

DAKOTA COUNSEL

Watchdogs of the Prairie

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DRC Meets Face to Face with EPA Administrator Regan

You may have seen on the local news that the Administrator of the US Environmental Protection Agency (EPA) Michael Regan and Mark Smith, a Director from EPA's Region 8 were in North Dakota. He visited with our Congressional Delegation, Governor Burgum, and other elected officials as well as Three Affiliated Tribes' Tribal Government officials in New Town. The other group he had a face-to-face visit with was DRC!

Seven DRC members from across the state and DRC invitees, representing Badlands Conservation Alliance and ND Wildlife Federation, spent almost an hour and a half with Administrator Regan.

Members discussed matters that are directly impacting them, and the Administrator was an interested and engaged participant. Each person spoke in turn, told a little bit about themselves to personalize how they are being negatively impacted or areas of concern. Specific suggestions and/or requests were given to the Administrator, and because they came from directly impacted people, their stories and requests were powerful.

Concerns about the air we breathe were discussed. Regional haze, a request for all sources of pollution to be regulated - not just
(Story Continued on Page 3)

Letter From the Chair



Now that the pandemic seems to be behind us, we can get back to what we do the best which is organizing around issues. That is not to say, however, that organizing has been neglected during the pandemic. Undoubtedly, it has made organizing difficult; we relied on telephone calls, Zoom meetings, email, and social media to do our organizing, but we found that they were not a satisfactory alternative to our person-to-person contact. Now that all DRC staff has been vaccinated, and as almost 50% of the North Dakota's population has been vaccinated -- with some areas of the state having higher vaccination rates than other areas -- we are feeling more comfortable in returning to our organizing model which relies on personal contact and group meetings.

Even during the pandemic, DRC's affiliates (Badlands Area Resource Council (BARC), Fort Berthold Protectors of Water & Earth Rights (POWER), McKenzie County Energies & Taxation Association (MCETA), and Missouri Valley Resource Council (MVRC), continued their work. In April, the DRC Board approved the request of Fargo-based Citizens Local Energy Action Network (CLEAN) to join DRC as an affiliate. The DRC staff and board chair had been recruiting CLEAN to join DRC as an affiliate for several years, and the executive director had been working with its officers on clean energy issues. DRC and CLEAN has found the relationship to be mutually beneficial: CLEAN benefits from DRC's organizing, technical, and advocacy expertise. DRC benefits from the addition of CLEAN's members who will now be DRC members, and from CLEAN's passion, experience, and expertise in clean energy technologies.

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Executive Committee

Curt Stofferahn, Chair
Linda Weiss, Vice Chair
Curt Kralicek, Past Chair
Lisa DeVille, Secretary
David Rydell, Treasurer

At-Large

April Fairfield
Bernie Parkhurst

Affiliate Reps

Pat Ashley, BARC
Theodora Bird Bear, Ft. Berthold POWER
Donny Nelson, MCETA
Paul Jensen, CLEAN
Vacant, MVRC

DRC Affiliates

**Badlands Area Resource Council
(BARC)**

**Fort Berthold Protectors of Water
& Earth Rights (POWER)**

**McKenzie County Energies &
Taxation Association
(MCETA)**

**Missouri Valley Resource Council
(MVRC)**

**Citizens Local Energy Action
Network, (CLEAN)**

Dakota Resource Council
1720 Burnt Boat Drive, Suite 104
Bismarck, ND 58503
701-224-8587

(EPA Face to Face Cont.)

those built after 2012, the elimination of flaring with the specific step of 80% reduction by 2025, and the reduction of methane emissions through stronger rulemaking. More support for renewable energy, including cleaner sources of electricity than lignite - while not abandoning communities that are built around the production of that energy was asked for.

Water was another area of discussion. Concerns about the containment and disposal of waste from Concentrated Animal Feeding Operations were raised. Leaky waste pits, waste spread as fertilizer, and the dumping in or near lakes all contribute to surface and underground water being contaminated with not just the waste itself but any hormones or medications fed to the animals that end up in their waste. Everyone must have clean water. Our lakes (such as Devil's Lake), streams and potholes are vital to a healthy environment which is based in clean, safe water. The Administrator was urged to improve Waters of the US which is a part of the Clean Water Act.



Representatives from Fort Berthold POWER discussed all the above issues and more. Water and air on Fort Berthold Reservation (FBIR) are greatly impacted because of the huge amount of oil and gas extraction that takes place there, plus the federal government has a trust responsibility to all tribal citizens, not just the tribal government to protect tribal land and people. The lack of any kind of air monitoring anywhere near FBIR was discussed, as were lenient EPA fines levied against companies that have, often repeatedly) contaminated water and land through spills. The need for better, more transparent communication between tribal citizens and the EPA was also asked for.

Almost everyone asked that the EPA do a better job as a backstop for state regulations, to hold Gov. Burgum to his goal of ND being carbon neutral by 2030, to ensure

stronger, better enforced regulations to protect our air and water, and to not back down when the state government tries to legislate the federal government from doing its job.

