

# Dakota Counsel

June 2008

Organizing • Research • Advocacy • Education

Vol. 31, No 4

## FARM BILL: HALF A LOAF

After weeks of stalemate conferees reached an agreement on final farm bill language in May.

The compromise then squirted rapidly through Congress and survived a Presidential veto to become law.

Here’s the verdict in terms of DRC policy positions:

### The Good

The new law has some provisions that could foster the development of better local foods systems.

It provides \$5 million per year to support community food projects and allows public schools to specify a geographic preference for purchase of unprocessed agricultural products.

It also gives \$500 million over five years to allow selected schools to purchase daily fresh fruit or vegetable snacks—with the option for local preference.

The bill also implements country-of-origin labeling, which consumers have been waiting for since COOL passed in the 2002 bill.

The bill also allows interstate shipment of state-inspected meat, but only those with standards “identical” to those of federally inspected plants.

Renewable energy spending will increase about 25% over the 2002 law, with money for development of locally-owned energy projects more than doubling.

The bill includes grants and loan guarantees for new or upgraded biorefineries, assistance to farmers growing biomass for renewable energy and research for cellulosic ethanol.

The bill also includes the “Pryor amendment,” which requires the Secretary of Agriculture to improve oversight of genetically-modified (GM) crop research under the Plant Protection Act.

Under this provision, the Secretary must consider establishment of policies to prevent “gene events” like the 2006 Arkansas rice contamination that cost growers in that state nearly \$2 billion.

The bill targets ineffective practices that were exposed by a federal Inspector General and calls for more realistic setback distances for test crops as well as measures to protect publicly-owned seedstocks.

### The Bad and the Ugly

The big losses were in the antitrust realm, where DRC has pushed for years for reforms in cattle marketing to restore competition to the industry.

The Senate’s ban on packer ownership of feeder cattle did not survive the conference committee, and the “captive supply reform” amendment never got serious attention from either chamber.

DRC and WORC’s captive supply petition for rulemaking to require a fixed base price on all forward contracts, first delivered to Dan Glickman in 1996, still sits on the Secretary of Agriculture’s desk

Talks are under way with Sen. Mike Enzi (R-WY) to revive it as a free-standing bill.

Meanwhile, industrial agriculture will continue to draw off most funds from the Environmental Qualities Incentive Program. EQIP funding will nearly double over the next five years, and 60% of the money will go to large CAFOs that have effectively destroyed competition in the hog and dairy markets.



Roger Brenna (l) and Dean Hulse  
with the WORC Biodiesel bus  
See the article on P 5

The Dakota Counsel is published six times a year by Dakota Resource Council, a nonprofit, grassroots activist organization. The mission of Dakota Resource Council is to form enduring, democratic local groups that empower people to influence decision-making processes that affect their lives. DRC is committed to preserving sustainable agriculture and natural resources.

### BOARD OF DIRECTORS

Roger Brenna, Bob White, Dean Remboldt, Dianne Aull, Marie Hoff, Terrence Kardong, Ted Reinert, Dean Hulse, Verle Reinicke, Kim Simmons, Matt Shimanek and two representatives from each affiliate

### AFFILIATES

#### Badlands Area Resource Council

Linda Weiss, Chair

#### Grand Forks County Citizens Coalition

Daryl Bragg, Chair

#### McKenzie County Energies & Taxation Association

Roger Brenna, Chair

#### Missouri Valley Resource Council

Ramona Redding Lopez, Chair

#### South Agassiz Resource Council

Betty Stieglitz, Chair

#### Souris Valley Chapter

Ted Reinert, Chair

#### South Central Citizens Coalition

Dean Remboldt, Chair

### Staff

#### Dickinson Office

P.O. Box 1095, 113 1st St. West

Dickinson, ND 58602

Phone: (701) 483-2851; Fax (701) 483-2854

Mark Trechock, Staff Director

mark@drcinfo.com

Aleta Hendricks, Office Manager

aleta@drcinfo.com

Cindy Klein, Organizer

cindy@drcinfo.com

Kathy Brackel, Adm. Asst.

