

Dakota Counsel

February 2013

Organizing • Research • Advocacy • Education

Vol. 36, No 2

DRC MAKING THE CASE AT THE LEGISLATURE FOR A BETTER BAKKEN

The 2013 North Dakota Legislative Assembly is nearing its halfway point or “crossover” when bills in one house have to be approved and sent to the other house or defeated. So far, landowners, farmers, ranchers, small business people and others have run into the overly powerful



Theodora Bird Bear testifies

Helms/Ness buzz saw. On bill after bill, landowners have stood up and made the case for balance in oil development. They have talked about correcting bad faith actions of oil and pipeline companies, premature eminent domain threats, trespassing, siting oil pads in the most damaging places for water and pastures, and the need to be serious about not wasting gas by flaring.

On bill after bill, Lynn Helms, director of the Department of Natural Resources of the North Dakota Industrial Commission, and Ron Ness, the executive director of the North Dakota Petroleum Council have responded with “there really isn’t a problem” and “the oil industry is opposed.” So far, they’ve trumped it all.

Moving Forward. The legislative session is not over. The stonewalling by Helms and Ness may have gone too far. DRC members and our allies will continue to work hard for ways to build a better Bakken, one that preserves a good life and strong livelihoods for people who live there. We need your help to make sure more people can hear what we are saying.

So far, eight DRC members have testified at committee hearings. You can watch some of them on our website.

The legislature is in session until about the end of April. Please let your legislators know what you think and/or come to Bismarck to support our efforts. Contact the Bismarck office for more information and watch for Action Alert emails.

Highlights

Flaring. SB 2215 to stop subsidizing flaring after a year by having companies pay royalties and taxes was defeated 13-34 in the Senate. Still alive are SB 2370 and HB 1134 which would give tax breaks to companies that gather the gas.

Setbacks. HB 1348 would have pushed the set back of oil pads from homes from 500 feet to a quarter mile, or 1,320 feet. Brenda Jorgenson testified in favor of the bill. It was amended to keep the 500 foot setback and have flares on the far side of the pad. Theodora Bird Bear testified to support SB 2206 to increase the setback to 750 feet and it was defeated in the Senate 17-30.

Cut oil extraction tax. SB 2336 would cut the tax rate from 6.5% to 4.5% giving oil companies a break of \$595 million the first 5 years. Committee hearing is February 20.

Catch Up and Recover Bill. HB 1318, sponsored by Rep. Onstad (DNPL-Parshall) and Sen. Andrist (R-Crosby) would put back \$2.4 billion to the 17 oil-producing counties. The Governor’s budget would return about 20% of that or about \$532 million.

Wind Tax Exemption. HB 1382 to extend income and sales tax exemptions for large wind turbines passed the House 55-33. HB 1353 for tax exemptions for small wind facilities was defeated 26-61 in the House.

Graduated Net Metering. SB 2291 provides a gradual approach for retail repayment for energy generated back into the electrical grid by small energy facilities on homes and businesses. Committee hearing is February 21.



**DRC Activist
Brenda Jorgenson**
(photo by Terry Evans)

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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BORE THEIR PANTS OFF

By DRC Board Chair Verle Reinicke

Maintaining close contact with the legislators in our various districts was my message in December. The Legislative Assembly is in full swing, and there are a number of bills before the session dealing with issues that DRC cares about, many of them related to oil and gas development.

Continued vigilance is still the order of the day—and persistence. Both can sometimes seem futile and non-productive, especially when we find ourselves in the middle of the fray. Already, some have testified before committees of the legislature, done a good job, only to be countered and shot down by those on the opposing side.

No matter.

Surprised by Hope by N. T. Wright, a British theologian, says that the major justice task that faces our generation is the “ridiculous and unpayable Third World debt.” He writes: “...I have the sense that some of us, like old Wilberforce (the late 18th Century Englishman) on the subject of slavery, are actually called to bore the pants off people by going on and on about it until eventually the point is taken and the world is changed” (p. 216-7).

Boring their pants off is not a bad idea for us either. We don’t give up presenting our message and position. No matter that “they” may not listen on a given day or given legislative session. We keep saying it and saying it until somebody, some session, listens and makes the changes for the good that we seek.

We have been successful in the past and will again in the future. We’re about our task again this year in the Capitol. We continue to believe in what we stand for and are pressing for. We are about “setting things to rights” (Wright).

We are the Watchdog of the Prairie, after all. We keep barking until those who need to listen and act do just that.

I’m not suggesting that what we say is in fact boring or trivial or inconsequential, even though those opposite to us think that and may seek to mock, downplay and sneer at what we say and stand for. Nor am I suggesting that we BE boring.

Not at all. We need to continue to do our homework, know our facts and figures, tell our stories, hone our messages. We need to continue to speak words of consequence, words and messages that will catch the ear of those we speak to so that we do the very best to engage them and leave a lasting impression.

So, let’s continue to make our point, bore their pants off, go on and on about it and fully expect that things will change.



BISMARCK RESIDENTS GET CURBSIDE RECYCLING!

After years of hard work on the issue, Missouri Valley Resource Council (MVRC) members were pleased when the Bismarck City Commission voted to implement curbside recycling on Tuesday February 12, 2013.

In a full room of more than 100 people – including over 20 MVRC members – city commissioners heard two hours of testimony from more than 30 people on many sides of the issue. Speaking in support of curbside recycling were over 10 MVRC members – all Bismarck residents ranging from children to retirees and from business people to mothers to retired pastors to students.

