

# WESTERN ORGANIZING REVIEW

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## Food safety bill passes Congress

The drama continued down to the wire as the 111th Congress drew to its close with food safety legislation hanging in the balance. Since food safety legislation began to wind its way through the House of Representatives in June of 2009, WORC has worked diligently to attach an amendment that would preclude the imposition of arduous, industrial scale regulations on small, direct market farms and small, local food processors.

The bill that went to President Obama contained a critically important amendment proffered by Senators Jon Tester of Montana and Kay Hagan of North Carolina that protected thousands of small farms and businesses. WORC's efforts were pivotal in advocating for the needed protections, and in joining with the Farm and Ranch Freedom Alliance, based in Texas, to rally dozens of small grassroots farm, food, and consumer groups and grocery stores that feature local products. Passage of food safety reform with protection for small producers represents a significant achievement for WORC.

In its final hours of the 111th Congress, food safety was caught up in a swirl of controversy over interpretations of the bill. Points of contention included debates over what it did and did not do; what the

Tester amendment did or did not do; and a 180 degree reversal from support to opposition by large agricultural commodity groups after the Tester amendment was inserted in the Senate. On the other end of the spectrum a handful of grassroots activists mistakenly believed the bill would impact home gardens, seed saving, favor GMO's, open a back door to establishment of national animal I.D., or institute criminal penalties for food safety violations, none of which was part of the legislation that passed. It also did not institute codex alimentarius, an international food standard, for all U.S. food or delegate food safety authority to a foreign or international body.



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# The View from WORC

By **Monica Wiitanen**, WORC Chair

One of my earliest memories

is of stuffing envelopes, then sealing and stamping them. In the evening we'd clear off a small table, lay out the flyers and envelopes, put water in the dish

that held the porcelain roller (so we wouldn't have to lick all those envelopes and stamps) and our whole family would work our way through yet another stack of informational flyers to be sent out to the citizens of New York State---my father was spearheading another campaign to stop a dam that would flood deer-wintering grounds on State Forest Preserve lands or to amend the State Constitution to give the people of the State more power than the Legislature in decisions affecting said lands. I grew up thinking that's what adults did: care for the land, and work with the legislative process to make things better for future generations.

A few years ago when a friend who was serving on the WORC Board told me I should consider serving as well, I began to realize that it really would be a good fit. Little did I know that just when my time came it would be Western Colorado Congress' turn to supply officers!

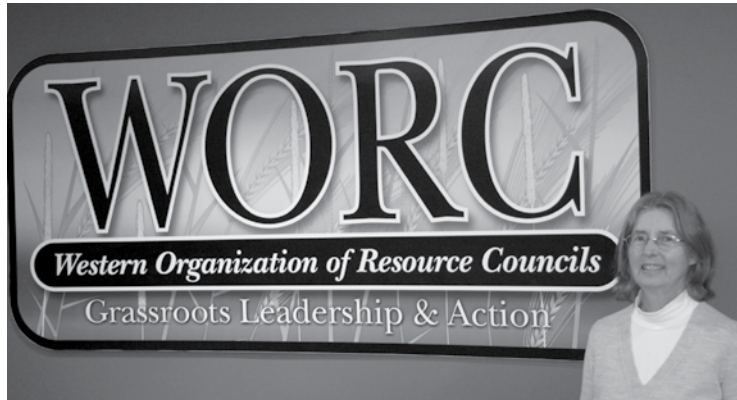
It's been a pleasure at the June and December Board and Staff meetings to meet people from each state in the WORC alliance who are actively working on issues of great importance, both local issues and those we all share. It is such an inspiration to hear what has been accomplished. Knowing what other groups are doing gives strength and support to our own work on issues.

Our hard-working WORC staff and members are used to working years on our issues (sometimes decades!), all the time pushing for improvement of the situation and strengthening ties with allies so that when an opportunity arises we can make the most of it. We're pleased that the Tester-Hagan Amendment was added to the Food Safety Act and that President Obama signed the Healthy, Hunger Free Kids Act.

In November, Colorado State Senator Gail Schwartz wanted titles for three farm-friendly bills. Not only did I send the three but, with the help of WORC staff and because of the work of other chapters, I was able to send links to legislation that had already been passed in other states. Last I heard, the bills were being drafted. This made me appreciate even more the benefits of being part of our regional network.

