This is a critical time in North Dakota,” Morrison said. “The issues that DRC is organizing around will determine what kind of state we and our children will live in. We must do everything we can to make sure people’s voices are heard clearly and strongly.”

Morrison has been a statewide advocate and leader in bringing together a diversity of people and organizations to work on common issues. For the past 16 years, he was executive director of NDPeople.org, originally the North Dakota Progressive Coalition. DRC was a member of the coalition when it worked on issues like factory farms, energy taxes and economic development accountability. More recently, the group has concentrated on communications efforts such as the Prairie Independent newspaper.

DRC Chair Verle Reinicke, said board members were pleased with Morrison’s leadership of civic engagement efforts and experience in leadership development, organization development, and fundraising.

“I have enjoyed and appreciated working with Mark Trechock over the years,” Morrison said. “I like his sense of humor, too. His shoes are really big to fill. I believe in DRC and am looking forward to meeting members and new members across the state and I encourage people to contact me. I’m energized already by the meetings with members in New Town and White Earth.”



A native of Minot, Morrison was a teacher in Ethiopia; Ashley, ND; and St. Petersburg, FL before getting a master’s degree at the University of North Dakota. He has worked on several political campaigns and was a budget analyst for the State of North Dakota and assistant to the North Dakota Tax Commissioner.

He and his wife Karen live in Bismarck and have two adult children, Alex and Nicole.

KEYSTONE XL REJECTED

State Leaders Clamor for Approval on Dubious Grounds

Never before have so many North Dakota politicians united behind a project to sell Canadian oil to China through a leaky pipeline across the plains.

President Obama squelched the pending federal permit for TransCanada’s proposed Keystone II pipeline January 18.

“Denying the current TransCanada Keystone XL pipeline application was the right decision because of legitimate concerns about the route in light of the company’s poor safety record,” said Paul Mathews, a DRC member from Cogswell.

“Before approving any more tar sands pipelines the administration must make sure they won’t leak like the original one and potentially contaminate the land and water we need to sustain life,” he added.

The existing Keystone pipeline sprang 35 leaks in its first year of operation. The largest one dumped 500 barrels of oil on the North Dakota prairie near Mathews’ farm.

“The world’s thirst for oil does not justify recklessness in its production or distribution,” said Mathews.

Since then Sen. John Hoeven has introduced federal legislation to fast-track approval of a new permit application.

Heidi Heitkamp, a candidate for Sen. Conrad’s seat when he retires after this term, supported Hoeven. Another Democratic candidate, Tom Potter, disagreed.

Conrad himself expressed reservation about Hoeven’s bill, for which DRC thanked him.

The Dakota Counsel is published six times a year by Dakota Resource Council, a nonprofit, grassroots activist organization. The mission of Dakota Resource Council is to form enduring, democratic local groups that empower people to influence decision-making processes that affect their lives. DRC is committed to preserving sustainable agriculture and natural resources.

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A NEW BEGINNING

By DRC Board Chair Verle Reinicke

Janus is the Roman god of beginnings, January, being named after him. Two-faced, he looks backward and forward. What has been is assessed, while at the same time looking forward to what is to come. That is where we are in Dakota Resource Council just now.

Mark Trechock is getting his things in order to take his leave from us and working closely with Don Morrison, our new Executive Director, who began on February 1. We warmly welcome Don among us.



The past year has been a bumpy ride, especially when it comes to funding our work. We continued to struggle with external sources of income: those who had provided funds in the past simply did not or at a very reduced level. At the end of the year we were virtually bereft of staff. Fortunately, some of that is beginning to turn around, and funding sources are beginning to step up to the plate again: it's looking more hopeful as the new year begins.

CONGRATULATIONS!!!! The exciting news about funding comes from us, from within DRC itself. The Board and staff worked hard at increasing the giving that comes from our membership. Last year, saw an almost 200% increase: we almost doubled the amount we raised ourselves over the previous year of 2010. A big thank you goes to all members who helped us in that achievement.

