The power of effective organizing has once again been demonstrated, thanks to the many DRC members who worked for more than 3 years on the fight to reduce venting, flaring, and methane pollution. With a 51-49 vote on May 10, the U.S. Senate upheld the Bureau of Land Management’s (BLM) Methane and Waste Prevention Rule. DRC and Fort Berthold Protectors of Water and Earth Rights (POWER) members worked diligently to successfully persuade Sen. Heidi Heitkamp to vote in favor of upholding the rule. In turn, Sen. Heitkamp brought with her Sen. Manchin of West Virginia, securing the 51-49 vote. What follows is a chronicle of the hard work and years of organizing that went into the BLM/Flaring campaign.

The rule-making process

Dakota Resource Council members started work on the BLM’s Methane and Waste Prevention Rule in 2014 when several DRC members travelled to Washington, DC, urging the BLM and White House to put forth a rule addressing flaring, venting, and leaks from oil and gas infrastructure on public and tribal lands. DRC members shared personal stories and made a case for justification to start a rule making process.

In November 2015 the president of POWER, Lisa DeVille, and POWER member Walter DeVille attended a fly-in to meet with North Dakota congressional delegates and garner support for the proposed rule. Their participation in the fly-in was part of a bigger effort by the Western Organization of Resource Councils (WORC) to have representation from each member group that is affected by oil and gas flaring. While in DC, Lisa and Walter met with North Dakota’s senators and congressional representative. They shared stories of what was happening in the Bakken oilfields near their home in Mandaree and the direct impacts they personally experienced. Lisa presented FLIR (infrared) images of harmful emissions coming from flares and other oilfield infrastructure. (shown right) They also discussed how the BLM rule would benefit the landowners, mineral owners, and tribes.

In February 2016, the BLM held 3 public meetings across the country, the last held in Dickinson. DRC and POWER members packed the room to show support of the rule, share stories of how flaring has affected their lives and health, and highlight flaring as the unnecessary waste of a resource and loss of royalties and tax revenue. Testimony in favor of the rule was 3:1; Department of Mineral Resources Director Lynn Helms, North Dakota Petroleum Council, and other industry representatives were among the opponents to the rule. Following the hearing, POWER members met with Heitkamp staff to highlight the importance of the senator’s support of the rule. The rule was finalized and released on November 2016, just before the new administration took office.

>>>Continued on Page 3
A big, warm welcome and thank you

Dakota Resource Council has been fortunate to welcome new and changing leadership to the Board of Directors.

Upon the resignation of former Chair, Craig Scott, Vice Chair, April Fairfield stepped into the role of Chair demonstrating her apt leadership qualities.

April’s new role, however, left the position of Vice Chair now vacant. But we were quickly reminded of the dedication of DRC members when Theodora Bird Bear was appointed to the position and has not only accepted this role, but actively engages in her leadership role.

Upon the unfortunate loss of our Member At Large, Dan Neuhrohr, member Curt Kralicek too stepped up to continue the work Dan had dedicated so much time and energy to. Curt’s passion and integral work in Dunn County demonstrates what it is to be a DRC member and leader.

So, please help us in thanking these leaders for their spectacular dedication to our members and our mission!
Congressional review fight

When the new Congress convened in January 2017, congressional leaders introduced a Congressional Review Act (CRA), which is an expedited legislative process that allows an incoming administration to disapprove of any administrative rule that is enacted in the last days of an outgoing administration.

In January 2017, members of POWER invited staff from Sen. Heitkamp’s office to begin discussions involving efforts to protect the now-threatened methane rule. The staff member informed the group that Heitkamp was not taking a position on the rule and was waiting to hear the position of the Three Affiliated Tribes’ (TAT).

POWER began circulating a sign-on letter in support of the rule in February 2017. POWER members then presented this letter to the Tribal Business Council, successfully getting the signatures and support of 5 of the 7 council members.

In April, POWER met with the TAT Business Council, requesting a formal statement of the tribe’s support for the rule. After nearly an hour of debate, the council unanimously passed a motion to sign a letter in support of the methane rule.