It all begins with showing up. There is much to be done and there are so many ways to join in. We don't all have to do the same things, just each find the way in which we can contribute.

In his late eighties, my father would sit in his rocker by the fire and reminisce. "We had a lot of fun, didn't we?"



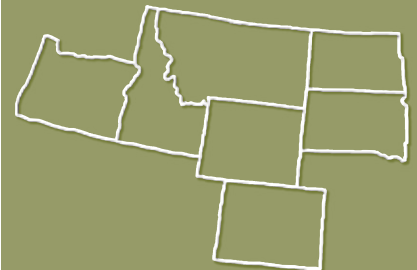
## WESTERN ORGANIZING REVIEW

The *Western Organizing Review* is published quarterly by WORC, the Western Organization of Resource Councils.

WORC is a regional network of seven grassroots community organizations, which includes 10,000 members and 38 local chapters. WORC helps its member groups succeed by providing trainings and coordinating regional issue campaigns.

## MEMBER GROUPS

Dakota Resource Council, North Dakota  
Dakota Rural Action, South Dakota  
Idaho Rural Council, Idaho  
Northern Plains Resource Council, Montana  
Oregon Rural Action, Oregon  
Powder River Basin Resource Council, Wyoming  
Western Colorado Congress, Colorado



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# Around the Region

## A look around WORC's region

**Dakota Resource Council** has criticized the Department of Mineral Resources for urging North Dakota residents visiting its website to weigh in with the U.S. Environmental Protection Agency against regulation of hydraulic fracturing. EPA is reviewing a 2004 study of hydraulic fracturing in light of complaints from around the country that “fracking” has contaminated drinking water supplies. At stake is possible revision of a law passed in 2005 exempting oil and gas companies from reporting the content of “fracking” fluids to federal agencies, making it more difficult to trace sources of drinking water contamination. The fluids generally contain mostly water, but also toxic chemicals such as benzene and toluene. “For our government to not only promote an industry position, but to ask that citizens agree is irresponsible,” stated Donny Nelson, Keene, chair of DRC’s Oil and Gas Task Force.



an enlightened determination and resilience that one does not see walking down the streets of my affluent town a few miles north of New York City... We are sleepwalking down our pristine streets unaware of the seismic structural and systemic changes that lie ahead. Meanwhile the people of rural Oregon are redefining wealth and nurturing their local economies in amazing ways.”

The Wyoming Public Service Commission (WPSC) will investigate Beartooth Electric Cooperative’s quality of service to its Wyoming customers. Wyoming co-op members, many of whom belong to the Clark Resource Council, an affiliate

of the **Powder River Basin Resource Council**, requested the investigation. Residents near Clark



have reported unreliable electricity for approximately two years. The co-op has reported that there are no remaining problems on the “co-op side” of the local meters. WPSC will assess the service problems and explore potential solutions. Based in Montana, Beartooth serves over 400 co-op members in Wyoming.

This fall, the **Western Colorado Congress** celebrated three decades of empowering citizens to challenge injustice and create healthy, sustainable communities in western Colorado. Today, WCC’s 2,400 members are a powerful Western Slope voice that strives to increase citizen involvement in the democratic processes that affect their lives. WCC focuses on public land management issues, limiting oil and gas drilling impacts, stopping a uranium mill, and promoting civic engagement.



Community organizing cultivates democratic participation, and WCC is planting the seeds for prosperity.

November was the best month yet for the eight-month old South Dakota Local Foods Co-op. The co-op is a project of **Dakota Rural Action**. Shoppers say the online co-op is easy to use, and producers find the co-op a time saver. “The order comes in, it takes a couple of hours to fill it, and you just drop it off at the church [drop site],” said Tom Neuberger of Goosemobile Pastured Meats, near Canistota. “I’d certainly recommend it to any producer to try it out.” More information is available at [www.sdlocalfoodcoop.org](http://www.sdlocalfoodcoop.org).



Planning and zoning officials benefited from a presentation arranged by the **Idaho Rural Council** on small wind turbines during a statewide convention in Boise October 15. Presenters were Gary Seifert of the Idaho National Laboratory and Jay Brandeis of Southwest Windpower, the world’s largest manufacturer of small wind turbines. The presentation was part of IRC’s campaign to educate local authorities about the benefits of small wind generation.