#### Bismarck Office

103 1/2 S. 3rd St., Bismarck, ND 58504

Phone (701) 224-8587; Fax (701) 224-0198

Mary Mitchell, Energy Coordinator

mary@drcinfo.com

Barb Price, Organizer

barb@drcinfo.com

#### Fargo Office

118 Broadway, Ste. 801, Fargo, ND 58107

Phone: (701) 298-8685; Fax (701) 298-9044

Lynn Wolff, Organizer

lynn@drcinfo.com

Terry Schaunaman, Organizer

terry@drcinfo.com

## NATIONAL ANIMAL ID GOES UNDERGROUND

By DRC Board Chair Roger Brenna

The question whether to institute a National Animal Identification System as a response to livestock disease and meat contamination still remains open, but a kind of stealth campaign is moving NAIS forward.

NAIS was to be a U.S. Department of Agriculture data base for all cattle and most other farm animals in the United States to be used as a trace-back system for disease control. With this system, the government wanted trace-back ability within 48 hours.

To accomplish this, the USDA was going to make it mandatory for livestock producers to have a premise number by a certain date. That meant the livestock owner would have the responsibility and expense to identify each animal with a number to correspond with the premise number.

Livestock owners all over the country raised a lot of concerns about this system. Would it really improve disease control? How would the privacy of producer be protected? What was the real purpose of obtaining these records, and the true cost to the tax payer and producer?

In response to these concerns, the USDA supposedly made the system voluntary.

But is it voluntary when the USDA is pushing for 100% compliance?

USDA is trying to do this through state organizations, 4-H, and FFA, by making it mandatory to have a premise number and an animal number in order to participate in organizational activities. These state organizations are receiving grants from USDA to implement the NAIS premise numbers.

The money trail here is a mystery, since there has never been any money appropriated by Congress for these USDA expenses! (COOL couldn't be implemented, according to USDA, because Congress wouldn't appropriate the necessary funds for it.)

The privacy issue continues to be a big concern. If the government has the records, there could be a public records request for that information from any citizen or organization. Even if a private company or organization would be contracted to do compile the data base, there could still be a public records request.

The threat of the highly concentrated packing industry gaining access to exact cattle production numbers every spring and fall is definitely an economic threat to livestock producers.

Besides, there is no evidence that NAIS would improve disease control. The present state system of disease control through vaccination, auction records, and brands is working well!

The cost of the NAIS system to the taxpayer, the food consumer, and the livestock owner could make implementation prohibitive. And it overlaps with existing ID systems.

For example, some producers use their own ID system for management and to fill niche markets. This is cost-effective. But if everyone is using an NAIS ID system, there won't be any niche markets.

Other countries have tried a national ID system with disastrous results. It doesn't look like the NAIS would work here either. We are better off using our present system and COOL for our trace-back.



# AFFILIATES IN ACTION

## GFC3 Sues Grand Forks

Grand Forks County Citizens Coalition filed suit in federal court April 30 to prevent the city of Grand Forks from using its extraterritorial zoning authority to force a landfill on residents who will have no say in the matter.

The matter has stirred up legislative interest in modifying current state law on extraterritorial authority.

"It's a violation of our rights as citizens," said GFC3 secretary, Marilyn Gregoire.

Gregoire and other GFC3 members testified before a state legislative advisory committee on extraterritorial authority June 3 in Bismarck.

The city of Grand Forks made landfills a permitted use almost everywhere in the four-mile "doughnut" of its extraterritorial authority around the city.

That means no special use permit is required, no review by the county commission is allowed, and no public hearing must be held.

"Extraterritorial zoning authority is supposed to be for planning purposes," said Gregoire. "All the city is planning at this point is a landfill."

GFC3's suit contends that the city is violating due process and equal protection guarantees in the U.S. Constitution. The suit will go before federal judge Ralph Erickson.

The city gave up efforts to force a landfill on Turtle River Township after a state court ruled last year that the township's rejection of the city's permit application on environmental grounds was neither arbitrary nor capricious.