It was an unexpected honor to get this meeting and especially important for the Administrator to hear how decisions he makes in his office in D.C. result in direct consequences for real people. We put faces and names to what can be reduced to political maneuvering. Both Administrator Regan and Director Smith listened intently, and we hope that the stories they heard at our meeting will stay with them as they make decisions.

(Letter from the Chair Continued)

DRC's efforts on its three main issue areas - oil and gas, coal, and agriculture and food - continued during the pandemic. Last year, the agriculture and food committee distributed \$16,000 in funds we received through Farm Aid and Senator Heitkamp's One Country program to 20 farmers and ranchers adversely affected by the pandemic and Trump's trade wars. Most recently, the agriculture and food committee has been meeting via Zoom calls with Senator Cory Booker's staffer Adam Zipkin about his Farm Reform Act as well about Senator Klobuchar's Anti-Trust Bill. He was interested in ND's anti-corporate farming law and whether elements of it could be incorporated into the senator's bill. Recently, DRC, along with Badlands Conservation Alliance, North Dakota Wildlife Federation, and State Senator Tim Mathern, discussed CAFO pollution, clean water and air, curbing methane emissions from oil and gas, clean energy, and tribal issues with EPA administrator Michael Regan. DRC's organizing and advocacy efforts around energy issues were featured in several national news outlets such as Inside Climate News and Public News Service.

Some of DRC's recent organizing efforts have included assisting hemp producers in becoming organized and seeking technologies to transform hemp into products for industrial or personal use, promoting DRC members' involvement in rural electric cooperatives by attending annual meetings and running for positions on their boards of directors, building resilience in communities reliant on a financially-troubled and

(Letter Continued on Page 4)

(Letter Continued)

environmentally-challenged coal industry by promoting economic diversification and transition planning, and ensuring that confined animal feeding operations' permit applications follow all federal and state laws. One promising effort that we are considering is organizing hosting climate change conversations among farmers, and to that end we have had discussions with those who are leading similar efforts elsewhere. At this point, we do not have the anyone to staff this effort, so we would need to seek external funding for this project.

Now with the pandemic hopefully behind us, the staff, the board, the committees, and the affiliates are anxious to resume meeting face-to-face and to get back to work doing what DRC does well which is organizing.

Curt Stofferahn
Board Chair

Oil and Gas

EPA Hosts Methane Listening Session

The EPA hosted a three day virtual listening session on an upcoming oil and natural gas methane rulemaking proposed to reduce emissions from methane and other pollutants from oil and gas extraction. Members and staff from several WORC Member Groups attended including 6 from DRC and many members from Federal Methane Defense Campaign, a national coalition in which DRC is a participant.

Right on the heels of DRC's meeting with EPA Administrator Regan (cover for story) and speaking to what they experience in their own lives, DRC members asked that the EPA consider some things including:

- Reduce methane levels below 65% of 2012 levels,
- Eliminate flaring, starting by reducing it 80% by 2025,
- Regulate all existing sources of pollution, not just new source,

- Improve air monitoring by increasing the number of monitors and putting them in places that will give an accurate picture of the air where extraction is occurring, not on some faraway hill
- Remember its trust responsibility to tribal members, especially allottee owners, not just the tribal government.

It was noted by participants that the people representing the EPA at the sessions were really paying attention as people spoke to them, even asking for documents to look at for more details. We will have to wait and see what comes from the rulemaking but the fact that they held this session and seemed engaged with the speakers is reason for a little hope.

Fort Berthold POWER

Invited to speak at University of Denver class

DRC affiliate Fort Berthold POWER members were invited to speak to DU students taking "Native Crude: Indigenous Politics and Activism taught by Dr. Angela Parker. Dr. Parker is from Fort Berthold and has been following POWER's work for many years.

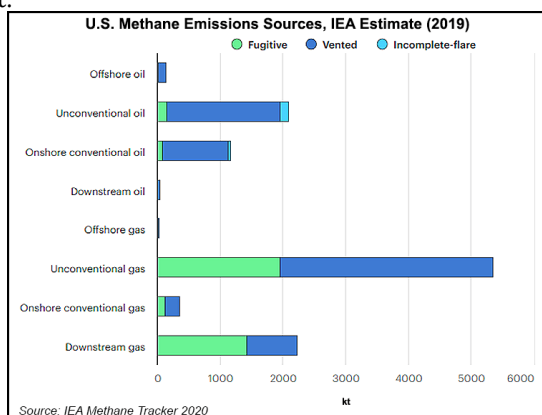
POWER members Joletta and Theodora Bird Bear, Lisa DeVile, and Delvin Rabbithead Sr. had a slideshow and began with a brief history of the Mandan Hidatsa Arikara tribes and the formation of the three Affiliated Tribes. They explained what Fort Berthold POWER is, why it formed, and what they have done and are doing. They talked about what it is like living surrounded by massive amounts of oil and gas extraction and how they have been working to educate themselves and others about the problems they face. POWER members also spoke about how they have had to learn about the many levels of government they have to deal with, federal, tribal, state, county, and local, and how POWER has influenced decision makers and participated in public comment sessions in multiple states, D.C. and even, in this time of Covid-19, virtually. It is inspiring to see how POWER members go up against Industry and governments to protect their lives and lands.