Oil and gas development in western North Dakota continues to encroach on the life and well being of the land, air, water and people here. Just the night of this writing there was a TV news piece of how that development is creeping eastward into previously undeveloped areas and the concerns people in the newly affected areas have.

DRC is poised to work in this area. However, it is difficult to find funding to proceed. It is a frustrating conundrum, but staff is working diligently to find the funding to make it happen. I and others will continue to keep you informed.

Some final thoughts about the future. There is heady talk about the abundance of oil and gas under our Great Plains. We talk so little else about the abundance of wind and sun and just-below-the-crust geothermal, however. Beyond that the refuse of our agricultural activities. And still farther beyond that yet-undreamed-of or undiscovered sources of energy also in abundance. All of it often untapped because we are limited in our imaginations by thinking only in terms of fossil deposits, the carbon factor.

What can we do as a grassroots community organizing group to free up new kinds of thinking about our energy future? In our work, in our campaigns, we need always to keep in the backs of our minds new possibilities. We need to keep our eyes peeled, as plains people, for what lies just beyond the horizon, for what we've not yet seen as well as listening for that new thought, that new idea, that will free us from our present bondage to everything carbon. It's more elusive perhaps than securing fairness in the leasing process and other things we seek to do, but nevertheless it's part of our mission as well.

PHONY BOND RELEASE AT FALKIRK

Calling a pending bond release at the Falkirk Mine a “paper exercise,” DRC asked the state Public Service Commission (PSC) in January to explain why the “bond release” would result in no money going back to Falkirk.

“Where’s the bond?” asked Gene Wirtz, Underwood farmer and DRC Board member, who lives about five miles west of the land scheduled for bond release. “If the mine gets no money back, the public has been without bond protection for years.”

Falkirk is applying for bond release on 217.5 acres just west of Underwood.

The PSC’s notice says all mining was completed at the site more than 20 years ago, in 1989, and that Falkirk will not receive any reduction in bond as a result of the bond release.

Under state and federal law, coal mines must post a bond to ensure that the public does not have to pick up the cost of reclamation if the company defaults.

“Bond was removed from that land many years ago and applied to other areas of the mine,” said Wirtz. “That left farmers in the area without any protection should reclamation efforts fail to meet the state’s requirement of 100% of pre-mining agricultural productivity

on permitted mine lands designated for post-mining agricultural use.”

Wirtz and DRC are asking the PSC to explain why it earlier released Falkirk from bond obligations for the tract without a formal application for bond release, and how it safeguarded the rights of interested parties to comment or call for a hearing on these earlier reductions of bond.

He said farmers in the area, including himself, “may at some time be interested in purchasing or leasing this parcel or other reclaimed land in the area.”

“The entire community has an interest in ensuring successful reclamation,” Wirtz said



ENERGY BURSTS

Wind Jobs. A study released in December said that continuing the federal wind energy Production Tax Credit would create and save 54,000 American jobs over the next four years.

The report, issued by Navigant, said the tax credit would create more than 15,000 new manufacturing jobs and keep the nation on track to reach 500,000 wind energy jobs by 2030, as projected by the George W. Bush Administration.

Ending the tax credit, by contrast, could cut the number of wind energy jobs in half.

Domestic production of wind energy parts has increased 12-fold over the past six years at more than 400 facilities in 43 states, according to the report.

North Dakota ranks 9th in the nation in total installed wind capacity.

Property taxes paid by wind project owners totals over \$4 million per year, about the same amount received in wind leases by landowners.

North Dakota Alliance for Renewable Energy estimates up to 4,000 jobs supported by North Dakota wind energy.

The wind energy tax credit will expire at the end of 2012 unless Congress reauthorizes it.

Third in Arsenic. North Dakota ranks third in the nation in arsenic pollution from power plants, according to a study released in December by the Environmental Integrity Project.

