

# Dakota Counsel

December 2015

Organizing

• Research

• Advocacy

• Education

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## DRC Advocates in DC to Curb Methane

DRC Board of Directors and Fort Berthold POWER members, Walter and Lisa DeVille, accompanied organizer Nicole Donaghy to Washington, DC in early November to speak with the state’s Congressional delegation on methane emissions due to oil and gas extraction in North Dakota. They joined members from WORC’s other state member groups to request that delegates support the Environmental Protection Agency’s proposed methane rules.

The group met with North Dakota Senator Heidi Heitkamp and staff for Senator John Hoeven and Representative Kevin Cramer, representatives from the Environmental Protection Agency, and staff from President Obama’s Council on Environmental Quality. The group also was able to attend an impromptu meeting with the Bureau of Land Management to discuss the effects of flaring on the reservation.

Lisa was invited to speak on a panel for members of Congress and Congressional staff to discuss why there needs to be a plan to reduce methane emissions via flaring, venting, and leaking. The six-person panel had representatives from North Dakota, Colorado, Wyoming, and South Dakota. Each panelist shared their story of how oil and gas has impacted their everyday lives, such as health, environmental, and social issues.

DeVille earned a degree in Environmental Science from Ft. Berthold Community College in New Town, North Dakota in 2015 and received the North Dakota Human Rights Coalition “Arc of Justice Award” on November 14 for her outstanding environmental justice achievements.

“For the past eight years, I have witnessed the rapid increase of oil and gas industrialization along with the environmental impact. Every direction you look there are gas flares that sound like a roaring jet plane that rumbles the ground like a train passing by. At night the sky is lit up like it is still day,” she testified.

Methane is the second most prevalent greenhouse gas, second-only to carbon dioxide in the size of its contribution to global warming. It has a climate change

potential 25 times greater than carbon dioxide. It also contains volatile organic compounds such as benzene, a known carcinogen.

Nearly 30 percent of all U.S. methane emissions come from oil production and the production, transmission and distribution of natural gas, according to the EPA.

The proposed EPA methane rules are part of the



**Lisa DeVille, Mandaree, presents a video of a pipeline venting during a 'blowdown' near Epping**

President’s Climate Action Plan. The comment period closed on December 4, after an extension by the EPA. Both DRC and Fort Berthold POWER submitted comments requesting that existing facilities be included in the proposed rules.

“We need monitoring, research, testing, and studies that show the environmental and human health impacts of exposure. In North Dakota, the technology does not exist to reduce or eliminate the gas flaring. Our health and the health of our children and mother Earth should not continue to be sacrificed.” said Lisa, who lives in Mandaree, the most impacted segment of Fort Berthold Reservation.

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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## You Can Make a Difference

by DRC Board Chair Craig Scott

As the new DRC chairperson, I am inspired to see the commitment of so many DRC members as they work together on our critical issues. When you think of why many of us joined DRC, it was to make important changes happen that will improve our lives and the lives of our families and in our communities. Now more than ever we need to bring people together across the state.



At the most recent Board meeting in November in Jamestown, we committed ourselves to keeping our eyes on the prize -- focusing our coming year on running strong issue campaigns and developing new leadership to propel the organization forward.

Many new people have joined the DRC Board since the Annual Meeting -- both long-time experienced leaders and new young people -- with interests in critical energy, agriculture, natural resource or community issues. The average age on the Board is going down. Four members are under 38 years old - Kyle Leake, Jay Mosbrucker, Karen Erickstad and Jeremy Wirtz. For the first time in four years we have a working farmer - Todd Leake - and a working rancher - Jeri Lynn Bakken. We are getting a more balanced Board that has a solid foot in our rural agriculture core and who we are.

We have been steadily strengthening and growing since we hit a membership bottom in March 2012. Last month we set a recent record for how many members renewed. And the number of new memberships in one month has only been higher twice in the last 8 years.

Members and staff have been doing great work. We can and we must do even better. Because we have a good foundation of members and fairly stable resources, we are on our way to growing, developing new leaders, and becoming stronger. That's good, because we have a lot of work to do.

I'm looking forward to working with you in the coming year. Please feel free to contact me if you have questions or to talk about DRC and how we continue to build power.