There was a very good question and answer session at the end that really engaged everyone in the class. It's clear that the students came away
(Continued on Page 5)

(FB POWER Continued)

with a much fuller picture of the history of the Mandan, Hidatsa, Arikara peoples, what the people of Fort Berthold Reservation have to deal with on a daily basis and how POWER members are standing up and making their voices heard.

POWER challenged the students to get engaged themselves, pay attention to what is happening in their area as well as around Fort Berthold Reservation, and weigh in with public comments of their own. Great advice from people who know how to do just that.

**EPA listening session**

Almost half of WORC member group members/staff that spoke at the EPA Methane Listening Sessions (see story page 1) came from DRC, and two-thirds of DRC speakers came from POWER. Each person had five minutes to talk about why having stronger methane and other pollutants that result from the extraction, storage, transporting, use, and disposal of oil and natural gas are important. Each DRC member worked hard and gave powerful testimonies. Unlike the previous administration, the agency representatives were attentive and curious, and they didn't send out any tweets while their sessions were being held.

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**DRC PODCAST**

Catch the DRC Podast! The Dakota Resource Council podcast is an update with organization news, member profiles & interviews. We also talk with experts that are involved with issues that affect our members. You can download our podcast on iTunes, visit drcpodcast.buzzsprout.com, go to drcinfo.com and scroll to the bottom of the page or watch for updates on our Facebook Page!

Lawsuits and Rulemakings



We are keeping track of the many different federal lawsuits, rulemakings, and decisions. The appeal to the Trump era decision of the BLM fracking rule has been given a stay until mid August when hopefully the 9th Circuit Court will begin hearing the case.

The EPA has a methane rulemaking coming up in September that we hope will result in better protections against emissions from methane and other pollutants.

One challenge to the Council of Environmental Quality's (CEQ) National Environmental Policy Act (NEPA) of the weakened 2020 regulations was dismissed on jurisdictional grounds by a federal court in Virginia. Attorneys believe that the case DRC and POWER are a part of has better standing in this regard.

We are also watching for a vote on two bills from Sen. Bennet (D-CO.) His Oil and Gas Bonding Reform and Orphaned Well Remediation Act would strengthen bonding requirements and provide states and BLM with funding to reclaim orphaned wells -- ensuring this crisis is fixed in the short term while reforming the federal bonding system so that our communities do not face a similar crisis in the future. The second is his Public Engagement Opportunity on Public Land Exploration (PEOPLE) Act of 2021 creates new standards to ensure robust public participation in land management decisions.

A major victory this spring was the bicameral and bipartisan passage of a measure through a Congressional Review Act rescinding Trump era standards that severely weakened the standards for methane emissions and leaks. The passage means the

restoration of Obama era 2016 regulations that require companies to detect and capture methane leaks.

Badlands Area Resource Council



DEQ To Meridian: You've Got 90 Days

Special Contribution Story From Jim Fuglie at the THE PRAIRIE BLOG (theprairieblog.com)

June 11, 2021 by Jim Fuglie

At midnight tomorrow night, Meridian Energy Group's Air Pollution Control Permit To Construct an oil refinery next to Theodore Roosevelt National Park, issued by the North Dakota Department of Health, will expire. Now don't get too excited. This nightmare isn't over. This has happened before. This is the second time the permit has expired.

The Health Department (now the Department of Environmental Quality) gives companies 18 months to "commence construction" when they issue these permits. If it hasn't happened, the Department wants to know why. Is the technology bad? Is the company unable to raise the capital? Is it badly managed? Or is it just a bad idea?

Last time it happened, in December, 2019, because Meridian had not "commenced construction" on the refinery within the 18 month window after the permit was originally issued, the Department
(Story Continued on Page 7)

(theprairieblog.com Cont.)

granted them an 18-month extension. David Glatt, Director of the North Dakota Department of Environmental Quality (DEQ), which has taken over the permitting process from the Health Department, wrote to Meridian on December 10, 2019, “The permit shall become invalid if construction is not commenced by June 12, 2021.”

That’s tomorrow. And construction is not going to “commence” tomorrow. Meridian has asked for another extension. This time, the DEQ is not going to be so generous. This time, the DEQ is telling Meridian, in essence, it’s time to shit or get off the pot.

Let’s review.

Three years ago today, on June 11, 2018, Terry O’Clair, Director of the Division of Air Quality at the North Dakota Department of Health, sent a memo to his boss, North Dakota’s State Health Officer, Mylynn Tufte, recommending that she issue an Air Pollution Control Permit to Construct an oil refinery three miles from the boundary of Theodore Roosevelt National Park in western North Dakota, to a company called Meridian Energy Group, LLC.

In his memo, O’Clair wrote “The Department received over 10,000 comments (note: one of them was mine) during a public comment period. The division reviewed all comments . . . and recommends that the attached revised Permit to Construct be issued.”

Well. I’d like to know their definition of “review.” Must have been quite a task.