The state also ranks eighth in mercury releases and 12th in overall toxic pollutants, according to the study.

EPA classifies arsenic as a human carcinogen linked to bladder, liver, lung and skin cancers.

Antelope Valley Station near Beulah is the fourth largest single emitter of arsenic nationally, at more than one ton.

Milton R. Young Station near Center ranks ninth, Leland Olds Station near Stanton is 14th and Coal Creek Station near Underwood 24th.

Keep BLM out of OSM. DRC submitted comments in January opposing the transfer of some federal Office of Surface Mining functions to the Bureau of Land Management.

“Our concern is that [it] may result in the dominance of BLM’s mission of leasing federal coal over OSM’s mission as a regulatory agency,” wrote Gene Wirtz in official DRC comments.

“We have seen in other government agencies evidence that conflicts between leasing and regulatory scrutiny are likely to result in regulatory neglect,” he added.

Wirtz said the most crying need was for OSM to reform bonding and bond release practices in North Dakota, which discourage bond release applications for agricultural lands and prevent timely engagement of affected citizens in ensuring reclamation success.

The comments were submitted at a January 23 “stakeholder meeting hosted in Billings, Montana by the two agencies.

STICKING IT TO MINERAL OWNERS

Those who leased their minerals to front companies for Chesapeake Oil in southwestern North Dakota may face a tough fight to get their bonus payments.

The company told press early this month it was removing two rigs near Dickinson, planned to leave the area and would not honor leases.

A Stark County resident said few if any mineral owners in his area actually signed with Chesapeake.

Blanca Peak and Eagle Oil and Gas did much of the leasing with the apparent intent to sell the leases to Chesapeake and may not have the cash to honor the agreements.

Few of those who signed have received payments. Some were sent checks for a fraction of the amount owed.

Attorneys for mineral owners in Stark and Hettinger Counties reported numerous contacts from unhappy mineral owners.

Dickinson Mayor Dennis Johnson told the *Dickinson Press* he was "kind of relieved" that the Chesapeake play had slowed down, since "we have plenty of challenges on our plate with what's going on to the west and north of us."

State Mineral Resources Director Lynn Helms told the *Bismarck Tribune* that anyone who's offered a lease should have it evaluated by an attorney.

He said lease problems "would not be atypical for Chesapeake" which has had similar problems in other states where it does business.

A similar scam in 2010 left hundreds of landowners in northern Michigan fuming, according to *Rigzone*.

They had signed leases with local brokers--all of them representing shell corporations started by Chesapeake, including Northern Michigan Exploration LLC.

Northern later announced it would not honor the leases, leaving many landowners wondering who to sue over their lost bonus payments, although at least 115 have filed suit against to recover bonuses averaging \$95,000.

Investigation by the news service Reuters revealed that Chesapeake set up a shell corporation that in turn set up Northern, which then hired brokers to gather the now voided leases.

"Chesapeake's effort to hide its involvement isn't illegal," according to *Rigzone*.

"The company's maneuvering exemplifies how U.S. corporations routinely can conceal financial and corporate transactions through the use of shell companies."

Chesapeake's own website tells landowners their "main consideration" should be "to discover who will ultimately be producing your minerals."

Good advice, yet Chesapeake's own activities make it nearly impossible to follow.

Rep. Raul Grijalva (D-AZ) said he would be "arguing for some intervention to control the use of shell companies to deceive landowners."

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KEYSTONE, (from p. 1)

The first Keystone pipeline's track record "in no way suggests that the Keystone XL project is a good candidate for streamlined approval, but rather just the opposite," said Dean Hulse, Fargo, in DRC's letter to Conrad.

Hoeven and other supporters of streamlining allege that building Keystone XL will provide an outlet for North Dakota's Bakken crude, create jobs in North Dakota and prevent energy independence by keeping oil from being exported to China and other oil-hungry nations.

