

DAKOTA COUNSEL

Watchdogs of the Prairie

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Representation Matters, Rep. Haaland Confirmed

President Biden's nominee for Secretary of the Interior, Representative Deb Haaland, has been confirmed. Haaland, a 35th generation citizen of Laguna Pueblo, from what is now New Mexico, is our first Indigenous cabinet secretary.

It is impossible to overstate how important and historic having an Indigenous woman serving as Secretary of Interior (SOI) is. This is particularly clear when you think about the policies put forth and carried out by the Department of Interior (DOI) and previous SOIs. Consider our third SOI, Alexander Stuart, who said the only options the US Government had in dealing with Indigenous peoples were to either "civilize or exterminate." To that end, the DOI seized tribal lands and horrifically stole children from their homes, placing them in "schools" where they were separated from their families, language, traditions, culture, and more.

Although long overdue, having someone who, as Secretary Haaland said, "...tended to traditional gardens, cooked for pueblo feast days, and stood with Očhéthi Šakówin Nation at Standing Rock in defense of tribal treaty rights." brings a perspective and understanding not seen in any other SOI. This new perspective makes many conservative, status quo politicians uncomfortable as evidenced by the animosity directed at Rep.

(Story Continued on Page 3)

Letter From the Chair



I've been watching the ND Legislature since I returned to North Dakota after graduate school. My brother served five terms in the legislature from District 26, including several terms as assistant minority leader, so upon returning to the state, I had a natural interest in the activities of the legislature. Of the 17 sessions that I've watched, I can honestly say that this session is one of the most reactionary ones that I've ever observed. It is within this environment of a reactionary legislature, that Dakota Resource Council spokespersons are attempting to promote progressive legislation or to forestall bad legislation.

I'm not alone in my observation. Mike Jacobs, perhaps one of the most astute political observers noted: "Still, it is possible to observe that so far this has been among the most reactionary in the state's history. The label is not meant pejoratively or judgmentally, but rather descriptively. The word does catch the tone of the session. Time after time, lawmakers have pushed back against the governor particularly, but also against existing laws and sometimes against each other." (Mike Jacobs, Mar. 3, 2021, Fargo Forum) Some of the most reactionary bills came from the so-called Bastiat Caucus. Even conservative commentator Rob Port finds the activities of the members of that secretive group embarrassing. "I can understand the frustration Republicans feel about being lumped in with a secretive group of goofballs who seem less interested in governing than proposing inflammatory policies that will enhance their Facebook notoriety. But it's incumbent upon the Republicans in the Legislature fed up with the Bastiat to do something about it." (Rob Port, Jan. 21, 2021, Fargo Forum.)

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Executive Committee

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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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(Haaland Confirmation Cont.)

Haaland during her confirmation hearing. Despite some senators objecting she was confirmed.

Representation, varied perspectives, and shared power is long overdue and extremely important in the halls of our federal government, and at every level of human interaction. In a tweet Haaland said, “A voice like mine has never been a Cabinet secretary or at the head of the Department of Interior. Growing up in my mother's Pueblo household made me fierce. I'll be fierce for all of us, our planet, and all of our protected land.”

DRC and Fort Berthold POWER applaud Secretary Haaland's confirmation and look forward to and expect that she will better represent tribal nations and will listen to the needs of everyday tribal citizens not just tribal governments. As Lisa DeVille, co-founder of POWER said, “The nomination of Deb Haaland, an enrolled citizen of the Pueblo of Laguna in New Mexico is an important step in having Indigenous representation in decision making positions. We hope now that she has been confirmed she will look at the tribal fossil fuel programs to ensure our sacred land, air and water are protected.”

(Chairperson Letter Continued)

Well, the Republicans finally did something when the behavior and speech of Luke Simons, one of the most outspoken, and despicable, members of the Bastiat Caucus, became too much for them to bear. “In an unprecedented move, the North Dakota House of Representatives has expelled embattled Rep. Luke Simons over recently surfaced sexual harassment allegations. The Republican-dominated lower chamber voted 69-25 on Thursday, March 4, to remove Simons from office after a heated three-hour debate. (Turley, Mar. 4, 202, Fargo Forum). The list of the 25 members of the ND House who voted against expulsion is the closest approximation we have of who constitutes the members of the Bastiat Caucus.

Nevertheless, the reactionary legislation that has been proposed includes making abortion a felony, rescinding approval of the ERA, loosening restrictions on where one can carry concealed weapons, attacks on collective bargaining for public school teachers, prohibiting local governments from imposing mask mandates, directing public education funding to private schools, prohibiting transgender youth from participating in sports with the genders with which they

identify, carrying concealed weapons at sporting events, limiting who qualifies to vote absentee, increasing the residency requirement, and limiting how much time a person can spend voting at a polling site. The Bismarck Tribune editorial board noted that these restrictions were entirely unnecessary. “Supporters argue these bills will combat voter fraud and make the voting process more efficient. The Tribune editorial board believes both arguments are nonsense.” (Editorial board, Jan 30, 2021, Bismarck Tribune).