Uncovering the hidden costs of coal and making the transition away from dirty energy – that is, fossil fuels and nuclear power – were featured at the 39th annual meeting of **Northern Plains Resource Council**, November 12-13, in Billings. Keynote speaker, Sandra Steingraber, ecologist, author and cancer survivor, whose speech had the same title as her best known book “*Living Downstream: An Ecologist Looks at Cancer and the Environment*” – echoed and personalized this message. Dr. Steingraber asserted that our society’s addiction to fossil fuels is responsible for most of the carcinogens and many of the other toxins released into our ground, water and air. And she said that we, as a society, need to cut our energy use drastically and shift the money now flowing toward extracting the last recoverable drops of fossil carbon from the ground to investing in clean renewable energy.



On October 9, **Oregon Rural Action** held its ninth Annual Meeting and featured a keynote by former JP Morgan managing director and Capital Institute founder John Fullerton. The event, entitled “Making the Shift: Building a Vibrant Local Economy Amidst the Broken Global Financial System,” attracted over 150 people to hear the keynote, engage with a panel of local entrepreneurial leaders, and enjoy a local food dinner, auctions, music and contra dance. The evening yielded great local press coverage, and new-found inspiration among members. Fullerton wrote of his experience: “Although the people of rural Oregon are facing incredible economic challenges, I witnessed



# Gas drilling has blighted my life

**We need energy—but not at the cost of clean water**

*Editor's Note: The following editorial, by Powder River member Louis Meeks of Pavillion, Wyoming, was originally published on Oct. 12, 2010 as a High Country News Writers on the Range essay.*

**M**y wife, Donna, and I have lived for 32 years on our ranch in Pavillion, Wyoming, a lush agricultural area surrounded by the Wind River and Owl Creek mountains. In this dry region, we're lucky to have an irrigation district that delivers clean water from the Wind River to the several hundred farmers and ranchers in the area.

We've worked hard to develop this place, raise our two kids and tend to our cattle and horses. I'm a Vietnam vet and Donna works in our local school district. At this stage in life, I thought I'd have time to enjoy our 4-year-old granddaughter as she learns how to ride a horse like her granddad does. Instead, I'm watching everything we've worked for poisoned by the oil and gas industry. I'm even reluctant to have my grandchild visit because of the chemical contamination in our water, soil and air.

We've lived around natural gas development in Pavillion since 1998. But 10 years ago, the drilling ramped way up to 100 or more wells, one large compressor plant and a smaller one. That same year, our neighbors began having problems with their water wells. Not long after Encana, a natural gas company from Canada, drilled a gas well near my neighbor's house, his water well began to produce black, nasty water that smelled and tasted like gas. My neighbors talked to Encana and got help to install a reverse osmosis system to treat their water.

In 2004, Encana drilled a well about 500 feet from my house and even closer to my drinking water well. In the past, we always had clean, fresh water, but soon our water began to taste and smell like gas and the well began producing less water. Encana agreed to test the water and chlorinate it, and during testing the company hauled water into a cistern for us.

About seven months later, I decided to drill a new well since I was pretty sure the old one was contaminated. While drilling the new well, we hit gas, our new water well blew out and we were forced to evacuate our home. The state Homeland Security force and local firefighters closed off all roads to our home until we could get the gas contained without igniting it. You could hear and smell the plume, blowing 30 feet high under tremendous pressure. Encana cemented the well shut, and it was three days before we could return home.

We continued to haul in drinking water, only using the well water for household use and showering. It was during this time that we started having strange symptoms—our mouths were dry and Donna's eyes kept



Photo Credit: Stephanie Avey, Powder River Basin Resource Council

Louis Meeks, left, and John Fenton examine well water contaminated by gas drilling on his ranch in Pavillion, Wyoming.

stinging.

We had a hydrogeologist and drilling experts come out. They told us hydraulic fracturing had caused methane to migrate and collect underground. That meant that the fracturing chemicals were also moving around.

At first, Encana worked with us, but the more questions we asked—about what the "non-detect" levels really meant and what the extent really was of the contamination in our community—the more they treated us like backward troublemakers: "Don't you want the country to be able to produce energy?" "Do you want to live naked in a tree and eat nuts without any modern conveniences?"

*"Meeks Commentary" continued on page 15*

# Thousands support livestock market reforms

## WORC says open, public trading would help packers comply with new rules

**W**ORC joined tens of thousands of organizations, ranchers, farmers and consumers who supported proposed changes to rules protecting ranchers and farmers when they sell livestock in comments at the end of November. More than 60,000 comments were submitted, according to Secretary of Agriculture Tom Vilsack. An informal survey showed comments running three to one in favor of the rules.