Tufte, one of five State Health Officers to serve under Gov. Doug Burgum in the last year—“Who’s the State Health Officer this week?” has become kind of a standing joke around the Capitol—wasted no time. The next day, June 12, 2018, Tufte signed her name to the bottom of a 45-page permit and gave it to David Stroh, an environmental engineer in the Division of Air Quality. Stroh sent it with a cover letter to Tom Williams, Vice President of Planning and Permitting for Meridian (Williams is no longer employed by the company but serves on its advisory board) at Meridian’s now-closed office in Irvine, California, which said “Based on the results of an extensive review, this Department hereby issues the enclosed North Dakota Air Pollution Control Permit to Construct No. PTC17020 . . . Please notify the Department within 7

days after commencing construction and within 15 days after completing the project (yeah, right) to allow for an inspection by the Department.”



The North Dakota Sierra Club put up this ad on a billboard west of Mandan, heading West

Buried deep on page 44 of the permit was this:

“Permit Invalidation: This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.”

Shortly, Meridian instructed its engineering firm, SEH, to get to work. SEH hired a contractor named Kurt Martin, owner of Martin Construction in Gladstone, North Dakota, thirty miles down Interstate 94, to level a quarter section of land owned by Greg Kessel, three miles west of Belfield and build a 10-foot high wall around it with the dirt moved from the site.

Martin went right to work. In just a couple of months, the land was bare dirt, and flat as a pancake. He sent them a bill. He never got paid. I’ve called him a couple of times, including yesterday, to see if they’ve paid him yet, but he doesn’t want to talk about it. I’m sure the whole thing is a painful experience for him.

Apparently the total cost of the job, including SEH’s consulting fees, was \$2.2 million. A year went by, and the bills went unpaid. Finally, in November 2019, SEH filed a construction lien for that amount against Meridian and Kessel, who by that time was a member of Meridian’s board of directors.

They put Kessel on the board and presumably
(Story Continued on Page 8)

(theprairieblog.com Cont.)

paid him a board member's stipend because Meridian never had the money to buy his land. They had taken an option on it several years earlier but never had the money to pay for it. I stopped in the Billings County Recorder's office last week to see if the purchase had been made yet. Nope. Kessel still owns the land.

And the \$2.2 million lien is still in place. SEH and Meridian are in a pretty tight relationship, and I suspect they filed the lien to protect Kessel's land from some other creditor or creditors—I'm sure there are many.

But moving dirt was as far as Meridian ever got. They never "commenced construction." And so on December 4, 2019, Meridian CEO William Prentice wrote to the DEQ requesting an extension, citing ongoing litigation (lawsuits filed by conservation organizations challenging the permit) as the reason they had not been able to obtain financing for the nearly \$1 billion project. A reasonable request—anybody financing a nearly \$1 billion project might want to know it's clear of legal entanglements before laying the cash on the table. That's when Glatt granted them the 18-month extension, which ends tomorrow.

The lawsuits were settled in 2020. Now Prentice is blaming the covid pandemic for his failure to obtain financing for the project once the court docket was cleared. In an April 14, 2021, reassuring letter to Director Glatt, CEO Prentice wrote that the company "plans to commence construction of the Davis Refinery in the Spring of 2021, notwithstanding the lingering effects of the COVID-19 pandemic on Davis' activities," and that Meridian "intends to accelerate work at the jobsite and is entering into substantial binding contractual commitments before June 12, 2021."

Well, there's only nine days left until "Spring of 2021" is over. June 12, the permit expiration date, has arrived, and construction hasn't "commenced." Last week Prentice realized he wasn't going to make it happen, and wrote another letter to DEQ. On June 2, he wrote that he remained confident construction would start this week, but just in case it didn't, he'd like a four-month extension of the deadline to October 12, 2021.

At about the same time Prentice was writing that letter, I called the DEQ and asked, with the upcoming deadline looming, whether the Department was going to grant another extension. Engineer David Stroh told

me he expected a request for an extension, since work had not commenced, and they were going to give them 90 days more to get going. "After September 12, we pull the plug," he told me.

Indeed, this week, on June 9, Stroh wrote to Prentice and said "no" to the four-month extension, instead saying "... the Department believes an additional 3-months is a reasonable amount of time to commence construction at the Davis Refinery."

"In addition," Stroh wrote, "the Department requests an update regarding the construction status of Davis Refinery by July 23, 2021. The update may be provided in-person, via video conference, or through writing communications. Please contact me as July 23rd approaches to coordinate the progress update meeting."

Meanwhile, Meridian still doesn't own any land on which to build a refinery. I can't imagine they'd "commence construction" of a billion-dollar refinery on land they don't own.

It seems like, if they were serious, they could have bought the land by now. According to their **SEC filings**, they have sold nearly \$28 million worth of stock shares since their first stock offering in 2015. But that money is all gone, most of it in salaries to a seemingly endless cast of characters with the title "vice president," and stipends for board members. I looked at their original stock offering, and it contained language to the effect that all funds generated by sales of stock can be used at the discretion of the board. No stockholders' meetings or anything like that. From what I can tell, investors still haven't received a penny of dividends six years after the stock went on sale. Hmmm. Buyer beware.