Later last year, the Grand Forks County Commission rejected a permit application for a landfill northwest of Grand Forks—also on environmental grounds.

"With its soils and hydrology, this county is a terrible place to put a landfill," said GFC3 Chair Daryl Bragg. "And landfills themselves are a crude way of handling waste."

State legislators in 2007 shaved two miles off extraterritorial authority for the state's larger cities, but left the four-mile authority intact for Bismarck, Fargo and Grand Forks, which had already enacted it.

"Governance without the right to vote for those who govern—I remember a tea party over that issue," said advisory committee member Rep. Dwight Wrangham (R-Bismarck), who submitted legislation to address the problem.

"These citizens are not against planning, or zoning or permitting," added Wrangham. "The question is who should be in charge of doing it."

## BARC and Uranium

Badlands Area Resource Council has another fight on its hands—not just coal this time, but uranium.

The state is revising its rules for uranium mining, and permit applications are in the wings.

BARC has submitted comments on the proposed rules.

The uranium mining process "cannot be made safe because of the radiation that is released," said Dr. Liliias Jarding of Coloradoans Against Resource Destruction, who spoke at a BARC public meeting on uranium in Belfield, April 30.

Billings and Slope Counties saw uranium mining in the 1960s, which resulted in traces of the metal in some ground and well water.

Jarding said uranium poses little danger in its natural state, but becomes a problem when mining disturbs it and it can be inhaled or ingested.

---

# DC ENERGY CURRENTS

No major new energy legislation is likely to get through Congress this year, but there have been some skirmishes on global warming, wind energy and coal.

Of most immediate importance to North Dakota's growing wind industry is the failure so far to extend the wind energy tax credit, which expires at the end of 2008.

The Senate failed in early June to get enough votes on a procedural measure to pass an extension of the tax credit. Sens. Conrad and Dorgan both voted in favor of the measure.

The Senate also failed to force a vote on the Lieberman-Warner bill, which would have set up a cap-and-trade mecha-

nism for the purpose of cutting two-thirds of carbon dioxide emissions by 2050.

Conrad and Dorgan both voted to prevent consideration of the bill.

During the same week the U.S. Department of Energy released a report estimating the benefits of getting 20% of the nation's electricity from wind by 2030.

The report said such a scenario would:

- ◆reduce natural gas use by 11%;
- ◆reduce carbon dioxide emissions by 25%;

# AG ROUNDUP

## Fair Trade Bill

Sen. Byron Dorgan and other Congressional fair trade advocates introduced the Trade Reform, Accountability, Development and Employment (TRADE) Act in Congress June 4.

The bill would activate a review of all existing trade agreements and provide a process to renegotiate them. It also outlines principles of what should be included in future trade agreements.

"I'm in favor of trade and plenty of it, I just believe trade should be fair, and support American jobs and businesses," said Dorgan. "I'm tired of one-way trade agreements that result in big trade deficits for our country. This bill is a step in correcting that."

"The TRADE Act will shift the debate towards discussing a new trade and globalization model," said Link Reinhiller, Hazen, Chair of DRC's Trade and Livestock Task Force.

"It moves us beyond the fighting against expansions of the old failed model and sets a marker for where discussion should start with a new Congress and president in 2009," he added.

## Stenehjem on Packing Merger

North Dakota Attorney General Wayne Stenehjem urged a full investigation of the proposed JBS Swift merger in an April 29 letter to the U.S. Department of Justice.

DRC had earlier added its name to a sign-on letter asking for the in-

vestigation and called on Stenehjem to make a similar request.

"A major concern is the proposed merger's negative effect on competition in the market," wrote Stenehjem, who noted that it would reduce the number of major fat cattle buyers from five to three and "concentrate even more of the market power in this industry with the buyer."

Stenehjem cited expressions of concern from numerous entities in the state.

## Factory Farm Reports

Two major reports came out this spring calling for a retreat from the "factory farm" model that has come to dominate U.S. pork production.

Factory-style hog production has resulted in "unacceptable risks to public health, the environment and the animals themselves" while reducing rural America's market leverage and increasing that of livestock processors, according to a report by the Pew Charitable Trusts, issued May 4.