As disturbing as these reactionary bills are to us as citizens, the Dakota Resource Council has focused its efforts on other reactionary bills, most noticeably legislators' desperate attempts to financially subsidize up a declining coal industry, to change zoning requirements for the siting of CAFOs, to facilitate improvements in drains while shifting the costs to non-beneficiaries of the drain, to move CAFO regulation from the Department of Environmental Quality to the Agriculture Department, to remove criminal penalties for failing to follow laws regarding drainage, to penalize sustainable energy sources while privileging oil and coal sources, to establish a Clean Sustainable Energy Authority skewed toward the oil, coal, and ethanol industries and to place certain restrictions on the creation and submission of the North Dakota Regional Haze State Implementation Plan (SIP) which would conflict with the federal Regional Haze Rule.

DRC has also supported several bills such as the net metering bill that has been advanced by Citizens Local Energy Action Network (CLEAN) in Fargo, the voluntary beef checkoff bill, a bill that would match state hemp laws to federal laws, a bill to permit sales of specialty fertilizers to nonfarmers, and a bill to promote soil health championed by one of our members.

As you can see, the staff at Dakota Resource Council has been very active in testifying during committee meetings on bills which we support or oppose. We're seldom on the prevailing side of committee recommendations or chamber decisions. Nevertheless, DRC's voice has been heard.

Oil and Gas

Bill would hold tribal tax revenue hostage

DRC affiliate, Fort Berthold Protectors of Water and Earth Rights (POWER) submitted testimony in opposition of SB2319. What started out as a good and simple bill has been amended into a terrible bill.

Initially the bill would have ensured that MHA Nation would receive a share of the tax revenue earned from wells that are drilled outside the exterior boundaries of the reservation but extract minerals inside the exterior boundaries of the reservation. Currently, MHA Nation receives \$0 for those wells. In fact, that flow of revenue only goes one way. The Tribe shares the tax revenue from wells that are drilled within the boundaries of the reservation, but extract minerals outside the boundaries. Since 2008, according to Chairman Fox, this has meant a loss of hundreds of millions of dollars for his tribe. Initially this bill would have corrected a long-standing inequity. Unfortunately, the story of this bill does not end here.

The first amendment, which upon looking at the video of Chairman Fox testifying, was no secret to him, is where this bill goes downhill.

Let's pause for a little bit of background.

In December, as a lame duck, the president removed a host of environmental protections including allowing oil and gas leasing on long-time protected federal lands. This granted leasing access to certain areas adjacent to Fort Berthold Reservation. When the Biden-Harris (B-H) administration took over in January, it placed a moratorium on new oil and gas leases and permits on federal lands. This happened before any leases were procured.

This new lease moratorium does not apply to lands that the federal government holds in trust for tribes. This exemption for tribal lands was granted because tribal leaders from the Ute tribe in Utah, Northern Arapaho in Wyoming, Jicarilla Apache Nation in New Mexico, Crow Tribe from Montana, and Chairman Mark Fox of the Mandan Hidatsa Arikara (MHA) Nation leaned on the B-H administration to exempt tribal lands from this moratorium.

On one hand the fact that the B-H administration is respecting tribal sovereignty is important, on the other hand, many individual tribal members facing the health, social, and environmental impacts to themselves, their children, grandchildren, and the earth, due to oil and gas extraction would like to see tribal governments move towards more sustainable ways to produce energy and support their respective tribes.

Okay, back to SB2319. This bill was first amended to include a condition under which the MHA Nation would receive tax revenue from wells drilled off the reservation but extracting under the reservation. The condition was that Chairman Fox had to broker a deal with the B-H administration to get access to previously inaccessible federal lands off reservation. Of course, it's not spelled out that clearly. The amendment says that unless drilling commences on a well within the exterior boundaries to federal land outside the reservation, the tax revenue will become ineffective. Because Chairman Fox helped successfully lobby the B-H administration to exempt tribal lands from his moratorium, he and legislators think he could be successful. At the very least the Tribe would get tax revenue, justly deserved tax revenue, for a few months. Still, no conditions would have been the right thing to do.

The last amendment took an even worse turn. Rather than sharing the tax revenue for a period of time until a deal with the federal government could be brokered, no tax revenue would be shared UNTIL a deal had been made and a well was drilled from within the exterior boundaries of Fort Berthold Reservation into federal lands.

The state has already kept 13 year's worth of tax revenue from minerals extracted from under the exterior boundaries of Fort Berthold Reservation and now they will only share that revenue with the tribe if they get access to long-time protected federal lands. It is thought that the lands the state wants access include vision quest sites, areas that have seen the reintroduction of animal species lost to the area, as well as cultural, and traditional lands. Lands that have been off limits to extraction for a reason. It is not known how Chairman Fox will respond to this latest amendment. It seems doubtful that the B-H administration would allow access even if Chairman Fox asked for it but that is not known either.