Those board members and vice presidents (there are pictures and biographies for ten of them on the Meridian website) have been hanging paper all over the western half of the United States. Meridian is still sitting on nearly \$3 million in unpaid bills and salaries. The \$2.2 million construction lien has not been satisfied, and they still owe more than \$650,000 to seven employees who sued for back wages and salaries last winter. And, as I reported here a few weeks ago, they've closed all their offices. **(Continued on Page 9)**

(theprairieblog.com Continued)

As for the refinery site itself, Greg Kessel apparently got tired of waiting and seeded it to barley this spring. He got rain, and has the beginning of what looks like a pretty good barley crop. Here's a picture I took last week.

All of this is pretty concerning for the folks at the DEQ. In addition to setting a time certain—September 12—for the company to “commence construction,” they’ve given Meridian six weeks, until July 23, to report on their progress—to get off the pot. By then Greg Kessel should be combining his barley. I’ll report on whether Meridian intends to build a refinery or a brewery.

Footnote: The Health Department/DEQ has a website with all this information on it. If you click on the entry for 6/12/2018, you can read the entire permit to construct. And the most recent communication between Meridian and the DEQ are in the first two lines. The department also included a sampling of comments received, most of them in opposition to locating the refinery there, but a scattering of support. It is on the 1/30/2018 line. It was there I found a few comments from people who had purchased stock in the company and were eager to see it go forward. I’ve been in contact with one of those and have written about him from time to time. He invested his whole 401(k) in the refinery stock. He said he thinks he might be “half a millionaire” now. Or not.

John: I hear u may not stop this new meridian

Me: Who’s this? You want to talk about something?

John: I hear big money from Texas getting involved

Me: Nacero? (The big energy company where Lance Medlin landed after leaving as Meridian’s COO earlier this year—just speculation on my part.)

John: I got cuz in Dallas saying someone w big bucks, looking to get involved up there. Wants a big chunk of the action. I find out who.

Well, if I learn any more, I’ll let you know. This could just be a Meridian trick. Nothing about this bunch surprises me any more.

Ag & Food

DRC Member and Staff Attend Soil Conference in Montana



DRC member Shelley Lenz and DRC staffer Sam Wagner examine cow pies at the Surviving the World of Change Workshop in Baker Montana.

Soil Health Bill SB2342 may not have been passed but DRC member and SB2342's co-author Shelley Lenz has been on the road this spring representing DRC and talking to soil champions across the state. North Dakota is losing topsoil at a rate of 5-7 tons per acre per year. Working with the National Healthy Soils Policy Network (NHSPN), WORC, and DRC members, submitted many public comments to the Biden Administration regarding the Executive Order on Tackling the Climate Crisis at Home and Abroad. DRC is promoting and attending events in Fargo/Moorhead where movies such as *The Biggest Little Farm* and *Kiss the Ground* have been shown.

Lenz, along with members from the Powder River Basin Resource Council (a sister group in WY to DRC) attended the workshop “Surviving in a World of Change” Featuring Dr Allen Williams and Dr. Fred Provenza. Dr. Williams lectures and he gave an on ranch workshop describing innovative ranch management techniques and effective strategies for rebuilding damaged grasslands. Dr. Williams promoted the 6 rules of soil health. Dr. Provenza presented insight into proper animal

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(Soil Health Continued)

nutrition and a unique insight on how humans eat food in the 21st century. DRC members can learn more about Dr. Provenza's research in an upcoming DRC podcast. DRC will be posting a blog on soil health which will include more details about what you can do to make your soil healthier.

DRC Members Meet with Cramer and Hoeven's Offices to Discuss Hemp Bill

DRC's hemp committee met with the offices of Senator John Hoeven and Kevin Cramer to discuss and educate them on Senator Rand Paul's HEMP Act that was submitted, once again, this year. The HEMP Act would raise the legal maximum amount of THC that a hemp plant contains from .3% to 1%. This would make industrial hemp much easier to produce and require less monitoring because it rarely breaks the 1% THC threshold. Both Hoeven and Cramer's offices informed us that they would support the bill, but it would take the chairwoman of the Senate Ag committee, Debbie Stabenow (D-MI), to introduce the bill on the Senate Floor.

DRC members can contact chairwoman Debbie Stabenow at www.agriculture.senate.gov and hit the contact button or contact Ag Committee member John Hoeven in the same page.

Hoeven Re-Submits Bill for Truth in Buffalo Labeling, Ignores COOL

Senator Hoeven re-introduced the Truth in Buffalo Labeling Act in April of 2021 with Senator Michael Bennet (D-CO) and Representatives Ed Perlmutter (D-CO) and Billy Long (R-MO). The bill would close a loophole that allows meat from water buffalo to be sold as buffalo meat, when the consumer thinks that they are buying meat that is from an American bison that is commonly but incorrectly known as buffalo. The new laws will protect consumers and give them the information that they need to make

informed decisions on what type of meat they are purchasing.