WORC's comments urged the Grain Inspection, Packers and Stockyards Administration (GIPSA), the agency within the Department of Agriculture that proposed the rules, to adopt more reforms to improve the livelihoods of independent livestock producers. WORC called on GIPSA to end market manipulation by requiring meatpackers to pay a firm bid price, determined in an open and public market, for cattle they buy for slaughter.

"The big meatpackers are restricting ranchers' market access, preventing price discovery, limiting price transparency, and manipulating prices paid to producers," said Mabel Dobbs, a Weiser, Idaho, rancher and Chair of WORC's Livestock Committee. "The proposed rules are a step towards addressing the malfunctioning livestock markets."

## Fifth Ag-Justice Department workshop focuses on profit margins

In early December, the U.S. Department of Agriculture and the Department of Justice held the last in a series of five joint public workshops to explore the appropriate role for antitrust and regulatory enforcement in American agriculture. The workshop, led by Agriculture Secretary Tom Vilsack and U.S. Attorney General Eric Holder, focused on the margins at various levels of the agricultural supply chain. Montana rancher Peter Mickelson represented WORC at the workshop.

Mickelson and others at the workshop supported the proposed USDA rule as one way to prevent packers from taking a too-big slice out of each dollar consumers pay for meat in grocery stores and at retail. Auburn economics professor Bob Taylor says that most businesses seek a 20 percent to 30 percent return on equity. He calculates that over the past six years, retail stores achieved 21 percent returns on equity; and firms in the packing industry earned 17 percent. Yet USDA figures show the average farm or ranch in the cattle industry posted a minus half percent return on equity.

"A fair and competitive marketplace is important not only for producers, but also for consumers," Secretary Vilsack said at the workshop. Vilsack and Attorney General Eric Holder have told audiences at the workshops about the importance of defending the interests of family-size farmers and ranchers and consumers against the unfair exercise of market power by the few big companies who dominate markets for livestock, grain, and other farm products.

## WORC proposes "safe harbor" to smooth enforcement

Mabel Dobbs explained WORC's proposal to provide packers that agree to trade livestock contracts in open, public market trading of livestock contracts a "safe harbor" for complying with GIPSA's proposed rules. Under

WORC's proposal, packers who buy cattle in an open public market would not be charged with giving undue preferences or advantages to some producers over other producers, since that isn't possible in an open, competitive marketplace. A safe harbor for transactions in an open, public market would make another controversial provision of GIPSA's proposed rule unnecessary: a ban on packers selling livestock to each other.

"By either offering or accepting offers on various price terms in an open, public market to which producers in general have access, packers could show they made the price terms available in a non-discriminatory manner," WORC's comments said. "By selling packer-owned livestock in a competitively bid, open, public market to which all potential buyers have access, packers could sell their livestock to other packers while preventing harmful price signaling or collusion."

Including the safe harbor provision in the rule would make it easier for packers to comply with the new rules, while facilitating price discovery through competitive bidding, use of forward contracts and marketing agreements to coordinate livestock supplies, and promoting value-based pricing and payment premiums, Dobbs said.

Secretary Vilsack invited WORC and other organizations, for and against the rule, to a special meeting and conference call to lay out next steps for the rule in early December. He assured groups on both sides of the issue that the

*"livestock" continued on page 12*

# Groups ask State Department for closer look at pipeline

## Report finds “grossly inadequate” emergency response plans

**A** growing chorus of landowners, Native Americans, sportsmen and conservationists, and members of Congress are calling on Secretary of State Hillary Clinton to prepare a supplemental Environmental Impact Statement (EIS) on the proposed Keystone XL tar sands pipeline, to correct the inadequacies of the Draft EIS the Department released in early 2010.

TransCanada, a Canadian energy company, wants to build a 36-inch pipeline to carry up to 37.8 million gallons daily of dirty tar sands oil from Alberta, Canada through Montana, South Dakota, Nebraska and on to the Texas Gulf Coast. TransCanada needs a permit from the State Department to cross the border. Proponents of a supplemental EIS point to TransCanada’s failure to prepare an Emergency Response Plan, and the State Department’s failure to analyze a plan in the EIS, in support of their call for more information and public comment. Neither TransCanada or any federal agency plans to allow members of the public to see or comment on the emergency response plan until after the pipeline is built.