The following day, POWER attended Heitkamp’s Town Hall on health care in Bismarck. POWER member Joletta Bird Bear testified on the negative health impacts flaring has on people living with oil and gas, closing with an ask that the senator support the rule. At the end of the event, Lisa DeVille informed Heitkamp that POWER would deliver the letter from the Three Affiliated Tribes stating their official support of the rule.

A day after the town hall, the Standing Rock Sioux Tribe adopted a resolution in support the rule.

The May 10 Senate vote to uphold the BLM venting, flaring, and leak rule is important to note as the first loss in Congress for both the White House and the American Petroleum Institute.

See the story on the ruling here:


The fight continues

As of June 14, the Interior Department is preparing to delay implementation of the rule at oil and natural gas drilling sites. The BLM stated in its register notice that it would postpone the compliance dates, “in light of the regulatory uncertainty created by the pending litigation and the ongoing administrative review”.

“We are deeply disappointed that the Interior quickly caved to the interests of the oil and gas industry by suspending the BLM methane rule. This means that in oil and gas producing areas throughout the west, including my reservation, will now have increased air pollution and more wasted natural gas. This move was completely unnecessary, especially after only a month ago Congress voted to uphold these much-needed protections” said, Lisa DeVille.

Moving forward, DRC and Ft. Berthold POWER will continue to organize with and in favor of protections for highly impacted communities, including the BLM’s Methane and Waste Prevention Rule.
DRC Members Act to Protect ND Anti-Corporate Farm Law

The North Dakota Farm Bureau filed a lawsuit in an attempt to throw out North Dakota’s anti-corporate farming law. If they succeed, it will open the floodgates to huge corporate agricultural operations, trading family farm values and local communities for corporate values.

**We cannot let the Farm Bureau succeed.**

**We continue to stand with the 75% of North Dakotans who voted in June 2016 to uphold the law.**

As a longtime advocate of farmers and ranchers, DRC applied for and was granted intervener status in the lawsuit in January 2017. See the March 2017 newsletter for more information.

You can stand with the 75%, our family farms, and our local communities. Talk with your friends, neighbors and relatives. Let them know what this challenge means and how they too can stand with farmers and ranchers. Especially, let people know that if they are Farm Bureau members or subscribers of NoDak Mutual Insurance they can:

1. Contact NDFB and urge them to drop their lawsuit and, instead, work with family farmers and ranchers to grow agriculture in a stronger, sustainable way. The NDFB number in Bismarck is 701-224-0330 and the number in Fargo is 701-298-2200.
2. Drop their NDFB membership. If they cannot change NDFB policy, then their NDFB membership means they are supporting dismantling decades of positive anti-corporate farm policy.
3. Change their insurance company if they have NoDak Mutual insurance. In order to get NoDak Mutual Insurance you must be a member of ND Farm Bureau. That connection means the person is financially supporting the lawsuit. They don’t have to do that.
4. Contact DRC to learn more and to join our efforts to support family owned and operated farms and ranches.

For more information, visit the DRC website: [http://drcinfo.org/2017/01/20/time-call-nd-farm-bureau/](http://drcinfo.org/2017/01/20/time-call-nd-farm-bureau/)

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Ag Task Force meets with Sen. Heitkamp

Members of DRC’s Ag and Food Task Force, Jeri Lynn Bakken (Adams County), Todd Leake (Emerado), and Gene Wirtz (Underwood), met with Senator Heidi Heitkamp and 3 members of her staff on April 25 via video conference.

Bakken, Leake, and Wirtz had the opportunity to discuss a range of issues with Heitkamp, including NAFTA, Farm Bill issues, and the senator’s impression of the new Secretary of Agriculture, Sonny Perdue.

The morning of the meeting, President Trump announced he would not pull out of NAFTA, but there could still be tweaks in some areas. For example, Heitkamp reiterated her support for Country of Origin Labeling (COOL). She stressed that continued efforts to keep up visible support is crucial. Discussion of potential Farm Bill provisions included an array of concerns that may be addressed in the 2018 bill.

### 2017 Ag and Food Task Force Focus

Jeri Lynn Bakken, DRC Ag and Food Task Force Chair, sees agricultural policy choice as one of people power or corporate power. Bakken stated, “As we look to the Farm Bill and NAFTA re-negotiation, there are many opportunities to build on the power we garnered in the corporate farming referral campaign. It is really important for DRC members to get involved now. Let’s spend the summer organizing, so we can step up and make a real difference in these issues in the coming months.”

