

DAKOTA COUNSEL

Watchdogs of the Prairie

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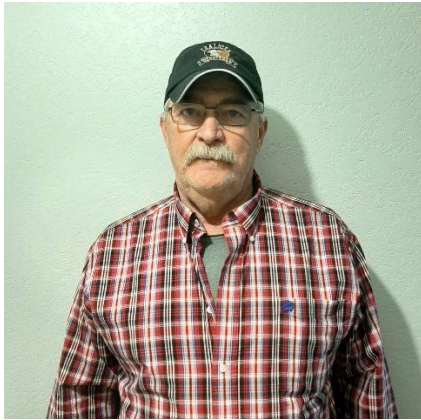
DRC Presents New Storytelling Project “Farmers and Ranchers in Crisis”

Dakota Resource Council launched its newest social media storytelling project, *Farmers and Ranchers in Crisis* (ndfarmcrisis.com). This project takes a personal look at the stories of farmers and ranchers across the state of North Dakota, who have been affected by multiple economic & weather related crises over the past few years.

DRC chose to tell the stories of North Dakota farmers and ranchers who are hurting because North Dakota farmers and ranchers are the backbone of our rural communities. They economically stimulate rural areas by shopping & hiring locally. The main purpose of *Farmers and Ranchers in Crisis* is to put a face to news stories discussing the struggles of North Dakota's agriculture sector caused by: the trade war with China, drought, flooding, low commodity prices, fluctuating livestock prices, and COVID-19.

The project originally started by looking at the stories of commodity farmers who were affected by the trade war, but, after months of research and interviews, coupled with the COVID-19 crisis completely destroying the futures market, it became clear that the impacts facing producers is bigger than the trade war with (Story Continued on Page 3)

Letter From the Chair



Hello Everybody,

I swear the older you get, the faster summers fly by. It is hard to believe that it's almost October 1st. That being said, please don't forget that we will still be having our annual meeting on October 24th. The format will be different this year due to COVID, but hopefully our meeting next year will be back to normal.

Whether you're involved in the beef industry or not, I strongly urge you to contact the offices of Senator Hoeven and Senator Cramer, regarding some recent reforms being proposed for the beef industry. These reforms will benefit ranchers like me and others in Dakota Resource Council. The reform that you should ask them to support, is called the 50/14 Rule, which is co-sponsored by Senator Tester (D-MT) and Senator Grassley (R-IA). There will be further explanation regarding the 50/14 Rule in the newsletter, but the long and short of it is that it will help ranchers get better beef prices.

Here's hoping that your summer went well. I hope we have a nice long fall.

Take Care,

Curt Kralicek
Chair of DRC

Executive Committee

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Curt Stofferahn, Vice Chair
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David Rydell, Treasurer

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Donny Nelson, MCETA
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)**

**Dakota Resource Council
1720 Burnt Boat Drive, Suite 104
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701-224-8587**

(Farmers and Ranchers in Crisis Cont.)

China. Specifically, *Farmers and Ranchers in Crisis* will consist of a series of blogs and social media postings that tell the stories of producers throughout North Dakota impacted by decisions made in places like Washington DC. In DRC's view, farmers and ranchers are the backbone of North Dakota rural communities. As a result, their stories must be told in order for decision makers in Washington DC to understand the decisions they make impact real people and communities.



Bill Hejl, a recently retired farmer from Amenias, ND, is featured in the *Farmers and Ranchers in Crisis* blog series.

Lastly, beyond telling stories, *Farmers and Ranchers in Crisis* will recommend long-term solutions that will allow more farmers and ranchers to stay on the land in North Dakota. In the end, without solutions that keep farmers and ranchers working the land, farmers and ranchers will continue to be in crisis.

Farmers and Ranchers in Crisis can be found at ndfarmercrisis.com and DRC's Facebook page.

Oil & Gas

Temporary Win for DRC, FB POWER!

A federal court pressed the pause button on the Trump Administration's EPA methane rollback by issuing an administrative stay. The US Court of Appeals of the D.C. Circuit blocked the Trump Administration's rollback of methane emissions standards while the court examines briefs submitted by both parties.

Fort Berthold Power is one of several groups who filed a lawsuit arguing that the rollback violated the Clean Air Act and the Administrative Procedure Act and would

harm them, their communities, and all the people who live alongside new oil and gas wells.