Those failures appear even more serious after looking at the Emergency Response Plan for TransCanada’s Keystone I pipeline, which was obtained by WORC under the Freedom of Information Act. The Keystone I pipeline was completed last year, and has already had several leaks, even though it is operating at a fraction of the volume it was designed to handle. In December, Plains Justice, a public interest law firm, discovered that federal regulators had required TransCanada to dig up ten sections of the pipeline -- in the ground for only a year—because of concerns the company had bought and buried substandard, unsafe pipe. Department of Transportation officials asked TransCanada to dig up the pipe to check for signs of weakness or damage.

Plains Justice analyzed the Keystone I Emergency Response Plan and found it “dangerously inadequate.” Plains Justice found that the emergency response plan and on-the-ground spill defense preparations for the Keystone pipeline system are inadequate to respond to a serious spill along the thousands of miles of buried pipeline already in place or currently proposed in the northern Great Plains.

### Need for pipeline, water, safety are key issues

Safety issues are prominent among the concerns of groups asking Secretary Clinton for a supplemental EIS. The groups also question the need for the pipeline and want more done to protect water supplies. “The deficiencies in the Draft EIS have been publicly highlighted by the Environmental Protection Agency, the Department of Energy, the Department of Interior, and numerous U.S. Senators and Representatives,” WORC and 23 other groups wrote to Secretary Clinton. “Among these were the inadequate assessments of the need for the project, its impact on other energy supply options, the frequency and impact of diluted bitumen pipeline spills, and its route through one of America’s most important natural resources, the Ogallala Aquifer. Other inadequacies of the document include a lack of consideration of the project’s potential impacts on trans-boundary greenhouse gas emissions, spill response, and air quality in the communities surrounding the

refineries that the pipeline would service.”

Senator Mike Johanns (R-Nebraska) has called for a supplemental EIS to study alternate routes around or through Nebraska that would avoid running a pipeline over the sensitive and critical Ogallala aquifer, and criticized Secretary Clinton for saying the State Department was “inclined” to issue a permit for the pipeline in an off-the-cuff interview earlier this year. Secretary Clinton appeared to back off that statement in a letter to Senator Johanns colleague from Nebraska.

“We have not made a decision on the Keystone XL pipeline, and will not make one until we complete all steps of our review process,” Secretary Clinton wrote in an early December letter to Senator Ben Nelson (D-Nebraska). “Department officials are currently reviewing public comments on the draft EIS and making edits to that document. We have not yet decided whether the next version of the EIS will be a supplemental draft EIS or a final EIS. Once the final EIS is issued, however, the federal agencies... will have 90 days to express their views on whether granting the application would be in the national interest. When [that] process is complete, the permit application will be prepared for a final Department decision.”

### No answer to requests for safety plan

In July, Senator Max Baucus (D-Montana) wrote to Secretary of Transportation Ray LaHood,

*“pipeline” continued on page 13*

# New market for western coal?

Although the economic recession has kept the consumption of electricity down during the past two years, perhaps even more indicative to coal's future has been the decline coal's share of the electricity market. Domestically, concerns over increased costs of coal and the threat of increased environmental regulation stymied the use of coal in domestic electrical generation. Since 2000, coal has dropped from nearly 52% of the electricity generated to just over 44%.

While domestic markets are weak, companies have been looking to increased global demand, particularly from Pacific Rim countries, like China. Despite having huge coal resources of their own, in the past 10 years China has gone from a coal exporter to one of the largest importers in the world.

In 2009, the United States exported 26 million tons of coal. By April of 2010, the yearly total had already increased by over 50%. These exports have historically consisted of coal with higher heat value from mines mainly in the East, this however is changing rapidly with more sub-bituminous coal from the Powder River Basin being shipped to the Pacific Rim for use in electrical generation.

To meet demand, the coal industry is looking to increase their capacity to ship coal from the west coast of North America. The Port of Tacoma decided against hosting a coal export facility, while the County Commissioners in Cowitz County, Washington, recently granted approval for a new coal export facility near the Port of Longview. This would be the first facility designed to ship coal from a U.S., West Coast port. Currently coal shipped from the west coast is shipped from the Port of Vancouver in Canada. If completed, the Longview port could ship 5.7 million tons of coal to Asia each year.