But China is already heavily invested in Canadian tar sands oil.

An Associated Press article earlier in January disclosed that PetroChina had bought out the remaining 40% of Athabasca Oil Sands Corp, giving it complete control of the company.

"Tar sands oil, or Bakken oil transported through the same pipeline, may well wind up in China or another foreign country," noted Hulse.

Besides, there is no guarantee Bakken oil will have access to the Keystone XL pipeline if it is built.

The proposed BakkenLink pipeline, originally slated to go from southeast Williams County to Fallon, Montana, along the proposed Keystone XL route, was shortened to terminate near a proposed rail facility near Fryburg.

The PSC has yet to approve the BakkenLink.

There are no pipeline applications currently before the state Public Service Commission to connect to the Keystone XL route, despite claims by many North Dakota politicians that an "on-ramp" is in the works.

As for North Dakota jobs, they seem dubious since the Keystone XL pipeline seems unlikely to be routed through our state.

"If an 'on-ramp' to Keystone XL has the effect of taking 500 trucks off the road, as some proponents promise, the result of building it may well mean a net loss of jobs in North Dakota," noted Hulse.

DRC: OIL AND GAS RULES SHOULD BE STRONGER

New state oil and gas rules passed by the State Industrial Commission January 23 should be stronger, especially on reserve pits, topsoil replacement and protection against saltwater spills, to protect farmers and ranchers in oil and gas country, according to DRC.

“Saltwater spills may be the most serious immediate threat to farmers and ranchers today,” said Donald Nelson, Keene, chair of the DRC Oil and Gas Task Force.

“Requiring flow monitors on saltwater disposal pipelines would be a simple and effective way to keep leaks from becoming disasters,” said Nelson.

Nelson pointed out that two disastrous saltwater leaks since 2006 have led to water and soil contamination that may never be cleaned up completely.

Clean-up efforts from water and soil contamination caused by a leak near Charbonneau Creek in McKenzie County in 2006 are ongoing. More than 30 million gallons of contaminated water have been removed, but the contamination persists.

A 2011 saltwater spill also contaminated 28 acres of farmland in Bottineau County.

“The spill is likely to prevent agricultural activities on those acres for generations to come,” said Nelson. “I don’t think there’s a way to clean it up.”

Both spills were from saltwater lines without the flow monitors that the Oil and Gas Division now selectively urges, and the lack of monitoring in both cases allowed contamination to persist for some time.

“We can’t afford to sacrifice agricultural production for the convenience of the oil and gas industry,” said Nelson

DRC leaders also urged stronger action on reserve pits and topsoil replacement.

“Over 40 reserve pits overflowed in last spring’s thaw,” said Dorothy Ventsch, a DRC member from New Town.

“We applaud the reduction in reserve pits and the requirement to disclose fracking fluids,” said Ventsch. “Fracking on this scale is relatively new, and long-term results are not fully known by state agencies charged with protecting North Dakota’s residents and environment.

“We don’t agree with the exemption for wells sunk less than 5,000 feet below the surface, however,” she added.

“Overflowing pits from wells of any depth can cause saltwater and erosion damage, even if the pits do not contain fracking fluids,” noted Ventsch. “These pits should be eliminated.”

Nelson also said that the eight-inch limit on topsoil replacement during site reclamation was inadequate.

“Topsoil depth varies, and we have topsoil on some parts of our land that is considerably deeper than eight inches,” said Nelson. “If topsoil is not fully replaced on reclaimed sites, it will reduce agricultural productivity, which will be the lifeblood of our community long after the current boom has ended.”

Nelson added that DRC supports the new rules’ increase in bonds for oil and gas wells, but believes the increase should be larger.

OILFIELD SPILLS AND CHILLS LOG (iv)

December 8. The U.S. Environmental Protection Agency released a draft finding that hydraulic fracturing had contaminated groundwater near Pavillion, Wyoming.