The 15-member Pew commission cited the problems of pollution from concentrated livestock waste, human health threats from overuse of "low-level antimicrobials" used for animal growth, and the social and economic impact on rural communities.

"There is increasing urgency to chart a new course," concluded the report.

In April, the Union of Concerned Scientists (UCS) issued a report saying federal farm policies have fostered factory farming, thereby "shifting billions of dollars in environmental, health and economic costs to taxpayers and communities."

The report, *CAFOs Uncovered: The Untold Costs of Confined Animal Feeding Operations*, found that low grain prices, enabled by federal subsidies, "saved CAFO's nearly \$35 billion in animal feed" from 1997 to 2005.

CAFOs have also benefited from \$100 million in federal Environmental Quality Incentives Program to address the costs of the pollution they create.

"If CAFOs were forced to pay for the ripple effects of harm they have caused, they wouldn't be dominating the U.S. meat industry like they are today," said Margaret Mellon of UCS.

## Sick Pigs and Workers

New evidence emerged this month that factory hog production is driving the spread of a dangerous antibiotic-resistant disease, MRSA.

Researchers from the University of Iowa found MRSA in more than 70% of pigs tested at CAFOs in Illinois and Iowa, and in 45% of the workers, according to a June 8 article in the *Seattle Post-Intelligencer*.

See AG ROUNDUP p 5

## 2008 "BIG BUCKS" RAFFLE WINNERS

Thanks to all who sold and bought tickets making this raffle our largest fundraiser of the year once again! The lucky winners this year are as follows; **\$50 winners:** Steve Merrill, Bismarck; Gary Sorenson, Keene; David Nelson, Keene; Dean Hulse, Fargo; Verle Reinicke, Bismarck; Keith Huschka, Dickinson; Ross Sherman, Dickinson; Brad Johnson, Dickinson; David Thompson, Grand Forks; Cayden Trulson, Stanley; Mary Mitchell, Bismarck; Dave Nodland, Dunn Center; Jean Mullen, Bismarck; Vonnie Wanner, Phoenix, AZ; Travis Schulz, Bismarck; Myron Eberts, South Heart; Linda Weiss, Belfield; Ken Kudrna, South Heart; Rose Sickler, Dickinson; David Timm, Carrington.

**\$100 winners:** Terrence Kardong, Richardton; Ted Reich, Beulah; Pat Barnhart, Dickinson; Ken Kussy, Dickinson; Mark Aughtman, Dickinson; Jeff Haarstick, Fargo; Rose Sickler, Dickinson; Ledeem Rostad, Carpio; Betsy Perkins, Grand Forks and Don Nelson, Keene. **\$200 Grand Prize~**Bill Chapin, Jamestown. **CONGRATULATIONS TO ALL!**

# HOMEGROWN PROSPERITY

## Biodiesel Bus Tour in North Dakota July 8-17

“Petrol’s gone, but the bus rolls on,” is the catchy theme song (to the tune of “The Banana Boat Song”) for the Home-grown Prosperity Tour, launched June 6 in Jackson Hole, Wyoming at the summer WORC meeting.

The bus will travel to 40 communities in seven WORC states this summer, running on clean, renewable biodiesel.

A four-person staff, including DRC member Chelsea Hummon of Grand Forks, will operate the bus and help DRC and other WORC groups put on promotional activities.

The bus is a “symbol of hope,” according to DRC Board member Dean Hulse, Fargo, that the world can move away from fossil fuel use—“the great redirection,” he calls it.

Biodiesel will be the fuel of choice for the converted school bus during its summer-long tour.

Processed and distributed locally from crops like canola and safflower, biodiesel can not only cut carbon dioxide emissions that cause global warming, but also strengthen local economies.

Farmers can grow the oilseed crops to produce fuel that will reduce their farming costs.

The byproduct can be used as a nutritious dietary supplement for grass-fed cattle.

“Make it, use it, own it. Then you’re building wealth from the ground up,” said Hulse.

A demonstration of small-scale biodiesel production at Turtle Lake Saturday, July 12 will highlight the North Dakota leg of the trip.