Fort Berthold POWER

DRC affiliate, Fort Berthold Protectors of Water and Earth Rights (POWER) continues to work on multiple fronts, living up to its name.

As an affiliate whose members mostly live on Fort Berthold Reservation, POWER by necessity deals with multiple levels of government.

At the federal level POWER, along with DRC, and sometimes WORC are participating in multiple lawsuits. The last administration rescinded, rolled back, and weakened a huge number of federal environmental protections including Obama's 2016 EPA and BLM Methane Rules, BLM Fracking Rule, and the National Environmental Policy Act (NEPA). POWER is participating in lawsuits challenging these specific rollbacks.

A welcome wrinkle in the lawsuits we are participating in is the election of President Biden. His administration has asked for stays, or pauses, in these lawsuits so that the challenges can be examined and potentially mediated to the satisfaction of the plaintiffs without going through a courtroom. While the reinstatement of the old rules is welcome there is strong hope that the Biden administration will enhance protections by making them more stringent than any previous administration.

At the tribal level, POWER is working to get the Tribal Business Council to get a Tribal Implementation Plan which would lead to Tribal Air Monitoring System. Implementing a Tribal Air Monitoring System would allow the Mandan Hidatsa Arikara (MHA) Nation to exercise their sovereign right to write and enforce air quality standards that could exceed EPA standards. Such a system would go a long way to protecting the health and safety of the people living on and around Fort Berthold Reservation.

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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!

(FB POWER Cont.)

POWER is also weighing in on SB2319 (please see article Bill would hold tax revenue hostage on page 4) urging a Do Not Pass from the House Finance and Tax Committee unless the language of the original bill is taken up.

Members of POWER are also weighing in on what actions should come out of WORC's equity assessment (See article for more about WORC and DRC's diversity equity and inclusion work on this page). As individuals who have been harmed by past events and practices, POWER members are making their voices heard at WORC's decision making tables.

As usual, POWER members have written LTE's (see page 12) and been invited to speak to a variety of groups, including a tele-presser with journalist to counter the narratives coming out of CERAWEEK which is gathering of energy executives and leading members of the industrial, automotive, manufacturing, and technology communities. DRC staff and POWER leadership had an informal conversation with Indonesian reporters as part of the International Visitor Leadership Program through the Department of State.

Indonesian communities, particularly island populations of minority and marginalized communities are under threat from Chinese oil and gas development. It was a great conversation. FBP members in attendance talked about their experiences living in frontline communities. They spoke about how they have worked and fought to protect the earth, and lessons they learned along the way. The visitors talked about the exploitation and cruelty that occurs due to the palm oil industry. It's clear that conflict between Industry and everyday people is universal.

As is true across all of DRC, POWER is looking to increase membership and to help develop new leaders' skill sets and understanding of the complicated issues on which they are working. Work is being done to set up training about how to write testimony, speak to reporters, and speak to their neighbors about the pressing issues in their communities.

Badlands Area Resource Council



Members of Badlands Area Resource Council will be getting more organizer time to figure out what their next steps and campaign should be. The Davis Refinery has not progressed in any way and the company behind it, Meridian Energy Group, Inc., is still facing many challenges including the \$600,000 plus lawsuit for back wages and bonuses that employees filed last year. Protecting the Little Missouri Grasslands, new and updated renewable energy development, such as updating the photovoltaic cells on buildings at Theodore Roosevelt National Park, becoming involved with rural electric co-ops are just a few of the things BARC might take up.

Diversity, Equity, and Inclusion: so much work to do



Western Organization of Resource Councils (WORC), of which DRC is a member group, has been working to increase its diversity, equity, and inclusion (DEI). As with any large, white run institution there is a lot of room for improvement. Recognizing that need for improvement, WORC has hosted trainings, budgeted monies specifically for this work, created affinity caucusing groups, and most recently, paid for an in depth Equity Assessment (EA).

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(Diversity & Equity Cont.)

While nothing is perfect the EA is a good start to uncovering individual as well as institutional biases at WORC. Accessibility issues, representation in leadership positions, hiring and compensation practices, training language and approaches, and relationship mending and building were a few of the many things that were addressed. Multiple recommendations were made in the EA and WORC hosted several meetings to prioritize those recommendations and come up with a prioritized list of actions.

To be a just and successful community organizing group it is essential that we uncover biases and the systemic racism that exists in ourselves and our organizations and then work to deconstruct those biases and systems. DRC has been and will continue to be invested in this process.