Getting this stay is another example of the sway and power the voices of those, like members of Ft Berthold POWER, who are directly impacted by decisions like this can be. For our members, and so many other folks across the country, the impacts of these types of decisions are not hypothetical; they are immediate and long lasting.

This ruling is temporary but the work being done by DRC and its affiliates is not.

North Dakota Needs Bonding and Reclamation Reform Now



Western North Dakota has been littered with oil wells since the birth of the Bakken...which is a major concern when it comes to bonding and reclamation

Dakota Resource Council, Fort Berthold POWER, Western Organization of Resource Councils and other member groups are working together to reform bonding and reclamation standards for oil and gas wells. Reclamation bond amounts for oil and gas development are extremely low, at both the federal and state levels. Due to insufficient bonds it is likely that impacted communities will be left holding the bag when it is time for oil and gas wells to be cleaned up. When bond amounts are insufficient to reclaim orphaned wells, local, state, or federal governments must come up with the money or sites go un-reclaimed. Federal bonding and reclamation amounts have not been reformed or updated since the 60's—not even for the cost of inflation. **(Cont. on page 4)**

(Bonding and Reclamation Cont.)

Exposing the crisis of orphaned wells across the west and strengthening state bonding and reclamation rules in North Dakota could advance policy discussions and create a sense of urgency for substantive reform on the national level. Getting reforms at the state level will require state regulators to act to address problems both immediate and long term related to insufficient bonds and blanket bonds. In North Dakota, regulators have historically not held companies responsible for their reclamation liabilities. This puts a burden on the landowners and the taxpayers to ensure that cleanup occurs. This needs to change and reforms are a start.

DRC will continue to work towards getting policy makers to improve bonding requirements to ensure communities are not left damaged and unusable after the oil & gas companies leave.

Another Disappointing Opinion from ND Supreme Court

An opinion from the North Dakota Supreme Court stated the Public Service Commission (PSC) does not have to hold a hearing to determine if a PSC siting permit is required, against the wishes of DRC and our allies. This is a disappointing and frankly surprising decision that cedes regulatory power of the Public Service Commission to Industry wishes. The lone dissenting opinion in the case came from the only Justice that is retiring, Justice Vandewalle, who said the decision “does not inspire confidence and respect in our regulatory system.”



Justie Gerald W. VandeWalle

As it stands now, Meridian Energy has an Air Permit to Construct for a refinery capable of producing 55,000 barrels per day (bpd). The blueprints, the equipment listed in the application, all information about the refinery in the air permit are above the 50,000-bpd threshold for a siting permit but no siting permit will be required. Meridian CEO, Bill Prentice sent a memo to the state saying they will not produce more than 49,500 bpd but is that a lick and a promise or legally binding?



The Davis Refinery site sitting dormant.

Even with this opinion, the prospect of the refinery being built any time soon does not look promising. There are still outstanding questions regarding the project financing, economic feasibility, and need for the project. A Mechanic's lien against Meridian, a lawsuit filed by current and former employees for back wages and bonuses, local companies that appear to still be unpaid for work completed, lower prices and demand for petroleum products all signal serious financial problems for this project. As this is being written, all equipment (including the earthmover with the perpetual flat tire) has been removed from the site, as has the sign declaring future site of the Davis Refinery.

It is clear that persistent efforts of a small but dedicated group of DRC members, who did their best to hold regulatory agencies and the company itself to what legal standards exist in this state, have played an important role in preventing this refinery from so far being built so near to our National Park and sacred grasslands.

We hope to keep it, in the words of DRC leader Linda Weiss, “the cleanest refinery ever because it hasn't been built”

NEPA Rollback and its Consequences



July 15 in Atlanta, President Trump announced his administration's final rollback of the implementation procedures for the National Environmental Policy Act (NEPA), which requires federal agencies to engage in a review process to identify any significant environmental, economic, social, or health impacts a project may have before decisions are made and construction begins. The COVID-19 pandemic has left communities across the country desperate to protect their health, but the Trump administration continues to attack critical public health safeguards like NEPA.

The Trump administration's attacks on NEPA protections are reckless and dangerous during a global public health crisis. This rollback is nothing more than a thinly veiled sellout to corporate polluters at the expense of the health and safety of American families.