The bill that Senator Hoeven is supporting regarding bison v. buffalo labeling is similar to Country of Origin Labeling and other regulations that would close loopholes that packers use to mislead consumers with "Product of the USA" labels. Packers often grind cheaper foreign beef mixed with domestic beef that can still be labeled as "Product of the US". Packers are allowed to label meat raised outside the US as "American Beef" which misleads consumers. DRC supports the Truth in Buffalo Labeling Act. We also want clear, non-deceptive labels for other meat too. According to the ND Department of Agriculture there are 12,000 bison in the state of North Dakota and 1.8 million beef cattle. These laws should apply for all cuts of meat, not just the buffalo.

DRC Members, Chair Submit Comments Opposing GMO Dicamba Corn.

In May of 2021, Bayer-Monsanto filed a petition to deregulate a GMO variety of corn that would be resistant to dicamba, along with several other pesticides. DRC members, including DRC Chair, Curt Stofferahn, penned letters and submitted comments to the USDA opposing this petition. The public comments closed on May 28th.

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(Dicamba Corn Continued)

This variety of corn would be similar to varieties of soybean and cotton that were released in 2015. The soybeans were first used on a commercial scale in North Dakota in 2017. Since then, complaints of dicamba drifting and destroying neighboring fields, non resistant soybeans, high value produce, and tree belts have been filed all over the country. In July of 2020, the 9th Circuit Appeals Court ruled that dicamba should not have been approved for use due to its high volatility.

North Dakota Ag Commissioner Doug Goehring, in a public statement last year, said that the court ruling couldn't have come at a worse time for farmers who had just planted dicamba soybeans. The commissioner and the ag department immediately started searching for a way to allow the people who had not yet sprayed their fields to still use the product. In October of 2020, North Dakota's Department of Agriculture worked to get an appeal to allow use of dicamba soybeans through revisions of the rules that would involve more restrictions on when dicamba can be sprayed. Unfortunately it seems the Department of Agriculture has not stepped back to re-evaluate the damage caused by dicamba to our environment and non dicamba using farmers.

Due to complaints from farmers, a class action civil lawsuit filed by the National Family Farm Coalition ordered Bayer Monsanto to pay 300 million dollars in damages across the country in December of 2021. It is not known how many complaints about dicamba have been formally filed in North Dakota. There is a website and factsheet to file claims regarding dicamba misuse. The ND Department of Ag estimated that roughly 50-60% of all soybeans planted in ND were dicamba resistant brands in 2019. Soybean farmers affected by dicamba can see if they are eligible for compensation by going to <https://www.dicambasoybeansettlement.com/> and filling out the questionnaire.

DRC will keep you updated on any decisions about dicamba and will let you know of any opportunities for action that come up.

Coal & Clean Energy

ND Governor's Carbon Goals Met With Mixed Response

Special Contribution from Prairie News Service



By Mike Moen-May 20, 2021

Gov. Doug Burgum wants North Dakota to be carbon-neutral by the end of the decade, and while environmentalists applaud his desire to reduce emissions, they assert the rest of his climate plans need rethinking.

Burgum recently announced his goal at the Williston Basin Petroleum Conference. He stressed fossil-fuel plants still could play a role with methods such as carbon sequestration.

Curt Stofferahn, board chairman for the Dakota Resource Council, said it took courage from Burgum to tell oil executives that climate change is a threat, but he wished the governor would have taken a different route in how the state should minimize that threat.

"He's using an untested, unproven, very expensive technology, that by the time it is, if it is feasible to use, we will have lost significant ground in accomplishing what he wants to accomplish," Stofferahn contended.

Backers of fitting coal-fired plants with carbon-capture technology said it could help with
(Story Continued on Page 12)

(Carbon Goals Continued)

emissions goals while rescuing the troubled industry. But skeptics pointed to the only commercially operating plant in the U.S. being forced to shut down recently.

Environmental groups argued investment in clean energy sources such as wind and solar would be more effective. Stofferahn hopes Burgum's innovative side will prompt the governor to hear more arguments about boosting renewables.

The different opinions being floated in North Dakota come as the International Energy Agency said in a new report in order for the world to achieve broader emission targets, countries can no longer invest in new fossil-fuel projects.

Stofferahn emphasized it's important for state and local policymakers to not establish barriers for renewable energy.

"We kind of see this odd thing, where if a growth industry is providing good-paying jobs, they're training workers for the future," Stofferahn remarked. "But yet our Legislature and our elected leaders are doubling down on existing fossil-fuel technologies."

He's referring to legislation that surfaced this year that was viewed as a tightening of regulations for wind power.

At the same time, lawmakers advanced proposals designed to provide a financial lifeline to the coal industry, while investing in carbon capturing ventures such as Project Tundra.

For his part, Burgum said North Dakota is well situated for storage capacity, while noting out-of-state ethanol companies are interested in piping in carbon dioxide and storing it in the state.



FM CLEAN Leader Runs for Cass County Electric Co-op Board

Vote Sonja Kaye
FOR CASS COUNTY
ELECTRIC COOPERATIVE BOARD OF DIRECTORS

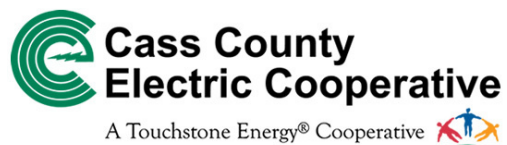
WHY DO I WANT TO SERVE?