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### Calendar of Events

**December 16** - DRC Agriculture and Food Task Force call at 7:30 (CT)

**December 18** - Public written comments are due on development of state plan related to EPA's Clean Power Plan

**December 31** - Last day to make tax deductible contributions to DRC in 2015

**January 1** - New North Dakota radioactive oil field waste rule take effect

**January 9** - DRC Board Meeting, Bismarck

**February 19-21** - Food and Ag Justice Collaborative Steering Committee meeting, Billings, MT

**March 19** - DRC Board Meeting, somewhere in the Minot area

Check out DRC's website [www.drcinfo.org](http://www.drcinfo.org), FaceBook, and Twitter. Watch for emails and postcards for alerts and information. Call us if you have questions or would like more information.

## Anti-Corporate Farming Presentations and Opportunities To Get Involved

DRC members in the Belfield, Napoleon, and Rugby areas have organized presentations and discussions on the corporate farming referendum during December. These local gatherings are opportunities for members and the public to learn more about the crippling loopholes the legislature passed to weaken the anti-corporate farming law and what we can do to stop the corporate take-over of agriculture at the polls next summer.

DRC is coordinating with the North Dakota Farmer's Union and other allies to motivate and turn out voters for the June 14, 2016 vote on the ballot measure. The campaign will ramp up early next year and there are many ways members like you can be the difference in the campaign. Contact DRC organizer Tim Glaza, 701-202-6260 or tim@drcinfo.com if you want to host a discussion in your community, write a letter to the editor, or to get involved with the campaign.

### WORC Agriculture and Food Campaign Team Meeting



WORC Agriculture and Food Campaign Team met in October in Billings to work on campaign plans and celebrate victories. DRC member Lynn Wolff, Fargo and organizer Tim Glaza presented DRC's work on the corporate farming referendum campaign and our work to defeat Trade Promotion Authority/fast track. WORC and the member groups continue to learn from each other and strategize on how to build a better future for family farming and ranching.

## Talking About Trade at Coffee with Cramer



DRC member Link Reinhiller of Beulah and organizer Tim Glaza attended Coffee with Cramer in Bismarck on November 23 to bring up the Trans-Pacific Partnership (TPP) free trade agreement and how it is damaging to North Dakota.

"These multinational free trade agreements which are shaped by multinational corporations do not benefit people like us. These corporations are loyal only to their stockholders and they do not care what happens in the countries where they operate," Reinhiller said.

The TPP has been "fast-tracked" and the text has now been released to the public. It could come up for a simple up or down vote in Congress as soon as February 2016. Sen. Heitkamp, Sen. Hoeven, and Rep. Cramer have all expressed varying degrees of support for the TPP but they may vote no if they hear from their constituents.

Like many DRC members, Reinhiller is not opposed to trade. "If we want to do some trading, let's make deals country by country. For example, if Australia is negotiating an agreement with Japan, why shouldn't the United States be able to negotiate an agreement with individual countries?"

Contact Sen. Heitkamp (202-224-2043), Sen. Hoeven (202-224-2551), and Rep. Cramer (202-225-2611) and urge them to vote NO on the TPP.

## GM Wheat

Five DRC members submitted comments (out of over 160 submitted) to the USDA's Animal and Plant Health Inspection Service (APHIS) in October on their proposed rule to change GM wheat (or Genetically Engineered wheat) test plot regulation from a notification system to a permitting system.

DRC signed on to a letter urging APHIS to extend the commenting period from 30 to 90 days. APHIS did not extend the comment period but they seem to be moving forward on a more stringent permitting process for GE wheat trials.

DRC member and wheat farmer from Grand Forks County Todd Leake says, "It's a small step forward but it is something that should have been required in 1996. The permitting process should give more oversight if the USDA will enforce its own regulations."



# Country of Origin Labeling

Attacks on mandatory Country of Origin Labeling (COOL) continue to come from the World Trade Organization (WTO), other countries, big meat corporations, and Congress. On December 7, the WTO responded to complaints from Canada and Mexico by ruling against the U.S. COOL law. Even before the ruling, some in Congress had introduced bills making COOL voluntary or repealing COOL.

Rancher and DRC Board Member from Adams County Jeri Lynn Bakken writes:

“This ruling and the resulting legislation is the perfect example of the flaws in current trade policy. We have allowed our elected officials to enter into trade agreements that undermine the consumers, agriculture producers and the U.S. economy in the name of free trade. Not only has the WTO ruling had the effect of taking away our right to label a product we are proud of, it has dampened Congress’ resolve to stand up for the people they are supposed to represent.