The EPA discovered hydrocarbons in area wells and advised residents not to drink their water. Residents had complained that their water reeked of chemicals.

The finding was the first time a federal agency had formally linked fracking and water contamination.

EPA is conducting a nationwide investigation of fracking impacts.

December 15. The Roosevelt-Custer Regional Council for Development found that there is no complete mapping of oil and gas pipelines in North Dakota.

Rod Landblom of Roosevelt-Custer told the Dickinson Press better procedures should be in place prior to additional development to avoid “insecurity and chaos.”

Public Service Commissioner Tony Clark said “a general clearinghouse of where pipelines are located” was “a fair proposal.”

January 17. Federal Judge Daniel L. Hovland ruled that six oil companies that killed 28 ducks and other protected birds were not subject to the 1918 federal Migratory Bird Treaty Act.

The birds died when they landed in open reserve pits containing oily waste and other chemicals.

THREE FOND FAREWELLS

by Mark Trechock

DRC and I have lost two great personal friends in the last few months, both of them also pioneers in North Dakota's community organizing efforts.

Randolph Nodland cut his teeth on community organizing in the 1970s with the United Plainsmen, a now-defunct group that paved the way for DRC's formation in 1978.

He organized people in his rural community near Dunn Center who did not want their farms turned into mines to feed a proposed coal gasification plant and served on the Steering Committee that launched DRC.

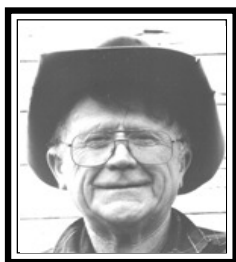
Not content that the proposed mine and plant bit the dust, he pursued a long and ultimately successful lawsuit to recover coal leases on his land that had been obtained through fraud and deception.

A farmer and rancher who had to take over the family enterprise in his teens because of his father's death, Randolph then turned his attention to fighting for federal farm policies to even the playing field in grain and livestock markets and keep farmers on the land.

He was active in the formation of the Western Organization of Resource Councils and National Family Farm Coalition and served as chair of both groups.

My heroes haven't always been cowboys, but many of them are now.

Randolph died in early January. I miss him.



I also miss Roberta Biel, who died in November.

She was DRC's Chair when I began work here in 1993. Her domestic violence agency's office was just around the corner, and we spent many hours working together to figure out how to lift DRC out of the financial crisis that then threatened the group's existence.



After one session, she introduced me to one of her employees, a red-headed volleyball player named Janeen Nichols who recruited me to their team.

It took a few years for me to realize she was the love of my life, but we were finally married in 2007. We both remember Roberta with gratitude.

The third farewell, thankfully, does not involve a death, just a retirement—mine, which comes at the end of this month.

Coming to North Dakota was a big adjustment for a city guy like me, but the mission and the wonderful people of DRC won me over.

I remember when it happened. I was making a long journey home from Boston in 1995 by rental car, jetliner and finally my decrepit Volkswagen Jetta into the late spring twilight. Leaving Mandan behind, I felt myself relax and knew I was coming home.

It's been a great ride. Thank you, Randolph. Thank you, Roberta. Thank you, everyone.

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LOG (iv), from p. 5

Three of the companies had already pleaded guilty and agreed to pay fines, which were nullified by the judge's decision.

January 25. Ranchers should take precautions to protect cattle from oil impacts, Michelle Mostrom, NDSU toxicologist, told a meeting of cattle producers in Medora.

"Accidents are going to happen," she told press. "That is the nature of the business."

She said experiments showed cattle will consume water contaminated with crude oil or diesel and will lick hydrocarbons off pipes until they get sick or die.

Mostrom said good fences were important to prevent accidents, and that ranchers should keep close and accurate records, or else risk not being compensated for losses.

January 26. Local officials from the oil patch told an interim state legislative committee about the problems they face, including housing, crime, lack of employees, strained budgets, and stressed emergency services.