This facility would export nearly three times the coal used annually in Oregon's Boardman coal plant, a 601 MW power plant, and as much coal as is currently consumed in the entire state of Washington. The coal, when burned for electricity, would contribute over 11 million tons of carbon dioxide to the environment.

Coal's contribution to global climate changes is, of course, not the only concern with increased coal for export. Limited coal demand over the past years has directly slowed planned expansion of existing or new mines in the Powder River Basin, most notably the School Creek Mine in Wyoming. A coal export market would provide greater incentives for companies to push more development and all of the negative side effects mining entails.

The environmental and health impacts of coal do not end with the mining and the burning. Hundreds of pounds of coal and coal dust can escape a rail car during transit, Burlington Northern Santa Fe has indicated that the number could be as much as 500 lbs from each car. This dust can build up on the track, and degrade rail conditions leading to increased derailments. Additionally, the amount of coal lost could have significant impacts on air and water quality.

WORC staff has analyzed the ability for additional coal to leave the Powder River Basin and be exported from the West Coast. The existing facility in Vancouver is at capacity, making a new facility essential. The other main limiting factor for coal export will be the capacity of U.S. rail lines to haul an increased load to the west.

Capacity on the rails is a finite resource, for example a single tracked line can accommodate up to 30 trains per day. Coal currently makes up more than half the volume of rail transport in Montana and Wyoming. Currently most of the transport goes eastward to coal fired power plants in the Midwest, East Coast and South. Increased shipments to the West Coast would quickly run up against bottlenecks and companies would have to in some way address capacity constraints.

Railroads have a number of options to eliminate these capacity constraints. Building additional rail – either side outs or double tracking – would provide the largest capacity gains but would also face the most obstacles, including permitting and gaining access to right-of-ways and general construction permits. The railroads could also upgrade less sophisticated signaling, providing modest capacity gains. A railroad could also provide more room for coal by eliminating service to other users.

While eliminating service seems like an unlikely option, a more likely impact on other rail users is through increased rates to cover rail expansion. Short line rail users, particularly grain producers, have complained about unfair rates and limited service. Any increase in coal on rail lines through Washington will decrease the space left for domestic products like grain or produce and imported consumer goods. Anyone who uses the rail should be concerned about an increase in coal exports.

—Mike Ritter and Anna Lucas

# 111th Congress Voting Record

The 111th Congress began with a new Administration and a sense of opportunity on many of WORC's campaign issues. Even with the Congressional legislative agenda consumed by economic recovery and health care reform, our top issues made progress. When Congress reconvenes in 2011, the make up of the next Congress will differ and the challenge will be to continue the momentum on our priorities.

## Energy and Climate

Although Congress spent over a year working on energy and climate change legislation and the House passed a controversial "cap and trade" energy and climate bill in 2009, the Senate failed to put forward any comparable, viable legislation. Congress will adjourn without passing an energy and climate change bill, and the expectations for a comprehensive bill in the next Congress look bleak. WORC was particularly disappointed that the bills that received the most consideration in 2009-2010 would lock in use of fossil fuels, relying on expensive, unproven carbon sequestration technology to address greenhouse gas emissions, and included relatively trivial incentives for renewable energy and efficiency.

## Food Safety

After decades of inaction on overhaul of federal food safety standards, several high profile food-borne illness events prompted Congressional action in 2009-2010. Unfortunately, early versions of both House and Senate food safety bills would have put small, local producers and processors at risk due to intrusive and expensive federal hazard analysis and preventive control rules. After over a year of pressure from grassroots activists, Senators Jon Tester (D-Montana) and Kay Hagan (D-North Carolina), were able to win inclusion of an amendment that protects small producers. WORC advocated for adoption of this amendment. The Food Safety Modernization Act has now been passed by both the Senate and the House, with the Tester-Hagan amendment included.

## Looking Ahead to 2011

We look forward to working with the new members of Congress on WORC's priority issues next year to ensure that the progress we have made remains, and that we can continue to move forward on our other campaigns.

The following votes represent key votes on WORC's issues made by the members of the House and Senate Congressional delegation from 2009-2010. Each vote has a description and indicates what year in this Congress the vote was taken.

To see how other members of Congress voted on these issues, go to: <http://clerk.house.gov/legislative/legvotes.html> for House members and go to [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/vote\\_menu\\_111\\_2.htm](http://www.senate.gov/legislative/LIS/roll_call_lists/vote_menu_111_2.htm) for the Senate list of votes.