It is unfortunate that former supporters of mandatory COOL like Senators Heitkamp and Hoeven have been convinced that voluntary COOL is the only way forward. The reality is that there are several options they could pursue before killing this important law and replacing it with a meaningless voluntary law. There is no guarantee that a voluntary law would not also be challenged by WTO. Both Senators know how important this is to the livestock producers of North Dakota and the consumers of this country. North Dakota cannot afford to let them take the easy way out.”

Contact Sen. Heitkamp (202-224-2043), Sen. Hoeven (202-224-2551), and Rep. Cramer (202-225-2611) and urge them to support mandatory COOL.



**John Hanson, *Northern Lights* director, speaks in Killdeer**

## Northern Lights: “Times when we had the powers that be on the run”

DRC organized three showings (Bismarck, Killdeer, and Fargo) of *Northern Lights*, a classic and award winning North Dakota film on the organizing of the Nonpartisan League (NPL).

The movie leaves viewers with a remarkable sense of how comparable 1915 is to today. The NPL organized and won in 1915.

DRC member Larry Heilmann of Fargo, who worked to bring the film to the Fargo Theatre October 26, said, “The film depicts events in 1915 that are in many ways the same today. The railroads and milling companies from Minneapolis controlled farmers then similarly to how oil companies control North Dakota today.”

Organizer Tim Glaza said, “Thank you to everyone who helped with funding and organizing these showings.”

# North Dakota Health Council Raises Radioactivity Levels in ND Landfills 10x

December 7, 2015 the state Legislative Administrative Rules Committee voted to approve the Dalrymple Administration's proposed rules to regulate radioactive waste in North Dakota.

Scott Radig of the State Department of Health said that allowing the department to increase the level radioactivity in oil waste from 5 to 50 picocuries per gram would stop illegal dumping in North Dakota.

DRC member Larry Heilmann, a retired biochemist and USDA researcher, testified and questioned the proposed rules. He said, "I do not think you want to mix industrial waste with radioactive waste. Thirty years from now that's going to be a Superfund site that you've got to dig up and separate them all over again at enormous expense. That is a disaster waiting to happen."

"I believe that there are not enough personnel within the department with experience or training that will show the effect of radiation on human tissue," Heilmann told the committee.

DRC member Darrell Dorgan, who also leads the North Dakota Energy Industry Waste Coalition, noted that the Attorney General's office has an opinion pending about the State Health Council's violation of North Dakota's open meeting laws in August. The Council issued a 3-day notice for the August public meeting where they heard the proposed rules and decided to pass them despite objections by DRC members. The Attorney General stated that his opinion on the matter would take up to 180 days to complete.

"We're going to have to dig this stuff up and start all over again if you decide on pushing these rules through," Dorgan said.

Rep. Mary Schneider (DNPL-Fargo) moved to table the rules until the question on the validity of the Health Council's action could be determined. After discussion, the legislative committee passed the rules 12-1. Five members of the committee were absent.

The rules will go in affect January 1, 2016.

What do the radioactive waste rules do?

- Allow the Department of Health to regulate radioactive waste two divisions: hazardous waste and radiation control. The sector that will oversee and inspect facilities is not clearly defined.

- Allow for-profit oilfield waste operators to transport, store, handle, and dispose of radioactive waste in North Dakota.

- Increase radioactive concentration limits in North Dakota from 5 picocuries per gram to 50 picocuries per gram

- Limit facilities to an intake of 25 tons per day. When production was at an all-time high in 2013, in-state landfills accepted 1.8 million tons of waste.

Under the new rules, facilities that accept oilfield waste will be required to cover the pile with at least one foot of soil, which is usually drill cuttings that often have a measurable amount of radiation. There are currently 13 facilities in Western North Dakota that could apply for a permit to dispose of radioactive waste.

## The EPA's Clean Power Plan--an Opportunity for North Dakota

In August 2015, the Environmental Protection Agency (EPA) finalized its Clean Power Plan (CPP), a rule under the Clean Air Act that limits carbon emissions from coal-fired power plants. Because North Dakota gets a large percentage of its electricity from coal, the state is required to reduce its carbon footprint by 45% -- more than almost every other state except Montana.

However, the rule could offer opportunities for the state, particularly in spurring innovation in both energy efficiency and renewable energy, and discouraging waste. The state hasn't portrayed the CPP as an opportunity, but those who want to see potential savings on electricity bills through efficiency measures and better, wiser use of natural resources have an opportunity to comment. DRC members attended public meetings in November held by the North Dakota Department of Health -- the agency charged with writing the state's compliance plan. The public comment period is open until December 18.