"Black, Indigenous, and People of Color communities bear the disproportionate burden of toxic pollution in their neighborhoods, and as a result, are dying from COVID-19 at higher rates," said Lisa DeVille, Vice Chair of Fort Berthold Protectors of Water and Earth Rights, from Mandaree, North Dakota. "My family and I live on my ancestral land in the center of the Bakken oil field, and the last thing my family needs right now is even less protection from the dangerous impacts of this development. NEPA is one of the few laws that require environmental analysis on the reservation and consideration of the disproportionate impacts of development on Indigenous people.

(Cont. on page 6)

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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!

(NEPA Rollback Cont.)

We all deserve to breathe clean air, but the Trump Administration is proposing to eliminate protections against environmental racism that occurs from oil and gas development near my home.”

“A coalition of 21 states sued the Trump administration for the rollback, what they say is a “rule that is, at its heart, the gutting” of America’s bedrock environmental law.”

Fort Berthold POWER Wins Methane Lawsuit

In July, U.S. California District 9 of the Supreme Court, Judge Yvonne Gonzalez Rogers found the rescission of the Trump Administration BLM Methane Rule “wholly inadequate” and that the Administration failed to justify the policies behind the reversals.

DRC affiliate, Fort Berthold POWER has been working to uphold the BLM Methane Rule since 2016. The Judge’s ruling continued stating the rescission “Violated federal law because it ignored the federal government’s statutory duty to prevent waste, instead of relying almost entirely on inadequate or nonexistent state regulations”. The decision rejected the Administration’s attempt to downplay the costs of the climate impacts of this rule and its refusal to investigate the public health impacts of this rule on the people living near oil and gas facilities including tribal communities.



Even though this was a major victory for DRC, POWER, and our allies there's a lot of work to be done to ensure the vision of the 2016 BLM Methane Rule is realized. Because this win invalidated the rescission rule, the 2016 BLM Methane Rule was put back into effect. This then allowed Wyoming’s District Judge Scott Skavdahl to revive a past challenge to the 2016 BLM Methane that was begun in 2017. We should have a decision from Wyoming District Court by the end of the year. After the final ruling in Wyoming District Court, there will be more clarity about the next steps needed to be taken to preserve the 2016 BLM Methane Rule.

Ag & Food

DRC Members Attend Hemp Processing Demonstration



When the 2018 Farm Bill passed, hemp as an agricultural commodity was reborn. Though there are 68 licensed producers in 2020, ND lacks in-state processing facilities where hemp farmers can sell their product. DRC and North Dakota Hemp Association (NDHA) teamed up with Rotochopper, a company that has specialized in grinding machinery for 25 years, and Plantology Inc., a North Dakota hemp farm outside of Leonard, for a demonstration of grinding machinery. Rotochopper used its model MC266 which has different screens, allowing the product to be ground to a desired consistencies ready for processing into building materials, pellets or press logs for heating, composites, industrial and consumer textiles, car parts, bioplastics, animal (Cont. on page 7)

(Hemp Cont.)

feed, and much more.

The demonstration proved to a group of local farmers and investors that the Rotochopper grinder can handle hemp and grind it to specific consistencies which is good news for hemp farmers; good news because hemp farmers would have more options for selling their hemp than just selling it unprocessed to a single buyer. This is also good news for manufacturers because they can purchase the grinder at a lower cost than current machinery available reducing startup costs. NDHA Executive Director, Lauryn Lesley stated “This was an excellent catalyst to in-state processing and a revolutionary step in propelling North Dakota to encompass self-sufficiency within the industry.” The Rotochopper proof of concept is the first step towards building a diverse industrial hemp fiber portfolio in North Dakota. With these machines material fibers can be cheaply extracted from the plant and reduce equipment costs for startup hemp businesses of all types.

Dakota Resource Council Members, Jodi Meische, Will Thompson, Michael Graalum, and Letitia Hallerud, were in attendance to observe the demonstration firsthand.

DRC continues to support new crops to help diversify our rural economy and to give farmers as many options and markets as possible.