DRC members interested in working on agriculture issues are encouraged to contact Jeri Lynn Bakken at 701-376-3333.
Homeplace under Fire Screening

During the 2017 WORC Summer Meeting, DRC’s WORC Board representatives and staff were able to view a screening of Farm Aid’s Homeplace under Fire, a film focused on the Farm Crisis of the 1980s.

The Farm Crisis of the 1980s drove hundreds of thousands of family farmers into foreclosure. Yet, out of that crisis arose a legion of farm advocates who refused to stand idly by and watch their way of life be destroyed.

Homeplace under Fire celebrates these advocates and their remarkable work. Thousands of farmers are alive and on their land today because of them. As Willie Nelson has said, these advocates are the best of America.

Homeplace under Fire was directed by Charles D. Thompson, Jr. and produced by Farm Aid in cooperation with the Center for Documentary Studies at Duke University.

The trailer can be viewed at https://www.youtube.com/watch?v=9o9nolnf7IU or to find out more visit www.homeplaceunderfire.org

Buffalo CAFO

The Concerned Citizens of Buffalo appeared before the North Dakota Supreme Court on June 22 in their case to reverse the permit issued to Pipestone Systems, doing business as Rolling Green Family Farms, for a 9,056 hog factory near Buffalo ND.

The group’s legal challenge to the permit is based on numerous reasons, including incorrect information on the permit application, the Department of Health issuing the wrong permit, the department ignoring scientific information provided at a public hearing, and Pipestone Systems failure to take necessary steps to apply for a permit with Howes Township.

According to a statement from the group, “We must stay strong in spite of encountering ‘no comment’ from our government officials who want to avoid conversations about the proposed Concentrated Animal Feeding Operation (CAFO) near Buffalo that will ultimately impact all of North Dakota. The researched and documented environmental problems with CAFOs have a direct impact on human health and welfare for communities that contain these large industrial farms.”

For more information, including a video with DRC members in Buffalo, see DRC’s website: http://drcinfo.org/familyfarms/. Please spread the word and share this link with your friends, neighbors, and relatives.

DRC is looking for an Ag Field Organizer!

DRC is looking for the best fit to fill the field organizer position focusing on Ag issues. If you know someone who is qualified for this work, please contact Don Morrison at 701-224-8587 or refer them to Don or to www.drcinfo.org for the job announcement.
DRC sponsors PBS film screening, panel discussion at North Dakota Heritage Center

On Sunday, May 21 with around 100 community members present, DRC held a screening of the film *Beyond Standing Rock* which investigates the controversy behind the Dakota Access pipeline and the collision of forces that inspired broad protests. The screening was followed by a panel discussion that included Standing Rock Sioux Tribal Council Member Chad Harrison, Inside Energy reporter Amy Sisk, and DRC Oil & Gas Organizer Nicole Donaghy.

The panel discussion aired on Dakota Media Access and is available to view at: http://drcinfo.org/2017/05/28/beyond-standing-rock-panel-discussion/.

*Above* (Left to Right): Standing Rock Sioux Tribal Council Member Chad Harrison, Inside Energy’s Amy Sisk, and DRC’s Nicole Donaghy and Don Morrison

*Beyond Standing Rock* was directed and edited by Brian Malone, director of *Reengineering Sam*, winner of the Denver Film Festival True Grit award for Best Colorado Produced Feature Film. The film was produced by Leigh Paterson and Alisa Joyce Barba of Rocky Mountain PBS News’ collaborative journalism project, Inside Energy. To watch the trailer and view upcoming broadcast dates visit www.beyondstandingrock.org

Federal judge rules in favor of Standing Rock Sioux Tribe

On June 14, Judge James Boasberg ruled in a 91 page decision that the Army Corps of Engineers "did not adequately consider the impacts of an oil spill on fishing rights, hunting rights, or environmental justice, or the degree to which the pipeline's effects are likely to be highly controversial." The court in effect told the Army Corps that its environmental analysis was flawed, remanding them to reconsider these key issues.

While oil is still flowing in the pipeline, on June 21 Judge Boasberg set out a schedule for evidence to be submitted about whether to vacate the Lake Oahe easement and stop the flow of oil. A decision is expected in September.