Considering the state currently ranks last in the country in efficiency measures and solar capacity, we only have up to go.



# 2015 Annual Meeting Memories



Outgoing Chair Linda Weiss accepts the 2015 Art & Grace Link award

Annual meeting participants (l-r) Jeri Lynn Bakken, Craig Scott, Terrence Kardong, Fred Wright and Catherine Seibert (all the way from Maryland!)



Chair Rose Sickler 1984-85



Lunch time entertainment with original poetry reading by former Staff Director Mark Trechock



"Team Building" Ice-breaker using only straws and tape to build a tower



Grass and Black Baldies

Sisters Carol, DRC Secretary, & Shelly Ventsch, from New Town



The grass greener than we could remember and rippling like a bodybuilder's deltoids keeping a firm hold on the unbroken topsoil, Arne and I drove down from the Slim Buttes in front of a northwest wind.

A ground squirrel dashed in front of us toward the center line then spun around on its haunches and retreated for cover.

"If I had it to do over again," Arne said,

"I'd put the farm all into grass and stick with black baldies, work more at selling local, auction off the combine and seeder, maybe raise a few horses, maybe some goats.

Better to go broke with meat than wheat, fewer meetings to go to, less chemical and less bad advice from the extension service."

Miles and miles of grass lay swaying around us, some black baldies and their spring calves to the east, beyond them a half dozen pronghorn almost out of eyesight.

Arne said nothing for a long time, but out here there was no one to disagree with him.

Mark Trechock



Afternoon panel "Organizing: Past, Present, & Future with Jeri Lynn Bakken, John Hanson, Marie Hoff and Theodora Bird Bear

# A Big THANK YOU to our Annual Meeting Business Sponsorships

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\$50

Mack's Farm & RV Center, Blaine Mack, Harvey  
Grabinger's Marine Inc., Jamestown

DRC sincerely appreciates the support of the business member sponsors who contribute to our success. Please thank those who do business in your part of the state. Also, many thanks to the members who contributed items to the DRC silent auction and those who purchased the items which raised over \$1,700. Working together, we can make a difference!

## Raffle Winners

**Grand Prize**-2 Tickets for Green Bay Packers/Dallas Cowboys Game

**Joann Deede, Jamestown**

\$100-Paula Koffler, Dickinson

\$100-Fintan Dooley, Wisconsin

\$50-Brad Mills, Jamestown

Special thanks to the Salted Lands Council for donating the tickets

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**Ft. Berthold/DRC Membership**

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**GFC3/DRC Membership**

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

**MCETA/DRC Membership**

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

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

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# Lisa DeVille Presents at Duke University

October 26 and 27 Lisa DeVille presented to Duke University's Science Department in Durham, North Carolina on the oil and gas impact on Fort Berthold.

During the visit, Duke Professor Dr. Avner Vengosh, students, and researchers discussed their research on toxic brine in North Dakota.

Brine is the term used by industry for produced water that returns to the surface after being flushed down with proppant and frack sand to frack the fissures to release crude and natural gas. It is an unwanted byproduct of oil and gas drilling and can be very toxic as well as radioactive.

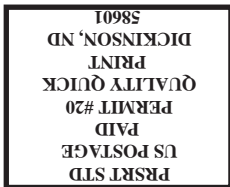
One of the spills discussed was the 2014 Bear Den Bay spill, an estimated one million gallon toxic brine spill that happened north of Mandaree. Reservation. Dr. Vengosh stated the standing brine fluid is toxic and when the soil is contaminated like it is at Bear Den Bay, it can never be remediated.

A YouTube video shot after the Bear Den Bay brine spill showing attempted cleanup was also shown to Dr.

Vengosh and PhD students and researchers. Dr. Vengosh stated that the worst thing to do is try to dilute or flush the ground. Here is the link to the video: <https://www.youtube.com/watch?v=RDHdnWhU874>

Dr. Vengosh will be returning to North Dakota to do presentations on brine spills. Dr. Vengosh and students have researched, studied and tested brine and other toxic sites from oil and gas extraction throughout the United States. Their studies have been published in the 2014 First Edition of the Compendium Series of the Concerned Physicians of New York.

**DRC is hiring!**  
**Two Field Organizers,**  
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**Call 701-224-8587.**  
**Looking for committed, qualified candidates.**



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