- Promote low-cost clean energy and leverage markets
- Avoid bad investments
- Support a flexible energy portfolio and add energy storage
- Increase collaboration between members and the utility
- Plan for a new electricity future
- Support education on electricity and empower members
- Advocate for MISO membership

kayesonja@gmail.com
Sonja Kaye for Cass County Electric Board of Directors

FM CLEAN and DRC member Sonja Kaye is running for the Cass County Electric Cooperative Board. Cass County Electric Cooperative is a power supplier for 53,000 members in a ten county area in Southeastern North Dakota. Sonja decided to run for her co-op in order to promote low cost clean energy, avoid bad investments like Project Tundra, support a flexible energy portfolio and add energy storage to the mix, and support co-op member participation. Sonja has been a leader with DRC over the past six months opposing a massive state funded bailout of the coal industry.

Sonja will undoubtedly be a great addition to the Cass County Electric Cooperative Board, if elected. Sonja's election day is on June 24. We hope to report a victory to you all in the next newsletter. Good luck Sonja!



DRC Grows with the Addition of a New Affiliate



Dakota Resource Council (DRC) is happy to announce that Fargo/Moorhead's Citizens Local Energy Action Network (CLEAN) is joining DRC as an affiliate group. Members from CLEAN have been collaborating with DRC members during the past year and found that becoming an affiliate will provide a stronger voice on clean energy issues.

Over the past few years, CLEAN has provided general information and specific policy proposals to various state and federal agencies. These proposals are intended to help guide policy makers in crafting regulations and legislation. CLEAN members have also developed a 30-year clean transportation plan to make the Fargo, Moorhead and West Fargo area an air pollution-free zone. This plan will keep energy generation dollars in the community and promote economic growth while helping reduce medical conditions such as cancer and heart disease caused by pollution.

Edmund Gruchalla, the Chairman for Clean, thinks that CLEAN will have an even stronger impact by becoming an affiliate of DRC saying, "DRC has the bandwidth required to assist C.L.E.A.N. in its mission to educate the public and promote clean renewable energy in our region".

Both Dakota Resource Council and Citizens Local Energy Action Network are looking forward to a long-lasting relationship that will help North Dakota move towards a brighter, cleaner future.

For more information on CLEAN, please visit cleanfargo.org.

Federal Oil and Gas Bonding Reforms Are On the Horizon



The ongoing orphaned well crisis was something that DRC and its members have been warning decision makers about for decades. The ongoing orphaned well crisis was caused by insufficient bonding of federal oil and gas wells coupled with lax enforcement by the Bureau of Land Management. Recently, two bills introduced in Congress stand out as solutions to the orphaned well crisis. Representative Lowenthal's H.R. 1505, the Bonding Reform and Taxpayer Protection Act of 2021, would adjust blanket bond levels to approximate the actual cost of cleanup, making sure taxpayers aren't left on the hook. Rep. Ledger Fernandez's Orphaned Well Cleanup and Jobs Act of 2021 not only updates the rules for federal well bonds and idle well management, but also invests \$8 billion to clean up orphaned oil and gas wells across the country, helping to stimulate rural economies and create jobs cleaning up these sites on federal, state, private, and Tribal lands.

North Dakota's members of Congress have also introduced legislation that would devote significant funding to orphaned well cleanup across the country, but their legislation does not contain provisions which would prevent the problem in the future or ensure this funding is directed to wells without a responsible company. DRC will continue to support the good boning and reclamation reforms like H.R. 1505, and the Orphaned Well Cleanup and Jobs Act, and also work to convince our Congressional

(Story Continued on Page 14)

(Oil & Gas Bonding Continued)

delegation to introduce legislation that gets to the root of the orphaned well crisis, which is insufficient bonding and enforcement.

Letters to the Editor

Buffalo is fine, but “Where’s the Beef?”



North Dakota is a state that doesn't have many famous landmarks but there is one particular animal that is associated with our state time and time again. The buffalo or more specifically the American bison. Everywhere you go in North Dakota you'll see pictures, murals, and statues of the iconic animal. It's on our license plate, our state quarter design, it's the mascot of our state university, and even our Senator John Hoeven uses the animal on his logo.

It doesn't take a rocket scientist to figure out that our bison are extremely popular. It also makes sense that Senator Hoeven has successfully championed legislation making the buffalo our national mammal and lately has recently re-submitted legislation to protect our consumers with The Truth in Buffalo Labeling Act.

He has the right idea. Consumers should have the right to clear labels that specifically tell them the specific animal, ingredients, and country of origin of any product they buy when they buy meat. A fact sheet from the National Bison Association claims that companies are mislabeling meat from water buffalo as buffalo meat, conning consumers into thinking that they are buying the meat from American bison.