Federal Oil and Gas Bonding and Reclamation Reforms Moving Forward



Dakota Resource Council members are participating in efforts of the WORC network and beyond to reform federal oil and gas bonding and reclamation. With the start of the Biden Administration there is significant, bipartisan support for federal orphaned well cleanup program. Ensuring this is paired with reforming bonding rules that hold companies accountable in the future has been a priority for the team. Proposals, such as the proposal from WORC's member led oil and gas team, to stimulate the economy, put skilled workers back to work, and remediate valuable lands are likely to be included in an infrastructure bill in the coming months.

If DRC and its allies are successful it would mark the

first time oil and gas bonding and reclamation rules have been changed in at least four decades. The last time the minimum federal bonds were altered was during the Eisenhower administration.

In recent months, improved legislation was reintroduced in the House of Representatives which would significantly raise federal lease and state-wide bond amounts, eliminate broken nationwide bonding, and require reclamation plans. As the Department of the Interior pauses leasing and reviews the outdated oil and gas leasing program, DRC and its allies plan to help the Bureau of Land Management and Bureau of Indian Affairs fundamentally update their bonding regulations as well. Stay tuned for more info as the campaign ramps up.

Coal & Clean Energy

DRC Gears Up to Engage Members on Rural Electric Co-op Issues

In the fall of 2020, Dakota Resource Council (DRC) began an assessment of Rural Electric Cooperatives (RECs) in ND. The primary goal was to have conversations with DRC members, who are served by rural electric co-ops, to uncover where our members stand on different REC issues. Many exciting things came out of these conversations and we are excited to build on the momentum that our members have given us. Why rural electric co-ops? Why now? Good questions.

In these conversations, we learned from people who have witnessed slow changes to rural electric cooperatives and how they function. RECs were initially created as grassroots, democratic organizations for people to get their electricity from. People wanted to have a say on who, what, when, where, and how they got their energy. They didn't want to be taken advantage of by greedy corporations.

Similar to DRC, co-ops have a board of directors
(Cont. on Page 8)

who are elected by the membership to steer the organization in ways that represent what the members want. Seems pretty great, right? Well, what we found from our conversations with DRC members was that many people are not aware of what it means to be a member-owner of a co-op anymore. Unfortunately, this means that many decisions are being left to the few at the top and those elected to boards by a small portion of member-owners that still participate in elections.

For example, if you live in Bismarck you are likely served by either Montana-Dakota Utilities Company (MDU) or Capital Electric Co-op, Inc (Capital). People assume these companies are not very different... it's just electricity, right? In fact, they are quite different. MDU is an investor-owned utility while Capital is an REC. People who get their electricity from Capital are member-owners and have the right to participate in the co-op. RECs provide the majority of electricity (that is sold for retail) in North Dakota.

We found that DRC members want to be more involved in their co-ops. They want to see energy decisions that reflect their priorities and values. They want their voices to be heard on decisions being made on their behalf by co-ops. They want to run for board seats or help people they know get elected. They want to see a co-op that is working as it was intended, for the people and for the member-owners, not industry profits.

Why is it important to participate in your co-op? Because that is one place where decisions about your energy (if you are a member-owner) and the future of energy in ND is being decided.

Want more clean energy? Get involved with your co-op.

Want co-op board representation that reflects your values? Get involved with your co-op.

Want to install solar or wind on your property? Get involved with your co-op.

Want to install solar or wind on your property? Get involved with your co-op.

Want to ensure your electric bills are affordable? Get involved with your co-op.

Want to see diversity on REC boards? Get involved with your co-op.

Want to ensure a sustainable future for generations to come? Get involved with your co-op.

Now is the time to step back into the democratic spaces that were created to serve member-owners. If you want to have a say in the future of energy in ND, now is the time to step up and speak out! Maybe you choose to run for the board, maybe you call your co-op to ask questions about their future energy plans, or maybe you work with DRC to work on co-op reform. DRC plans to help our members get elected to boards if they want to run. We also plan to work with our members to develop other possible campaigns for co-op reform. So stay tuned for webinars or virtual meetings.

One final note, if you made it this far, many RECs are burdened with coal debt and are stuck in long-term contracts that prevent them from making swift decisions that accurately reflect our rapidly changing energy economy. Moving on from coal debt and long-term contracts that are financially unreasonable will take some ingenuity and imagination. We know that our members, and future members, have what it takes to tackle these complex barriers.

DRC Member Runs for Cass County Electric Cooperative Board of Directors

Sonja Kaye decided to run for the Cass County Electric Cooperative (CCEC) Board of Directors initially when she became concerned about the long-term sustainability and trajectory of her cooperative based on decisions being made on carbon capture technologies. If elected, Sonja will do her best to promote clean energy for co-operative members; avoid bad investments like Project Tundra; support flexible energy sources such as natural gas and research into battery storage; brainstorm collaboration between customers and utilities for new programs; plan for the future; support education on electricity and cooperatives for co-op members; and advocate for Minnkota to become a member of MISO.