DRC and Allies Talk Hemp Policy with Ag Commissioner Goehring

DRC and the North Dakota Hemp Association met with Ag Commissioner Doug Goehring to discuss hemp policies in North Dakota. Commissioner Goehring has been supportive of hemp in the past and has taken an interest in our work to make hemp a viable crop in ND. The meeting included leaders from the hemp industry and several North Dakota state representatives. The meeting laid the groundwork to start crafting policy at the state level. The Commissioner stated that while he is sympathetic to our cause, the task of reforming hemp laws would be an uphill battle because federal law supersedes state laws. State funding for hemp studies at NDSU could be used to help persuade the USDA and FDA to lighten regulations. The North Dakota Department of Agriculture has stated that they are willing to collaborate if DRC or NDHA submitted future policy.

DRC Submits Comments Against CAFO Permits on Behalf of Members

Applications for Confined Animal Feeding Operation permits for two hog finishing barns have been filed with the ND Department of Environmental Quality (DEQ). These barns would house a total of 4,800 hogs in Jackson and Southwest Townships outside of Cogswell in Sargent County. On June 22, DRC members and Ag & Food organizer attended and testified at the public hearing at the Cogswell Community Center. Concerns including the inexactness of the nutrient plan and the method of disposal for the corpses of hogs were noted. The permit is currently under review by the DEQ. DRC will submit written comments on behalf of our membership regarding the hog operations by the September 8 deadline. **(Cont. on Page 8)**

DRC also submitted our members' concerns regarding the nutrient program of Enger Grain and Livestock in Southwestern Barnes County. This facility, which initially held two 700 cow barns and a 300-cow open feeding lot, has filed a permit to expand its business and build a 1400 cow deep pit slatted floor barn. These barns have rubber mat covered, slatted floors that allow waste to fall through the floor into waste pits below.

Comments were made regarding the inexactness of the nutrient plans and concern for private wells near the farmstead were the main concerns we brought forth. The permit is still under review.

DRC is Always Looking for New Members and to Engage Current Members



DRC is putting together a team of members who are interested in discussing and drafting policy around a soil health plan in North Dakota. We are looking to coordinate with existing groups. Anyone interested can contact Sam Wagner at sam@drcinfo.com.

If you want to learn more or know someone interested in DRC's AG & Food campaigns including beef checkoff reform, mandatory COOL, spot market reform, or CAFOs, contact DRC Ag and Food Organizer, Sam Wagner at sam@drcinfo.com if you are interested in working with DRC to promote the hemp industry.

Coal Country

Janessa Returns to DRC

We are pleased to welcome Janessa M. V. Thompson back to Dakota Resource Council. She is filling her prior position as Coal Country Field Organizer. Janessa grew up in Rugby, ND and lives in New Salem with her husband, two dogs, and a clever cat.

If you live/work in Mercer, McLean, or Oliver counties (or know someone that does) and want to get involved, please email janessa@drcinfo.com.

What can reclamation jobs do for North Dakota?



The Western Organization of Resource Councils (WORC) released a report, "Coal Mine Cleanup Works: A Look at the Potential Employment Needs for Mine Reclamation in the West" which highlights how many jobs are needed to complete reclamation and features a case study of Freedom Mine in North Dakota. The release is timely for ND with Coal Creek Station announcing its closure in 2022.

The report includes Montana, Colorado, Wyoming, and North Dakota. Researchers determined how many job-years ("the total number of people working full-time for an entire year to complete the job at hand") could be created by finishing reclamation disturbed strip mined lands. The report also points out that local coal workers are very well suited to do the reclamation work, and (Cont. on page 9)

(Coal Reclamation Continued)

some may have already worked in reclamation.

Over a third of the land used for coal strip mining, in the states included in the report, has yet to be reclaimed. According to the study, “end-of-life mine reclamation takes approximately 2 and 3 years to complete, meaning that between 1,631 and 4,893 full-time equivalent workers would be needed for each year of cleanup.” These jobs could be spread out over two or three years and could employ up to 65% of coal workers in the four-state region.

Reclamation jobs can serve as a bridge for communities, and coal-reliant counties, can give workers the opportunity to plan, save money, and seek new career opportunities, can give coal-dependent communities more time to plan, diversify their economies, assess fiscal strategy, as well as ensure the land is cleaned up for future uses.