MVRC testimony ranged from the convenience factor of curbside recycling to the values behind why widespread recycling is something that improves a community and makes everyone better stewards to the earth.

Some notable testimony came from MVRC member Colleen Reinke, who has been a consistent, vocal leader in the movement to get curbside recycling in Bismarck for over five years. She served as a member of the city’s recycling task force.

“This is the easiest method for residents by far. It is state of the art and the only thing easier than this is to not recycle at all and we know that will have consequences for our landfill” said Colleen.

This past spring Colleen started the curbside recycling rebellion, which helped rejuvenate MVRC’s efforts. Colleen’s recycling rebellion began when she urged her friends and neighbors to put recyclables on the curb as a protest to the city’s lack of curbside recycling.

Soon Colleen and others in Bismarck will be able to put their recyclable items in a container that can be placed on their curb for pick up.

MVRC has been working on recycling issues since 2001. During the past year, MVRC members gathered over 625 signatures from Bismarck residents in support of curbside, talked to friends and neighbors, and spoke at city commission meetings.

On Tuesday, after a lengthy discussion by the commissioners, commissioners voted unanimously to start curbside recycling with the caveat that homeowners can have a one-time opt-out.

The adoption of curbside recycling marks a big victory for MVRC and its members. After years of campaigning, talking and sharing information with lots of people in the community, and doing several actions, MVRC member are pleased their hard work was successful.

“Recycling is a values issue, since I was a child, I was told not to waste.”
Member Marie Hoff



As a family in the community, we do our fair share of recycling, curbside would make my life and my family's life easier by allowing us to bring our recyclables to the curb.”
Member Heidi Demars

“Curbside recycling in the long run is a great idea. It (curbside) extends the life of the landfill and allows more residents to participate.”
Member Travis Schulz



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Contact your legislators to let them know what you think.

Watch for DRC Action Alert emails about upcoming House and Senate votes.

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If you would like the "DRC Legislative Update" *mailed* or *emailed* to you each Friday afternoon during the legislative session, please let us know at 701-483-2851 or aleta@drcinfo.com.

RENAE EVENSVOLD: New DRC organizer in the Bakken

Renae Evensvold is our newest member to the DRC team. She will be bringing people together and working on oil and gas issues in the Bakken region.



She grew up in northwest North Dakota on a farm/ranch near Powers Lake. Renae and her husband Joe ranch and help operate the VanBerkom Family Farm. She has experience working with farmers and ranchers on conservation, easement and other best practice issues.

Renae earned her Bachelor's Degree in Natural Resource Management at Dickinson State University. She enjoys the outdoors, singing and playing guitar, officiating basketball, and spending time with her husband and their dogs, Gander and Poncho.

Welcome to DRC, Renae!

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 _____

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BADLANDS AREA RESOURCE COUNCIL

Coffee meetings

There are many things happening in our western area on the edge of the Bakken. It is difficult to be aware of all the projects unless they affect us directly.

There are pipelines, wells, waste facilities, saltwater disposal wells, etc.

Recently several BARC members attended a North Dakota Health Department public hearing in Medora January 15 about a solid waste facility permit application. The facility is to be located northwest of Fairfield and known as Chimney Butte Environmental LLC. Even though a public notice was published few people were there. However, information gleaned there can be helpful with concerns about a similar facility proposed south of Belfield.

To learn more about these projects and share information we are planning informal coffee meetings at several places in the area. Watch for a notice in your mail or e-mail.

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SOUTH AGASSIZ RESOURCE COUNCIL

SARC will meet February 26 to discuss NDSU campus energy efficiency and sustainability, the Wild & Scenic Film Festival, a Big Bucks Raffle by SARC, and bills pending in the North Dakota Legislature. Members are very concerned with events in the western North Dakota oil fields, especially with water, fracking, flaring, health issues, how every-day folks are treated, land use, and the impact of drilling on Theodore Roosevelt National Park and the Killdeer Mountains.

GROUP EFFORT SAVES COMMUNITY FROM OIL WASTE DUMP

When CCS Midstream Services (now Tervita, LLC) announced plans for an oil waste treatment facility on the edge of the scenic White Earth Valley, residents understood that could mean the end of the kind of lives they wanted to live. It could also hurt their livelihoods as ranchers.

Rancher and DRC board member Scott Davis said, “The whole community pulled together and sent many letters and emails to the county commissioners.”

The community effort led by DRC members was successful. After almost two years, Tervita pulled out of the project.

The site at the top of the valley would have become an industrial zone with a facility to receive and dispose of oil and gas production waste, including some slightly radioactive, plus hundreds of trucks coming and going on dusty roads creating a dangerous intersection.

Davis was very concerned about how harmful the dump would be to the water and air and how it could drive him out of the ranching business.

DRC member Rose Person, White Earth, said, “Our success was due to residents working together. Our biggest worry was water contamination and the erosive soils of the White Earth Valley.” The White Earth River eventually flows into Lake Sakakawea.

She did a lot of research which she has shared with other communities facing similar decisions. She said Mountrail County officials “took a good long look at everything and backed us up.”

Davis’ advice to other people would be to “get enough people together and you can do about anything. Adjusting to all these changes brought by the oil field is ongoing.”



Scott Davis
(photo by Terry Evans)

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