There are approximately 12,000 bison in ND according to the ND Department of Agriculture. Compare those numbers to the 1.8 million beef cattle produced in North Dakota and realize that our beef and pork products don't have the same labeling protection as our bison products have. In many cases our consumers don't know exactly where their beef and pork products they buy come from. Meat packers flood the markets with foreign beef to lower prices mixing domestic hamburger with foreign hamburger and labeling it “Product of the USA”. Beef can legally be labeled “American Beef” even though it is from South or Central America. This foreign beef brings down the price of cattle in the US and often is processed under less than sanitary conditions recommended by the USDA.

Regulating beef would seem like the much higher priority in my opinion. Senator Hoeven should realize that ranchers and consumers will support him if he can take a stand on stricter regulations for the “Product of the USA” label and make the Country of Origin for your meat products mandatory on our labels once again.

Donald Nelson, Keene North Dakota

Earth Day...lets save it

Problem:

Greenhouse gases trap heat, causing the average surface temperature of the earth to go up. The more greenhouse gases there are, the more the temperature rises. And once greenhouse gases are in the atmosphere, they stay there for a very long time. About 20% of the carbon dioxide emitted today will still be there in 10,000 years.

There is no way we can keep adding CO₂ to the atmosphere and expect the world not to get hotter. The hotter it gets, the harder it will be for humans to survive.

Prior to the industrial revolution (about 1850) the earth's carbon cycle was roughly in balance, meaning plants and other things absorbed about as much CO₂ as was emitted.

But then we started burning fossil fuels. These
(Letter Continued on Page 15)

(Earth Day Letter Continued)

fuels are made from carbon that's stored underground, thanks to plants that died eons ago and got compressed over millions of years into oil, coal, or natural gas. When we burn them, we emit stored carbon and add to the total amount in the atmosphere.

Science tells us we are close to a "tipping point", or a point of no return when no matter how much we reduce emissions the earth's temperature will continue to rise.

Solution?

The answer is not very complicated. We must maintain a lifestyle people will accept while doing everything humanly possible to wean ourselves off fossil fuels. If we do this and still fail, we can pat ourselves on the back even if it has a bad sunburn.

Ed Gruchalla
C.L.E.A.N.
Citizens Local Energy Action Network
Fargo/Moorhead

DRC Job Openings

JOB DESCRIPTION: FIELD ORGANIZER

Dakota Resource Council, North Dakota's only homegrown, statewide, multi-issue grassroots organization is looking for a full-time field organizer. The primary responsibility of the position will be working with Dakota Resource Council members and leaders to advance their campaigns and grow their membership. Initial issue responsibilities will likely include campaigns aimed at mitigating the impacts of oil and gas development, and promoting the development of renewable energy.

RESPONSIBILITIES

Under the supervision of the Executive Director, a Field Organizer is responsible for:

1. Empowering individuals to speak for themselves by identifying and developing a diverse group of members who agree to serve as the organization's public voice on a variety of issues.
2. Formulating sound organizing strategies by analyzing the social and economic forces, power

relationships, and political agendas that shape North Dakota.

3. Identifying, recruiting, and developing leaders and conducting one-on-ones on a regular basis to grow DRC's base.
4. Working with people to define problems and issues, and helping them think through the strategies and tactics necessary to act with confidence and win.
5. Recruiting new members to strengthen and expand the membership base and making fundraising an integral part of their everyday organizing work.
6. Enabling members to make good decisions by sharing information and raising questions, options and alternatives.
7. Enabling members and leaders to hold good, productive meetings.
8. Ensuring that members receive a consistently high standard of appropriate and effective training, development, and support.
9. Striving to reflect on and improve skills on an ongoing basis and developing an annual self-development plan.
10. Performing the administrative tasks necessary to accomplish their job.

HOW TO APPLY:

Send a cover letter, resume, writing sample, and three references to: Scott Skokos, Dakota Resource Council, 1720 Burnt Boat Drive Suite 104 Bismarck, ND 58503 or email to scott@drcinfo.com.

Application Deadline:

Until position is filled.

DRC is an equal opportunity employer that does not discriminate on the basis of gender, race, religion, ethnic background, sexual orientation, age, or physical disability.

Dakota Resource Council
1720 Burnt Boat Dr. Ste 104
Bismarck, ND 58503
www.drcinfo.org



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

Please make your tax-deductible payment to DRC and mail to
1720 Burnt Boat Dr,
Ste 104, Bismarck, ND
58503, OR join at
drcinfo.org/join

1. Choose membership level

- ☐ \$1000* Watchdog of the Prairie
- ☐ \$500 Sustaining
- ☐ \$250 Supporting
- ☐ \$100 Century Club
- ☐ \$55 Household
- ☐ \$35 Individual
- ☐ \$15 Student/Senior

2. I ALSO want to join my local affiliate, please choose one at \$10.00

- ☐ Badlands Area Resource Council
- ☐ Fort Berthold Protectors of Water & Earth Rights
- ☐ McKenzie County Energy & Taxation Association
- ☐ Missouri Valley Resource Council
- ☒ Citizens Local Energy Action Network

Name _____

Address _____

City, State, Zip _____

Phone _____ Email _____