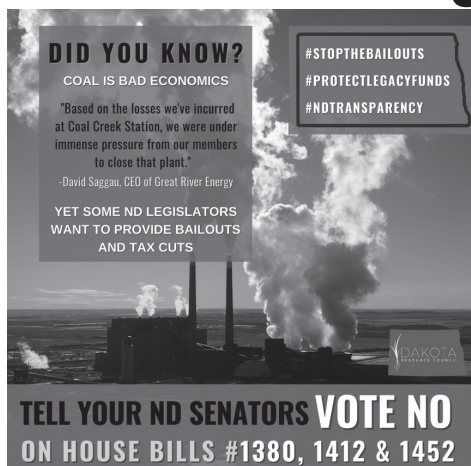
(Continued on Page 9)

(Kaye Runs for Board Continued)

"I offer fellow cooperative members my time and passion for the grid system. I believe our cooperative can do better at educating and engaging our members on electricity matters and expanding opportunities for members to save on their electric bill. There are exciting opportunities ahead to harness cheap renewable energy and data-driven technology. I look forward to rallying support for electricity with the best monetary and social value."
-Sonja Kaye

If you live in the Fargo area and are served by CCEC on your electric bill, please consider voting for Sonja Kaye at their annual meeting in June and telling your friends to do the same. Watch for mail from CCEC alerting you that voting is in underway, as vote-by-mail will begin a few weeks before the meeting. Stay tuned for more details on how to vote which will be posted either online, through email, or in this newsletter, depending on timing.

ND Legislators Attempts to Bailout the Dying Coal Industry & Penalize Wind Energy

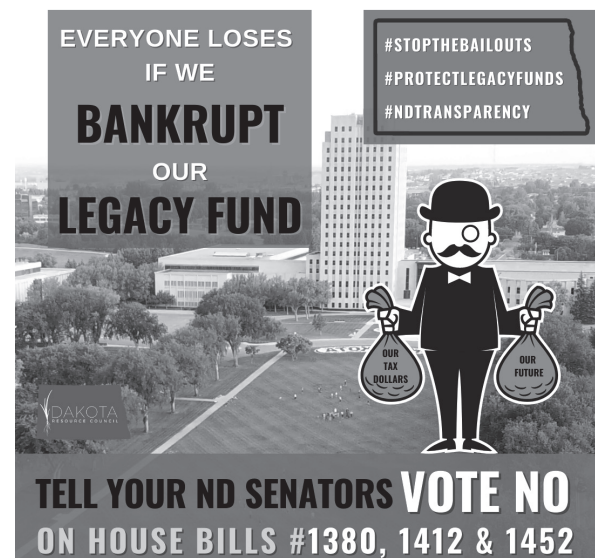


A major theme of this 67th Legislative Assembly of North Dakota is the bailouts and corporate welfare being offered to the coal industry. There have been a significant number of bills brought forward by Senator Jessica Bell (Unruh), who is employed by North American Coal Company. However, many other coal bills have had multiple sponsors and support from ND leadership. Another major theme this session is the

attempt to greenwash ND by continuing to push forward the oxymoron of "clean coal". In total, we have heard that there are at least 22 coal bills that have been introduced this session.

What this shows us is just how desperate the coal industry has become as it becomes increasingly difficult to compete economically without government intervention. ND participates in an interconnected grid system and is influenced by market forces outside of its control. There is a lack of understanding that if the rest of the country no longer wants coal energy, then as an energy exporter ND must accommodate consumer preference. Several of the supporters of these bills appear to have more concern for the nostalgia of coal's legacy than common sense and fiscal responsibility.

Many of the bills funnel funds to the proposed Project Tundra, which utilizes carbon capture technology that has been proven around the world to be technically and economically unfeasible. Carbon capture projects around the world have consistently overpromised and underdelivered, and that is what we see on the horizon for ND if Project Tundra is built.



There are still several bills in play, but three very concerning ones are HBs 1380, 1412, and 1452. These three bills combined give a total of \$160 million dollars of taxpayer money to the coal
(Continued on Page 10)

(Coal Bailout Continued)

industry in one way or another. HB 1412 offers a 60% tax break over five years, directly to the coal industry, it only impacts state funds. HB 1452 is a greenwashing bill that creates a “clean sustainable energy authority” focused on “low-emission technology” that basically serves as a fossil fuel slush fund. The voting members are almost entirely represented by the fossil fuel industries and the “clean sustainable energy authority” is given 40 million dollars in HB 1452. HB 1380 creates a stream of money from the legacy fund for another 40 million every two years. This is not what the legacy fund was intended for, nor is it moving us towards a sustainable future.