## House votes in the 111th Congress

### HI. Clean Energy Stimulus (2009)

The American Recovery and Reinvestment Act of 2009, or H.R. 1, was signed into law on Feb 17, 2010. This bill was intended to create jobs and promote investment during a time of recession with a host of green jobs measures, including a total of \$43 billion for renewable energy research, investment and other incentives. The final bill dropped proposals for major new investment in fossil fuels such as liquid coal plants, and included significant funds for energy efficiency, biofuels, renewable energy projects, and abandoned mine land clean up. WORC supported this bill, despite inclusion of \$3.4 billion for research and development of carbon capture and sequestration technology.

On February 13, 2009, the House voted 246-183 in favor of this bill. (Roll call vote #70) A plus vote is a vote for the bill.

## **H2: Green Schools (2009)**

The 21st Century Green High-Performing Public School Facilities Act (H.R. 2187) is a bill to authorize over \$6.4 billion for “green” school renovation and modernization for school construction projects from fiscal year 2010 through 2015. The bill would require that all funding be used for projects that meet environmental friendliness standards. WORC supported this bill, which passed the House, and was then referred to the Senate Committee on Health, Education, Labor and Pensions, where it has stalled.

On May 14, 2009, the House voted 275-155 in favor of this bill. (Roll call vote #259.) A plus vote is a vote for the bill.

## **H3: Animal Factory Emissions (2009)**

In 2009, Rep. Mike Simpson (R-Idaho) offered a motion to instruct members of a House-Senate conference committee working on a funding bill to bar the Environmental Protection Agency (EPA) from implementing its rule on mandatory reporting of greenhouse gases from manure management systems used by concentrated animal feeding operations (CAFOs, or animal factories). WORC opposed this motion, which passed the House and was signed into law.

On October 27, 2009, the House voted 267-147 in favor of this motion. (House roll call vote #816) A plus vote is a vote against the motion.

## **H4: Food Safety Modernization:Vote #1 (2009)**

This was a vote to bring H.R. 2749, the Food Safety Enhancement Act of 2009, to the House floor for a vote. The bill attempted to address the worst food safety problems in the U.S. food system but, unfortunately, threatened to undermine the best things in U.S. agriculture – small farmers producing for local markets. WORC opposed this motion because H.R. 2749 failed to make a clear distinction between small local food system producers and processors, and industrial, multi-sourced food supply, and ensure that fledgling local food producers and processors were not saddled by excessive registration, fees, and recording-keeping requirements. The motion, which required 290 votes to pass, failed. However, the bill was ultimately brought to the floor and passed on July 30, 2009 at a count of 283-142. The Senate passed a different version of its bill, however, which addressed WORC’s concerns, and this version ultimately passed into law. (See votes H9 and S4.)

On July 29, 2009, the House voted 280-150 against bringing H.R. 2749 to the floor (290 votes were needed to pass this motion.) (House vote #657) A plus vote is a vote against the bill.

## **H5: House tax extenders package (2009)**

H.R. 4213 is a broad, \$31 billion package to extend a series of tax credits that were scheduled to expire. The bill includes a one-year extension of the \$1-per-gallon tax credit for biodiesel that was set to lapse at year's end, but would allow a credit for liquid coal facilities to expire. WORC supported this bill, which ultimately became law.

On December 9, 2009, the House voted 241-181 in favor of this bill. (House roll call vote #943) A plus vote is a vote for this bill.

## **H6: Oil Spill Response (2010)**

The House-passed oil spill response bill, H.R. 3534, included a variety of provisions to prevent future disasters and strengthen emergency response, both offshore and onshore. WORC supported the bill, particularly provisions to require public review of emergency response plans and require onshore oil and gas construction sites to get stormwater discharge permits. The bill passed the House, but has stalled in the Senate.

On July 30, 2010, the House voted 209-193 to pass this legislation. (House vote #513) A plus vote is a vote for this bill.

## **H7: Rural Energy Efficiency (2010)**

The Rural Energy Savings Program Act, or H.R. 4785, gives the Secretary of Agriculture authority to issue loans to consumers to implement energy efficiency in their homes. WORC supported this bill. It passed the House and has been sent to the Senate Energy and Natural Resources Committee.

On September 16, 2010, the House voted 240-172 in favor of H.R. 4785. (House vote # 530) A plus vote is a vote for this bill.