The bus will be entered in the “Turtle Days” parade, and the DRC Board will hold its July meeting in Turtle Lake that afternoon, see the bus and meet the staff.

The bus will also make stops in Richardton (July 8), Bismarck (July 10-11), Grand Forks (July 13-14) and Fargo (July 17-18). It will be at Urban Harvest in downtown Bismarck July 10, and at the Island Park Cycle Shop parking lot in Fargo for a street fair July 17 and 18.

Bus-related activities will go beyond biodiesel fuel to other local, renewable projects.

“We want to raise awareness of what’s happening in our communities, and how the average person can get more involved,” said WORC Chair Randy Joseph, Baker City, Oregon.

“We promote farmers markets, and the ability of schools to purchase from local farmers. Those ideas and more are part of the program,” said Joseph.

---

## AG ROUNDUP from p. 4

Over 18,000 American died of MRSA in 2005—more than died of HIV-AIDS.

“There are indications that the tetracycline used in swine farming may be the cause of the spread of MRSA,” researcher Tara Smith told the newspaper.

“There is no indication MRSA has been identified in swine going into the retail market,” according to U.S. Department of Agriculture scientist Dr. David Goldman, but he also admitted USDA has no test for it.

The pork lobby opposes testing of livestock for MRSA, saying it is “unnecessary to protect public health,” according to the House Committee on Oversight and Government Reform.

The North Dakota Department of Health earlier this year denied DRC’s request to place a moratorium on CAFO permits in the state until it could test workers for MRSA.

### Court Rules for Grain Growers

A 2005 state law removing North Dakota Wheat Commission discretion over spending for wheat promotion and

policy issues was upheld by the state Supreme Court May 15.

DRC joined North Dakota Farmers Union and three wheat farmers in challenging the law, which requires the Commission to spend two mills of the wheat tax to contract with “no more than two trade associations that are incorporated in this state and which have as their primary purpose the representation of wheat producers.”

There are only two such organizations in the state, the North Dakota Grain Growers and U.S. Durum Growers.

DRC and NDFU argued the bill was in violation of state constitutional provisions of laws granting special privileges, gifts and immunities to specific persons.

Testimony before the state legislature by promoters of the bill made it clear the purpose of the law was to funnel money to the Grain Growers and Durum Growers.

The court said the law did not legislate a gift but rather required a contract for services, and that it was not special legislation because the category was open. That is, other trade associations could conceivably be formed and compete for the contracts.

# ENERGY BURSTS

## Gascoyne a No Go

Another proposed coal facility bit the dust May 20 when Westmoreland Coal decided not to move ahead with plans for a power plant near Gascoyne.

The plant had neither customers nor a transmission line to deliver power.

The company and numerous public officials blamed the plant's demise on uncertainty about the costs of future carbon dioxide regulation—something that state law ironically forbids the Public Service Commission from considering in its deliberations.

Westmoreland returned \$562,500 in state subsidies when it made its announcement.

The state Industrial Commission had committed up to \$10 million in state funds to the project.

Great River Energy previously walked away from the same subsidies when it decided in December 2002 not to build a new coal plant in North Dakota.

DRC joined numerous other groups in submitting comments against the Gascoyne air quality permit, which relied heavily on the state's rigged measurement procedures to claim the plant would not violate federal air quality standards.

The U.S. Department of Interior also issued a finding last year of "adverse impact" on Theodore Roosevelt National Park.

Such a ruling is usually a death knell for industrial projects, and shortly after it became public, promoters of the proposed South Heart coal-fired power plant pulled their air quality permit application.

North Dakota's Health Department, however, told the feds to butt out in a 44-page letter January 7.

## Big Stone II Teetering

Two Minnesota judges said in May not to build it, and the Sierra Club is now suing its predecessor, but the proposed Big Stone II power plant near Milbank, South Dakota, clung to life in early June after the Minnesota Public Utilities Commission decided to get advice from an outside expert.