Finally, to end on a positive note, two very bad bills were killed before crossover and were major wins. HB 1292 outlined a process that would make it even more difficult to close power plants, requiring companies to remain open for three years and provide reliability studies, evidence for closure, and conduct public hearings. It appeared that the public service commission may have even had the authority to deny closure which was a completely anti-free market policy and venturing on state-sponsored socialism for coal. Another bill that was killed was HB 1458 which would have taxed the wind industry in ND at 50% of the production tax credit and given it to coal. HB 1458 generated quite a bit of buzz and was withdrawn after the committee hearing.

• Ag & Food •

DRC Meets ND Senators to Discuss Push for Beef Market Reforms

DRC's Cattle Committee continues to reach out to North Dakota Senators John Hoeven and Kevin Cramer to keep up public pressure to pass mandatory Country of Origin Labeling (COOL) and Spot Market Reform. DRC members Donnie Nelson, Jenna Vanhorne, David Schwalbe, and Glen Philbrick are working hard to ensure that the issues on spot market reform, beef checkoff reform, and Mandatory COOL are being brought to the attention of our Senators. Hoeven has signed onto legislation that would require 50% of all cattle purchases be made on the spot market and that

packers cannot own cattle for more than 14 days. Both ND senators have committed to supporting legislation that will resolve beef price fixing from 2020.

DRC to Meet with Corey Booker's Staff



DRC Ag Committee leadership reached out to Senator Booker's (D-NJ) staff to take advantage of his new leadership at the federal level. Sen. Booker now serves on the Agriculture Committee and his staff has access to sympathetic members of the EPA.

During the Senate's last session, Senator Booker introduced the Farm Reform Act and championed agricultural issues. The Farm Reform Act would introduce a moratorium on new Confined Animal Feeding Operations (CAFO), create a program to help producers that have been stuck with debt and contracts due to the corporate structure of the animal agriculture system, retool the Packers and Stockyard Act, and bring back Mandatory COOL. DRC members hope to continue meeting with Sen. Booker and others regarding reforms on animal agriculture.

Vilsack Confirmed as Ag Secretary

With a 92-7 vote, former Ag Secretary under the Obama administration Thomas Vilsack was again confirmed as Secretary of Agriculture by the Senate. Senators John Hoeven (R-ND) and Kevin Cramer (R-ND) voted to confirm. Secretary Vilsack brings 8 years of experience to the position which is good because there are many issues to address. "The world and our nation are different today than when I served as agriculture secretary in a previous (Continued on Page 11)

administration," Vilsack said. "Today, the pandemic, racial justice and equity, and climate change must be our priorities."



When questioned about his support for mandatory Country of Origin Labeling (COOL) by South Dakota Senator Thune, Vilsack responded, "I'm happy to work with you (John Thune, R-SD) and your staff on anything that would allow us to advance country-of-origin labeling. If there's a way to get it World Trade Organization compliant, I would be more than happy to work with you and look forward to that." DRC plans to continue to monitor opportunities for reforms like mandatory COOL with Vilsack as the new Secretary of Agriculture.

In addition to his discussion of mandatory COOL during his confirmation hearings, Vilsack also said that there will be a temporary pause of spending Commodity Credit Corporation (CCC) assets to assess what cash they have on hand. The CCC is a Government-owned and operated entity that was created to stabilize, protect, and support farm prices. Payments from the Covid Relief Bill, passed in December, will be made by the end of March. All payments from the original COVID relief packages such as CoronaVirus Food Assistance Programs 1 and 2 will be honored, as well as payments from Wildfire and Hurricane Indemnity Program-Plus claims from 2019.

Beef Checkoff bill fails in ND House

For what seemed to be an all but dead bill, HB1487 did surprisingly well in the ND House. DRC and its members submitted testimony in favor of the bill that would cease to make paying the state beef checkoff mandatory. The in person testimony lasted so long that they had to continue testimony later that day. The bill came out of committee with a do not pass recommendation of 11-2. Despite a surprising number of House members voting for this bill it was defeated 43-51 on the floor. DRC lobbied for this bill but it was not enough to tip the scales.

Soil Bill fails in Senate but Starts a Conversation



DRC member Shelley Lenz, who ran for governor last year, lobbied for a soil health bill during the 2021 session. Senator Merrill Peipkorn (D-44) sponsored the bill and DRC member Jim Dotzenrod joined Lenz in testifying in favor of the bill. Soil health was a constant theme for Lenz during her gubernatorial campaign. The bill would have introduced the term "soil restoration" into the North Dakota Century Code and consolidated state resources into one easily accessible location within the Century Code. It would've required a soil audit to determine the health of our soils and would have given healthy soil champions a chance to work with government experts to identify best practices by creating a space for soil experts to work with the ND Department of Agriculture. The bill failed the Senate 7-40. Despite the bill being defeated, the
(Continued on Page 12)

(Soil Continued)

NDSU extension offices and Doug Goehring made room in their budget for healthy soil programs. The County Soil Districts told DRC staff that they will be working on a plan to consolidate their knowledge in a new statewide network in the near future.