The area is short on patience, jail space, groceries and fuel, according to Williams County Commissioner Dan Kalil. It is long on sewage, garbage, anger and frustration.

"Our quality of life is gone, it is absolutely gone," said Kalil. "My community is gone, and I'm heartbroken. I never wanted to live any place but Williston, North Dakota, and now I don't know what I'm going to do."

Williston City Commissioner Brad Brekkedahl said almost 1,000 long-term residents have left town.

Committee Chair Sen. Rich Wardner (R-Dickinson) said help is needed to address the impacts.

FAIR MARKETS: A DREAM DEFERRED

By Link Reinhiller

Grain Inspection Packers and Stockyards Administration (GIPSA) Administrator Dudley Butler resigned last month.

His resignation was a loss. The greater loss was the lack of support that led up to it.

Butler was the first GIPSA Administrator who had direct personal experience with the small concentration of packers that now rig the market.

He took office with the intent to reform cattle markets by writing new rules for GIPSA, as required by the 2008 Farm Bill.

Proposed rules were drafted, not as strong as I would have liked, but a step forward.

But eventually both Congress and the Obama administration yielded to the packing industry lobby, the rules were gutted, and we cattle producers are right back where we started from without a competitive market at any level.

Where we started was a 1960 report by the Committee of Economic Development called "An Adaptive Program for Agriculture."

The report of that committee, made up of business people and educators



rather than farmers, essentially said, "There are too many people involved in production agriculture."

One way to get the reductions was to decrease prices by decreasing competition, and multi-national corporations were only too happy to oblige. "Get Big or Get Out" became the watchword, and many got out.

Trade agreements have also provided an important avenue to advance the interests of these multi-nationals, which have no loyalty to any country, and which had tremendous influence on the language of the agreements. Congress passed these agreements with very little debate.

The results are telling. School enrollment in my county, Oliver, is down from 729 to 193 since 1960, and statistics in other nearby counties are similar. Hettinger is down from 2,063 to 373, Adams from 1,159 to 283 and Slope from 226 to 21.

Meanwhile, the variety of crops grown has decreased, the American diet has worsened, and more and more consumers are worried about the safety of their food.

I've lived in rural communities and taken part in food production all my life.

What we producers need, first and foremost, as do our communities and our consumers, is real market competition.

What Butler's resignation means is that dream continues to be deferred for the sake of corporate profits.

(Link Reinhiller, Hazen, is chair of the DRC Trade and Livestock Task Force.)



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GM SPROUTS

Monsanto and FDA. President Obama recently appointed Monsanto lobbyist Michael Taylor as senior advisor to the Commissioner of the Food and Drug Administration.

FDA is the federal agency charged with reviewing new products to protect public health and safety.

It plays a key role in the approval of new genetically-modified (GM) foods.

Taylor was a leading opponent of consumer labeling of dairy products to indicate the presence of the bovine growth hormone (rBGH).

Taylor also lobbied the 2001 North Dakota state legislature and succeeded in defeating a measure that would have set up a commission to decide whether to allow Monsanto's Roundup Ready wheat in the state.

To sign a letter to the President urging him to withdraw Taylor's appointment, log on to http://signon.org/sign/tell-obama-to-cease-fda?source=s.em.cp&r_by=422490, or call any DRC office for help.

France Keeps GM Maize Ban. Monsanto has still not convinced France it should accept its MON 810 GM maize.

The company will not be selling the seed in France this year, despite successful appeals to French and international courts.

The French government said no.

Austria, Germany, Greece, Hungary and Luxembourg also have bans on the GM maize.

GM Freeze campaign director Pete Riley called the French decision "another sign that Monsanto has failed to convince the public or policymakers that there is any benefit to growing GM crops."



NEW WHEELS FOR DRC



Harlin & Marie Kling next to the 2001 Buick they donated to DRC.

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