Meanwhile, North Dakota's PSC has yet to rule on the "pre-prudence" of the plant for MDU and Otter Tail customers, but denied a DRC motion to suspend proceedings.

The PSC heard DRC's case against pre-prudence argued by Plains Justice's Carrie La Seur, April 28-30 in Bismarck.

The Minnesota law judges found the Big Stone II partners underestimated the costs of impending carbon dioxide regulations, and that the utilities might meet electricity demand more cost-effectively through renewable energy and energy efficiency.

It's the same weakness DRC has charged in the North Dakota pre-prudence case.

One difference between the states is that much of utility expert David Schlissel's testimony was stricken in North Dakota under a 1995 state law forcing the PSC to ignore the costs of future regulation.

Otter Tail Power accepted a carbon penalty of \$9 per ton in Minnesota. Another power company, Xcel Energy, has estimated carbon costs could range as high as \$40 per ton.

"Without an adequate discussion of the current carbon cost predictions," asked La Seur, "how can the PSC look out for the welfare of Otter Tail and MDU customers in North Dakota?"

The Minnesota PUC responded to the judges June 5 by voting 3-2 to hire their own expert—an outcome that prolongs the matter and satisfied neither side.

A week later, the Sierra Club turned attention to Big Stone I, whose owners it claims "have repeatedly modified the 30-year-old plant to keep it operating past its retirement date without ever installing modern pollution controls."

"We wouldn't accept an eight-track tape player being sold to us as the latest sound technology," said Cesia Kearns of Sierra Club. "Why should we accept minimal pollution controls when we know stronger options exist?"

## Illegal Stark County Meeting

Attorney General Wayne Stenehjem declared a December 14 closed meeting illegal in two separate opinions, May 2 and June 6.

Great Northern Power Development, promoter of a mine and coal gasification plant near South Heart, issued the invitations by telephone. Numerous public officials attended, including Governor John Hoeven.

Stenehjem's May decision upheld DRC's charge that four Stark County Commissioners illegally attended the meeting, which directly related to GNPD's pending county land use change and special use mining application.

"This was not a situation where the commissioners were taken by surprise when spontaneously discussed without warning at a luncheon," noted Stenehjem.

# WATER IN JEOPARDY

by Donald Nelson

There's a lot of enthusiasm about the huge oil deposits under western North Dakota, with oil yields forecasted to produce 2-4 billion barrels.

What is disturbing is the amount of water that oil companies want to use to produce this oil.

According to the North Dakota Water Commission, since January 1, 2006, 23 water appropriations permits have been submitted. Four have been issued. This is only for three counties, Dunn, McKenzie and Mountrail.

The total amount of water requested annually is over 3 billion gallons. The water is used once for hydraulic fracturing then disposed of deep underground. This is a one time use of a precious, finite natural resource.

Lynn Helms, Director of the Department of Mineral Resources, recently said, "The only real environmental concern is the great amount of water that has to be used in the process." (KFYR News, 04/11/2008)

Parshall Mayor Richard Bolkan has stated "Parshall already has ex-

tended its water intake pipe farther into Lake Sakakawea to avoid running dry. Oil exploration near Parshall is straining water supplies." He further stated, "We're going to need some help out there for water." (Williston Herald Online, 12/13/2007)

According to the State Water Commission's website, www.swc.state.nd.us, "The pressure in the Fox Hills-Hell Creek aquifer may be declining at a rate greater than is necessary."

As a rancher who relies on groundwater for my domestic and ranching needs, these numbers are truly frightening.

North Dakota is experiencing record low amounts of precipitation. This lack of moisture will affect the recharge rate of aquifers. Are we really willing to trade our groundwater for oil?

The state is doing a good job of cheerleading for those extracting oil in North Dakota. Now, it must figure out a solution to the water problem.