DRC LTE's

Letter to the Editor: Tripped circuits and the truth regarding grid resilience

By Sonja Kaye

Like overloaded circuits in your home, grid systems, such as ERCOT in Texas, will crash when the capacity of electricity does not match the amount of electricity that end-users are requiring. System operators must carefully schedule enough generation to match forecasted demand, based on weather predictions and historical data available. They also schedule back-up electricity based on information learned from past outages.

Unfortunately, historical data is proving less useful, so grid operators are starting to fail at their jobs. Dallas, San Antonio and Austin, together, broke 15 record lows between Feb. 13 and Feb. 16. Not only were there record lows, but the weather was widespread and long, affecting 14 states over multiple days. (Note: Increasing population increases demand, also.) Under these conditions, grid operators are shooting in the dark because demands on the grid system are unprecedented.

Texas faces additional challenges because their grid has not been required to withstand cold weather events. Power plants, like natural gas and coal, are vulnerable because pipes, valves, pressure gauges, and other equipment are left exposed. They lack exterior enclosures and heating mechanisms to keep equipment working. Even wind turbines in the southern states are not equipped to withstand ice and low temps as are ones in the north. The rhetoric placing blame on renewables is not only inaccurate, but it also hampers our ability to make the grid more resilient.

Future grid resiliency requires a broad understanding of the grid, including understanding that all forms of generation have

reliability limits. Solutions to grid resilience may include upgrading cold-weather technology, maximizing solar installations which have no moving parts (making them ideal for cold weather), and expanding the use of home batteries. Grid resilience will require state and federal assistance to update transmission infrastructure. There is no room for state policy based on misinformation.

Sonya Kaye is a candidate for Cass County Electric Cooperative Board of Directors.

We need strong federal rules now.

By Lisa DeVille

This past week, oil and gas industry leaders, government officials, and other leaders in the energy world from North Dakota to Saudi Arabia gathered virtually for the annual CERAWEEK conference. For years, industry representatives have gathered to tout their achievements and voluntary 'green initiatives' and maintain their credibility. Those of us who live near oil and gas development know better—promises are constantly broken.

While these companies touted their voluntary goal announcements, I joined others living near extraction across the country to call on these companies to put their money where their mouth is and support strong nationwide air pollution rules. I am an enrolled citizen of Mandan, Hidatsa, and Arikara Nation. My family and I are lifelong residents of Mandaree, ND, on the Ft. Berthold Reservation. I am a co-creator of the grassroots group, Ft. Berthold Protectors of Water and Earth Rights.

The impacts on the MHA people are real and damaging. From semi-trucks crashes to brine spills to invisible spills such as methane, unchecked development is killing our people. My grandmather taught me that when we destroy mother earth, we destroy ourselves. Mother earth is sick, and when she's sick, we're sick. I live less than a mile away from well pads that flare, and one mile from a facility that produces, stores, and transports natural gas, and in August of 2017, my husband and I became ill with respiratory infections. When our infections did not respond to the medications prescribed to us by doctors at our local branch of

(Continued on Page 13)

(Lisa DeVille Continued)

the Indian Health Service, we went to the McKenzie County Clinic, where a physician told us that we had the same symptoms as oil field workers they had treated at the clinic. I was prescribed more medication, and my husband received a steroid injection, but it took another eight weeks for us to fully recover. We were miserable during those eight weeks, and we live in constant fear of the next devastating illness caused by exposure to heavily polluted air.” Our people are sick with nosebleeds, asthma, and more.

These corporations say they’re going to do better, but corporate promises don’t mean anything, they proven that for decades. They’ve promised time and time again that they would do it right, and no damage would be done. The bottom line is this: We know that methane pollution from the oil and gas industry is fueling the climate crisis and making our people sick, and we have the tools and technology to do something about it. Time and time these corporations have proven that they will fail to meet their own voluntary goals and only do the bare minimum of what is required of them. Despite promises to do it right, recently we counted the 23rd spill in 6 months. That was kept hidden from the here people. North Dakota has gas capture “goals” that companies have agreed to, with rare consequences for failing to meet them. In November the voluntary statewide goal was 9% of all gas would be vented, flared, or leaked. The “goal” is that one in ten MCF of gas is wasted and put in our lungs. They’ve had decades to innovate and comply with state goals but have consistently failed, at the expense of the Mandan, Hidatsa, and Arikara peoples. Even if these corporations met their voluntary state goal, that would be 8 billion cubic feet of non-renewable gas vented, leaked, or flared per month.

We need strong federal rules now. Even if the tribe did everything right and had the strictest rules, 2,523 wells are producing within reservation boundaries, and we are surrounded by thousands more. Development and air surrounding the reservations will continue to damage our health and climate. Federal government has trust responsibility—and they’re failing. The only corporate promise we want to hear is every

company at CERA Week supporting the Biden Administration’s strong nationwide methane rules, now. If the industry is serious about confronting climate change and protecting our people, they will work with the administration to cut methane pollution by 65 percent below 2012 levels by 2025 — an achievable target that can be met at low-cost by enforcing the full powers of the Clean Air Act.