The fight for clean water continues!
Linda Weiss Letter:
Too many unknowns about mobile radioactive waste

The following was published in the Fargo Forum on June 14th.
There is a new method of handling radioactive oil field waste coming to North Dakota. White Wing Limited, LLC filed for a permit to sort oil field waste via a mobile facility.

The company is proposing to take the sludge from the bottom of oil storage tanks and separate the liquid from solid material. The radioactive solids would then be transported to a designated site for disposal and the salt water pumped down disposal wells. All this separating would be done on the back of a truck traveling from well site to well site.

After reading the proposal I still do not know how this separation of liquid and solid will be done. The written proposal says almost nothing about the methods to be used, nothing about the separation process, nothing about the trucks, nothing about the volume of liquids involved, and nothing about the weight of solids to be transported.

These trucks will be traveling our highways and back roads of Dunn, McKenzie, Williams and Mountrail counties. We do not know what will be on these trucks or if they will be ‘decontaminated’ before leaving sites.

I looked up White Wing Limited, LLC and found that it is referred to as a Minnesota based trucking company. It is apparently a shell company hiding the real owners. We need to know who owns this company. We need to know the company’s record of safety compliance and what their experience is in handling toxic and radioactive materials.

Written comments were accepted by the DOH until May 30, but that is not enough. There needs to be public hearings in the counties where the trucks will operate. We need to know a lot more about this plan before it is allowed. So far it has been kept almost secret. That cannot be allowed with something this potentially dangerous.

I ask the Department of Health to convene public hearings in the four counties mentioned in the proposal before any permits are issued. The public needs to know what this is about.

Linda Weiss
Dakota Resource Council
Oil & Gas Task Force Chairwoman

BARC, Refinery News

While BARC is still awaiting a decision from the Water Commission, members are bringing the refinery issue into the public domain. Linda Weiss’ letter regarding the refinery was picked up by the Grand Forks Herald, Bismarck Tribune, Fargo Forum, and Williston Herald. Wayne Fischer and Laura Grzanic’s letters were published in the Billings County Pioneer.

BARC spent Earth Day at the Theodore Roosevelt National Park’s Visitor Center in Medora informing visitors about the proposed Davis refinery, engaging in conversations, passing out flyers, and asking people to share their love of the park, adding to the Why I Love the Badlands poster.

On April 26, 4 BARC members, along with DRC organizer Cecilia Montesdeoca, led a conversation about the Davis refinery during a “progressive happy hour” in Dickinson. About 20 people attended the session and had many questions for the members, including how to become more involved!

BARC has held several campaign planning sessions in an effort to strategically proceed, enlisting the help of WORC and fellow DRC affiliates. In April, DRC’s WORC affiliate liaison Scott Skokos, led a session to provide feedback and help members critically work through the proposed plans. At the most recent meeting members of Ft. Berthold POWER, Walter and Lisa DeVille, met with BARC members in an affiliate-to-affiliate question and answer session.

In future meetings BARC members will examine their role in a potential coalition and how to maintain BARC’s stance while working with other groups. Postcards to the Water Commission are still being sent out by members and an email will be sent to the Water Commissioner to ask for the location of the permitting process.
DRC participates in WORC summer meeting in South Dakota

The 2017 Summer Meeting for Board and Staff of the Western Organization of Resource Councils (WORC) was in Sioux Falls, SD June 13 and 14.

DRC’s representatives to the WORC Board, Linda Weiss and Lisa Deville, and DRC staff members participated in sessions on a variety of topics. Meals for the meeting were local foods, often produced by members of the host member group, Dakota Rural Action.

In the evening, WORC honored two major recent successes:

1. Powder River Basin Resource Council (PRBRC) and WORC ran a successful campaign, ensuring $2.4 billion (mostly in absurdity bonds) to replace self-bonds for mine clean-up in Wyoming where 3 major coal companies have gone bankrupt, and

2. Upholding the BLM rules on venting gas achieved by POWER, DRC and WORC (see story on page 1).

Left: Award Ceremony; WORC staff Scott Skokos, Sara Kendall present an award to DRC, POWER members Lisa & Walter DeVille, and DRC organizer Nicole Donaghy

MEMBER NEWS

Court rules in DRC’s favor in public meetings case

DRC won the latest ruling in a lawsuit challenging the State Health Council’s violation of North Dakota open meeting laws. South Central District Judge Thomas Schneider ruled January 11, 2017 that radioactive waste rules adopted August 11, 2015 were “void and had no legal force or binding effect” until the State Health Council ratified them at their properly noticed meeting on August 9, 2016.