Why does this matter in North Dakota? Good question. Mercer, McLean, and Oliver counties are highly dependent on the tax revenue and jobs provided by the coal industry. As the coal industry declines, so do our local mines as evidenced by recent announcements and closures. Mining communities are facing significant challenges in planning for a future without coal. “Coal-mine Cleanup Works” highlights Freedom Mine in Beulah, ND, but reclamation jobs are needed at all of the mines including Falkirk which feeds Coal Creek Station. Freedom Mine is the largest lignite mine in the U.S. and reclamation for it alone would create “between 236 and 471 job-years.”

The report also points out that the funding to clean-up this land is not secure in ND. ND is one of the few states that still allows self-bonding, which allows the company to be bonded on their financial standing rather than collateral. Often the financial standing was assessed years ago and the permits just continue to be renewed. If a coal company in ND goes bankrupt, taxpayers and/or the government could be liable to pay for clean-up. Ending self-bonding in North Dakota is just one of the recommendations from this report. Other important recommendations include:

1. Regulators must ensure that cleanup liabilities are taken on by new mine owners (if there is a buy-out) and that the new owners have the ability to fulfill those financial obligations

2. State regulators must be ready to seize bonds when a mining company abandons its mines in order to initiate reclamation immediately

3. Federal and state officials should make an effort to accelerate the current pace of concurrent reclamation at existing, active mines

4. Federal, state, and local policymakers should create policies that promote local hiring for mine reclamation

The report is timely for North Dakota as it provides valuable information to local decision-makers as they face the complex challenges of our rapidly changing energy economy. Reclamation should be completed by a local workforce and should be paid for by the company, not taxpayers or the state. These clean-up jobs can serve as a bridge for coal-reliant counties in ND and ensure full reclamation happens.

Coal Creek Station closing, what happens next?



Coal Creek Station

When Coal Creek Station announced that the plant will be shut down in 2022, it took many locals by surprise. Coal has increasingly become uneconomical to produce. Add on a global pandemic and the coal industry has struggled economically. When coal-reliant communities, i.e. communities where coal is the primary industry and source of revenue/jobs, lose plants/mines it can be devastating to the community.

(Cont. on Page 10)

People in ND coal country were told that “king coal” would never die by their employers, officials, and friends. Those who believed it would end thought they had more time. People in Appalachia were told the same, and in the end, they were also duped by the coal industry. Communities became ghost towns. Coal workers that could, moved away. Those that didn’t have the means to move away became stuck in a cycle of poverty which includes increases in crime, drug abuse, poverty, mental health crises, obesity, health issues, and unemployment. Many people in Appalachia thought that coal would never go away... until it did. The same process is unfolding right now in ND.

On May 7th, 2020, Great River Energy (GRE) announced that Coal Creek Station would be closing at the end of 2022. This is roughly 260 jobs lost in a rural area. GRE openly admitted that the plant was experiencing financial difficulties and was operating at a loss. Eventually, despite GRE’s effort, the losses of the plant were too great to be overcome. The announcement was met with understandable resistance from coal workers, local officials, and the community. Many people blame Minnesota’s goal to rely on 100% carbon-free energy by 2050. Others feel GRE lied or exaggerated about the losses. To compensate for the loss of power from Coal Creek, GRE plans to “add 1,100 MW of wind energy purchases” and is working to develop a long-duration storage technology, a unique battery. Both projects are slated to be completed by the end of 2023. GRE volunteered to pay taxes to the local government for five years after the plant’s closure to help the community transition. In addition, GRE is providing their workers with some excellent retraining/relocation assistance, tuition reimbursement, increased pay, severance pay, and more. These are all good-faith actions we look for as a plant closes.

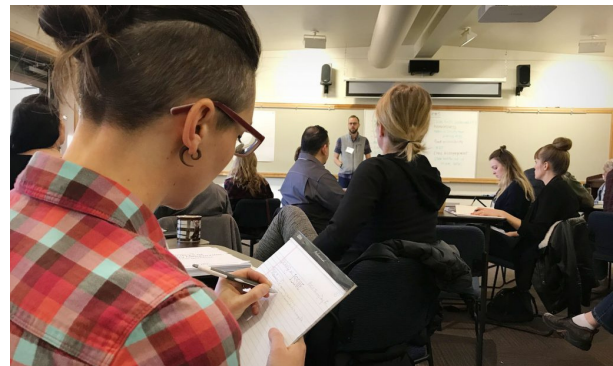
If Coal Creek Station closes, Falkirk mine will shut down as well. Falkirk mine feeds Coal Creek and provides around 500 local jobs. Will workers of the mine, operated by North American Coal Co., receive the same assistance GRE workers are receiving? Likely not, unless they organize to change that.