Lisa DeVille

Mandaree, ND

Ft. Berthold Protectors of Water and Air Rights

I Have a Proposal for You

By Jacob Glower

Suppose you were an owner of your local utility and I proposed the following: would you allow me to modify one of your 440MW coal plants? This modification will cost \$1-2 billion - about the same as a new 440MW nuclear plant.

When completed, the fuel cost will increase, not decrease: not only will the modified plant use the same amount of coal it currently uses, it needs gas for a 150MW gas plant. Moreover, you won't gain any benefit from that gas plant: its entire energy output goes to power the proposed modification.

When completed, the operating and maintenance cost of the coal plant will increase, not decrease. Not only will you have to continue paying the cost of operating the coal plant, but you will also have to pay these costs for a 150MW gas plant as well. In addition, you will have to pay the operating and maintenance cost of a highly complex, never tried before on this scale industrial process that will be added to the plant. Together, the operating cost will probably double - maybe more.

When completed, the modification will reduce the CO2 emissions by 95% if successful and you ignore the CO2 emissions of the gas plant needed to power the modification. If you include the CO2 emitted by the gas plant, the net CO2 emissions will be reduced by about 75% - no better than a new 440MW gas plant that would cost 1/10th as much.

Finally, it may or may not work: the technology has never been tested at this scale.

(Continued on Page 14)

(Proposal Letter Continued)

Are you excited about this proposal? Apparently, our state legislature is: that's precisely what they are proposing with Project Tundra. House bills 1380 and 1452 would funnel public monies and legacy funds to this proposal.

Jacob Glower
NDSU Professor of Electrical Engineering

We're Funding What?**By Ron Saeger**

North Dakota can't fund insulin, which is literally life support for those in need, but legislators don't have a problem wasting more money on the coal industry. The lignite mined in North Dakota is such a poor fuel that it must be burned at the "mine mouth" since it isn't profitable to transport. It is also so dirty and high in emissions that it had to be specifically exempted from the Clean Air Act.

House Bill 1452 will spend \$40 million to create of yet another energy fund and at least half must be given away to coal.

HB 1412 provides a five-year moratorium on collecting 60% of the current tax on the conversion of coal to electricity by power plants. Political subdivisions and lignite research would not see their tax collections cut, but the state could lose about \$15 million annually in revenue.

Lignite coal will die naturally, if allowed. As always, the only ones benefitting are those who administer its nurturing, which has currently become wasting more money on industry life support measures.

"One Time Harvest", authored by M. Jacobs in 1975, stated:

"The coal industry has come west in search of four basic resources: Cheap clean air, cheap coal, cheap water and cheap politicians. They've found each of these in North Dakota."

"To exploit the resources of the region, the industry also needs good transportation, which can be built, and complacent labor, which can be bought"

From here on, North Dakota should only collect what funds it still can to pay for the inevitable mitigation/cleanup costs the state will inherit.

Ron Saeger
Fargo, ND

DRC Member, Sonja Kaye, talks to Joel Heitkamp about Coal Bailout Bills

DRC member, Sonja Kaye, joined Joel Heitkamp on KFGO on Thursday, March 25 to talk about coal bailouts and the misuse of Legacy Funds with House Bills 1380, 1412, and 1452.

Some ND lawmakers are under pressure to save coal. The problem is that they want to use taxpayer dollars and corporate welfare to do it. This includes ongoing Legacy Fund appropriations to a fossil fuel slush fund disguised as a "clean sustainable energy authority".

Sonja and other DRC members are encouraging voters in their own district to call their legislator and tell them to VOTE NO on HB 1380, HB 1412, and HB 1452. These bills are fiscally irresponsible and lack transparency. All three bills are a high-risk gamble with taxpayer dollars and the Legacy Fund. The proposed legislation places nostalgia over common sense and provides bail-outs when we need to be looking towards the future with fiscal responsibility. Coal communities and people working in the coal industry do need support right now, however, we must balance that support by protecting the state from unwise, unsustainable investments that will raise the cost of electricity long-term.

If you missed Sonja's KFGO debut, you can visit Joel Heitkamp's Podcast with the web address: <https://kfgo.com/podcasts-news-views-with-joel-heitkamp>.

DRC Members & Allies Testifying

DRC members and allies testify in opposition to HB 1452! HB 1452 creates a "clean sustainable energy authority" that lacks transparency and voting representation from wind, solar, and geothermal. No tribal representation either. Tell Your ND State Senators to Vote No on House Bills 1380, 1412, and 1452!



DRC Executive Director, Scott Skokos testifying



DRC Member, Sonja Kaye Testifying



DRC ally, Ryan Warner

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

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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

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