The Health Council’s violation happened when it sent public notice only 3 days before its August 11, 2015 meeting on rules regulating radioactive oil and gas waste, including a rule that raised the acceptable radioactivity levels for landfill disposal from 5 to 50 picocuries. Public agencies are required to provide the public notice at the same time as members of the public body are notified. Health Council members were notified of that August meeting in April.

DRC and the North Dakota Energy Industry Waste Coalition (NDEIWC) asked Attorney General Wayne Stenehjem for an opinion on the violation and then went to state district court to bring more accountability to state agencies.

Sarah Vogel, DRC’s attorney, had four takeaways from the case.

“First, the Attorney General has some deeply flawed views of how the open meeting law should be implemented and enforced. For example, the Attorney General’s position in court is that furnishing minutes of a meeting that occurred in the past is a suitable remedy for violation of state law for advanced public notice.

Second, the AG seems to believe that his job is to justify the conduct of agencies who he knows have violated the law.

Third, the conduct of the Health Department and the AG increased unnecessary costs and delays when the proper thing to do was to say we’re sorry, we’ll hold a proper meeting. The Health Department did not hold a properly noticed meeting until one year after the violation.

Finally, citizens in this state should be alerted that, just as they shouldn’t rely on the Attorney General, they also cannot count on institutions who should have been allies in this case, but were not.”

Vogel was pleased with the outcome of the case stating, “Laws that are honored only by words, but not by conduct of the state or the AG, are chimerical. Every ruling by the court was in our favor and hopefully this will have the positive effect of alerting other agencies to notice meetings according to the law. The briefs and research and affidavits in this case will be freely shared with other organizations who may encounter similar violations.”

Vogel said, “Even though the judge denied our request for attorney’s fees, we feel vindicated by the substantive rulings of the court.”

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www.drcinfo.org
MEMBER NEWS

DRC is freshening up our materials, starting with a new flyer
DRC is getting a new look and we would love to hear your input. Email, call, or drop in and let us know what you think!

LOCAL VOICES MATTER.

WHAT WE DO
DRC members organize to take actions to influence public opinion and shape public policy to advance DRC’s mission and build people power. DRC envisions a prosperous and healthy North Dakota based on respect for its land and its people, a healthy environment, a sustainable use of natural resources and fair markets.

CONNECT LOCALLY
Badlands Area Resource Council (Dickinson)
Dunn County Concerned Citizens
Ft. Berthold Protectors of Water & Earth Rights
Grand Forks County Citizens Coalition
Missouri Valley Resource Council (Bismarck)
McKenzie County Energies and Taxation Assoc.
South Agassiz Resource Council (Fargo)

CONTACT US
1200 Missouri Ave, Ste 201, Bismarck, ND
701-224-8587  www.drcinfo.com

Dakota Resource Council believes that the most enduring change comes from the bottom up and that our voices are stronger when we stand together. Local residents often have to play defense when it comes to rapid energy and agriculture policies and infrastructure. Understanding permitting processes and policies while keeping track of public hearings can be overwhelming. You don’t have to do it alone. As a member-driven, non-partisan, grassroots organization, we bring together people who share our values of having local voices heard, holding decision makers accountable to their constituents, and sustainable development of resources without damaging North Dakotans’ lives and livelihoods. DRC members meet regularly to discuss and plan how to take action on issues that impact their communities. Contact us to get connected with local efforts in your area.
DRC is looking for business sponsors for the 39 ½ Annual Meeting!
If you or someone you know is interested in becoming a business sponsor, please fill out and send in this form. For more information contact our business manager, Sonda Sauers, at (701) 224-8587 or sonda@drcinfo.com

Dakota Resource Council relies on the support of our members, which includes individuals, organizations, and businesses. There are many levels of support that offer a variety of benefits that increase exposure and highlights the support of your business to all DRC members.