*Nelson, Keene, is former chair of Dakota Resource Council.*



**I'D LIKE TO SUPPORT DRC  
ENCLOSED PLEASE FIND:**

- General Membership  
\_\_\_ \$200 • "200 Club" Membership
- \_\_\_ \$100 • Patron Membership
- \_\_\_ \$ 75 • Contributing Membership
- \_\_\_ \$ 45 • Family Membership
- \_\_\_ \$ 25 • Individual Membership
- \_\_\_ \$ 10 • Student/Low Income

**BARC/DRC Membership**  
Family \$50\_\_\_ Individual \$30\_\_\_

**GFC3/DRC Membership**  
Family \$50\_\_\_ Individual \$30\_\_\_

**MCETA/DRC Membership**  
Family \$55\_\_\_ Individual \$ 35\_\_\_

**MVRC/DRC Membership**  
Family \$50\_\_\_ Individual \$30\_\_\_

**SARC/DRC Membership**  
Family \$65\_\_\_ Individual \$ 35\_\_\_

**SVC/DRC Membership**  
Family \$50\_\_\_ Individual \$30\_\_\_

**SC3/DRC Membership**  
Family \$55\_\_\_ Individual \$35\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_

Zip \_\_\_\_\_ Phone \_\_\_\_\_

e-mail \_\_\_\_\_

.....

## ENERGY BURSTS from p. 6

The June decision came in response to a complaint by Dickinson *Press* managing editor Alan Reed and held that the South Heart and Dickinson City Commissions also violated the law by having a quorum of members present, even though GNPD had no pending business before either party.

If the plant is built, both cities could see impacts related to "an increased population, including housing, schools, roads, taxes, landfill needs, and other issues related to the health and safety of the community," said Stenehjem, and "all of these matters could foreseeably be brought before [their] governing bodies."

Stenehjem ruled that a subsequent public re-enactment of the meeting by the Stark County Commission, together with GNPD public forums, was adequate to mitigate the violation.

DRC's challenge to the legality of the permit is still pending. GNPD has yet to submit its state mining permit or any other permit.

**See Energy p.8**

## ENERGY BURSTS from p. 7

### Keystone Proceeding

Construction is starting on the Keystone oil pipeline, which is scheduled to transport a product whose environmental costs are “staggering,” according to a report released this month by the Environmental Integrity Project (EIP).

South Central District Judge Gail Hagerty denied DRC’s motion to stay pipeline construction May 15.

DRC’s appeal of the PSC permit for the pipeline still goes forward, but Hagerty wrote in her decision that “Keystone is likely to prevail” in the case.

DRC argued that the PSC had failed to analyze adequately alternative routes before approving the one Keystone preferred.

EIP’s study, *Tar Sands: Feeding U.S. Refinery Expansions with Dirty Fuel*, suggests the environmental damages from the pipeline will be felt far beyond North Dakota.

The study notes that 17 refinery expansions and five new refineries in the United States—or two-thirds of new capacity in the United States—are directly linked to tar sands exploitation.

Residents of Union County in southeastern South Dakota approved the rezoning of 3,300 acres of farmland north of Elk Point by a 58% margin June 3, paving the way for construction of the Hyperion refinery slated to process tar sands oil.

EIP estimates that products refined from tar sands oil will result in triple the greenhouse gases that come from conventional gasoline.

Meanwhile, Save Our Soil submitted proposed ballot language April 30 for an initiated measure that would prevent the siting of future oil pipelines “within six miles of a lake or aquifer that supplies water to more than 5,000 people, except as necessary to develop oil wells located in North Dakota.”

### DC Energy Currents from p. 3

◆cut water consumption associated with electricity generation by four trillion gallons;

◆increase revenues to local communities by \$1.5 billion;

◆support roughly 500,000 jobs.

Back in May Congress also quashed the most recent attempt to shovel federal money into projects to turn coal into liquid fuel—a process that cannot reduce carbon dioxide emissions even if all the carbon dioxide generated by producing the fuel is sequestered.

The vote, which came on an amendment to flood insurance legislation, was 42-56, largely on party lines, with Dorgan and Conrad both voting against liquid coal.

Please  
send  
recipes

Non Profit  
U.S. Postage Paid  
Dickinson, ND 58601  
Permit #43

Dakota Resource Council  
P.O. Box 1095  
113 W. First Street  
Dickinson, ND 58602-1095  
ADDRESS SERVICE REQUESTED