The coal industry has supported these families and communities for decades. As our energy economy changes, it is important to support the workers who

dedicated their lives to supply coal power for our country.

Coal is going away due to a variety of reasons including cheap natural gas, improved fracking technology, renewable energy competition, and stricter environmental regulations. However, why coal is declining is less critical to address because that ship has sailed. What matters now is what the local people do to plan for the future of their community.

Members and staff get “organized” at Principles of Community Organizing training



Scott Skokos leading a session at WORC's *Principles of Community Organizing* back in the day when we all could be in a room together

Community organizing is the foundation of our work at Dakota Resource Council (DRC). One of the ways to learn how to organize in your community is to attend the Principles of Community Organizing (POCO) training hosted once or twice a year by the Western Organization of Resource Councils (WORC), of which DRC is a member group. Community organizing isn't just for staff, organizing is what our members do to demand change in their communities and assert their power locally.

This year, due to the pandemic, POCO is being hosted online via Zoom video conferencing. A silver
(Cont. on page 11)

lining to the training moving online is that it has allowed more people to participate than might have been able to otherwise. This year DRC has 2 staff and 3 members attending POCO. Usually a 4-day in-person event, it has been spread out in smaller segments over two months. One of the DRC members attending POCO this year is Rebecca Ferderer. Rebecca is originally from Dickinson, ND, but has spent the last several years in Tokyo, Japan. Rebecca is highly motivated to bring her expertise in rural and community development to her home state, which is why she decided to register for the POCO. Rebecca is hoping to gain organizing skills to work on issues important to her in ND because:

“I believe that local level organizing has more effects long term and in a way that matters to peoples’ everyday lives.”

The POCO training is about halfway through and she shares:

“What I love about the training so far is that it is interactive, everyone gets an opportunity to participate. It’s inclusive.”

POCO can teach you how to talk one-on-one with your neighbors to build “people power” to influence local decision-makers. It can help you learn to identify what makes a good issue to work on and how to turn that issue into a winnable campaign. Organizing is something that everyone can do, it’s something YOU can do. This training is a great way to gain skills and tools to help you make change in your community.

POCO offers skill development in communication, organizing, relationship-building, leadership development, fundraising, and more. POCO also provides an opportunity to network with other people who share similar values and understand the struggle. Community organizing skills can be used for a lifetime. So, keep an eye out for the next POCO training. Accessibility is important to our network. Accommodations will be made as is possible, especially in this time of social distancing. A limited number of scholarships are usually available to members. For more information or to learn more, please contact our office.

DRC Annual Meeting Going Virtual for 2020

There are a few things that you can count on in life....the sun coming up, garbage day and the DRC annual meeting in October. Even though the COVID-19 pandemic has turned our lives upside down, DRC’s annual meeting will still be held on Saturday, October 24. But, due to the rising number of cases in North Dakota, we will be taking this meeting virtually by computer and/or phone.

Leading up to the meeting, we ask our members to carefully watch their e-mails as we will send out more information about the annual meeting, including how to register.

If you have any comments or questions about the annual meeting, please feel free to call the DRC office at (701) 224-8587 or e-mail us at info@drcinfo.com.

We hope to see you on our computer screen!

50/14 Rule Will Help Fix Price Issues For Ranchers

It is not hard to tell that a lot of farmers and ranchers are struggling. The main reasons ranchers are struggling is the lack of competition in the beef processing industry, combined with the nature of the beef future markets. These factors have caused ranchers to get low prices for their cows at the sale barns, despite high beef prices consumers have seen recently at the grocery store. To combat this issue, Senators Tester (MT) and Grassley (IA) introduced a necessary reform, the 50/14 rule, that addresses the issues related to the future market.

If passed, this reform would mean that ranchers would get prices for the cows that are more in line with the present going rate for beef cattle.

DRC will continue to support the reform brought forward by Sen. Tester and Sen. Grassley by working with our allies to push the North Dakota Congressional Delegation to support changes that get ranchers fair prices .

Dakota Resource Council
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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

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- ☐ \$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

Name _____

Address _____

City, State, Zip _____

Phone _____ Email _____