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**HOW IT WORKS**
1. Choose your sponsorship level.
2. Make payment to DRC. Please make your tax-deductible check payable to “DRC” and give this form to any DRC representative or mail to 1200 Missouri Ave, Suite 201, Bismarck, ND 58504. Credit or debit can be accepted at drcinfo.org or over the phone.
3. We will contact you regarding your benefits and any assistance needed for ad placement.

**SPONSORSHIP REGISTRATION FORM**

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www.drcinfo.org
DRC board meets in Jamestown May 13

The DRC Board of Directors met at the University of Jamestown May 13. A highlight of the agenda was to celebrate and hear more about the victory on the U.S. Senate’s vote to uphold the BLM venting and flaring rules. Fort Berthold POWER members talked about how they organized and achieved success (see page 1 for the story).

The Board appointed Theodora Bird Bear to the Vice Chair position, which became vacant in March when April Fairfield assumed the Chair position. The Board also reviewed income and expenses, grants, and participation of Board members in fundraising, and reviewed a proposal from BARC about statewide resources for their locally-led campaign on the proposed oil refinery near Theodore Roosevelt National Park.

Attending the meeting were 15 Board members, 2 staff, and 3 guests. Six Board members were absent.

“New” Oil and Gas Organizer

After years in a support role, Liz Anderson decided to step into a new role, one that involves working with our members to uncover their true power so that the land, air, water, and people of this state are protected now and for generations to come. Liz is passionate about the work DRC does and is truly looking forward to working more closely with our members. She started her organizing work by taking over responsibilities from Cecilia Montesdeoca as the organizer for BARC. Cecilia and Liz had some time to transfer information and attended the last BARC meeting together. Liz will juggle office manager and organizing work until July 18 when she will move into her oil and gas organizing role full-time.

Upcoming Events

**Board & Staff Retreat:** July 28 & 29, Bismarck
**Mini POCO:** Location & Time, *TBD*
**Wellstone Action Training:** Location & Time, *TBD*
**Task Force In-Person Meetings:** Locations & Times, TBD
**DRC Board Meeting:** September 16, Dickinson
**DRC 39 ½ Annual Meeting:** October 27 & 28, Dickinson

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I want to join Dakota Resource Council and affect positive change in North Dakota!

Please make your tax-deductible check payable to “DRC” and mail to 1200 Missouri Ave, Suite 201, Bismarck, ND 58501. You can also join online and pay with credit/debit at www.drcinfo.org.

1. GENERAL MEMBERSHIP (Choose one)
   - $500 Watchdog of the Prairie
   - $250 Sustaining
   - $100 Century Club
   - $55 Household
   - $35 Individual
   - $15 Student/Low income

2. ADD LOCAL AFFILIATE MEMBERSHIP(S)
   - Badlands Area Resource Council  
     - $5 Household  
     - $5 Individual
   - Fort Berthold P.O.W.E.R.  
     - $10 Household  
     - $10 Individual
   - Grand Forks County Citizens Coalition  
     - $5 Household  
     - $5 Individual
   - McKenzie County Energy & Taxation Association  
     - $10 Household  
     - $10 Individual
   - Missouri Valley Resource Council (Bismarck)  
     - $5 Household  
     - $5 Individual
   - South Agassiz Resource Council  
     - $20 Household  
     - $10 Individual
What issues are most important to you as a member? Check all that apply.

**OIL & GAS**
- Special Waste Landfills
- Pipelines
- Flaring
- Fracking
- Local control
- Oil by rail
- Spills
- State govt accountability
- Other: ____________________

**AGRICULTURE & FOOD**
- Anti-corporate farming law
- Factory farms/CAFOs
- Sustainable food systems
- Fair/free trade
- Food labeling
- Genetically modified wheat/crops
- Livestock issues (markets)
- Local control of ag zoning
- Other: ____________________

**CLEAN ENERGY & COAL**
- Clean Power Plan
- Clean/Renewable energies
- Environmental Justice
- Energy efficiency
- Distributed generation
- Green-Blue Alliance/Just transition
- Carbon emission reductions
- Climate change
- Other: ____________________

How do you want to hear from DRC?
- Email only
- Email/postal mail
- Postal mail only

**OUR MISSION**: Since 1978, the mission of Dakota Resource Council has been 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.