### H8: Child Nutrition Reauthorization (2010)

Also called the Healthy, Hunger-Free Kids Act, this bill includes \$50 million in mandatory funding for Farm-to-School programs to increase fresh, local, and nutritious produce in schools. The Senate version of the bill, S. 3307, passed with unanimous consent and House bill voted on the Senate bill, which passed and was signed into law. WORC supported both the House and Senate versions of this bill

On December 3, 2010, the House voted 264-157 in favor of S. 3307. (House vote #603) A plus vote is a vote for this bill.

### H9: Food Safety:Vote #2 (2010)

See H4 for more information. In the final days of the Congress, the House passed the Senate version of the food safety bill as part of the larger bill to fund the federal government through the end of fiscal year 2011. WORC supported this vote because it included the Tester-Hagan amendment S. 510, which WORC supported.

On December 8, 2010, the House voted 211-208 in favor of the bill. (House vote #623) A plus vote is a vote for this bill.

## Senate Votes in the 111th Congress

### S1: Clean Energy Stimulus (2009)

The Senate American Recovery and Reinvestment Act of 2009, H.R. 1, was intended to create jobs and promote investment during a time of recession with a host of green jobs measures, including a total of \$43 billion for renewable energy research, investment and other incentives. The final bill dropped proposals for major new investment in fossil fuels such as liquid coal plants, and included significant funds for energy efficiency, biofuels, renewable energy projects, and abandoned mine land clean up. WORC supported this bill, despite inclusion of \$3.4 billion for research and development of carbon capture and sequestration technology.

On February 13, 2009, the Senate voted 60-38 in favor of passage of the bill. (Senate vote #64) A plus vote is a vote for the bill.

## Senate

		S1	S2
		Clean Energy Stimulus	Tax Extenders
Colorado	Bennet (D)	+	+
	Udall (D)	+	+
Idaho	Crapo (R)	-	-
	Risch (R)	-	-
Montana	Baucus (D)	+	+
	Tester (D)	+	+
North Dakota	Conrad (D)	+	+
	Dorgan (D)	+	+
Oregon	Merkley (D)	+	+
	Wyden (D)	+	+
South Dakota	Johnson (D)	+	+
	Thune (R)	-	-
Wyoming	Barasso (R)	-	-
	Enzi (R)	-	-

## House

		H1	H2	H3	H4
		Clean Energy Stimulus	Green Schools	Animal Factory Amendment	Food Safety (2009)
Colorado	DeGette (D)	+	+	-	-
	Polis (D)	+	+	-	-
	Salazar (D)	+	+	+	NV
	Markey (D)	+	+	+	+
	Lamborn (R)	-	-	+	+
	Coffman (R)	-	-	+	+
	Perlmutter (D)	+	+	-	-
Idaho	Minnick (D)	-	+	+	+
	Simpson (R)	-	-	+	+
Montana	Rehberg (R)	-	-	+	+
North Dakota	Pomeroy (D)	+	+	+	-
Oregon	Wu (D)	+	+	-	-
	Walden (R)	-	-	+	-
	Blumenauer (D)	+	+	-	-
	DeFazio (D)	-	+	-	-
	Schrader (D)	+	+	+	-
South Dakota	Herseth Sandlin (D)	+	+	+	-
Wyoming	Lummis (R)	-	-	+	+

S3	S4	Score
Dirty Air Act	Food Safety	
+	+	100%
+	+	100%
-	-	0%
-	-	0%
+	+	100%
+	+	100%
+	+	100%
+	+	100%
+	+	100%
+	+	100%
+	+	100%
-	-	0%
-	-	0%
-	+	25%

### S2: Tax extenders package (2010)

H.R. 4213 is a broad \$31 billion package to extend a series of tax credits that were scheduled to expire. The bill includes a one-year extension of the \$1-per-gallon tax credit for biodiesel that was set to lapse at year's end, but would allow a credit for liquid coal facilities to expire. WORC supported this bill, which ultimately passed into law.

On March 10, 2010, the Senate voted 62-36 in favor of the bill. (Senate vote #48) A plus vote is a vote for the bill.

### S3: Dirty Air Act (2010)

Sen Murkowski (R-AK) introduced a “joint resolution” (SJ Res 26) that would have prevented the EPA from regulating carbon emissions under the Clean Air Act, disapproving of the rule submitted by EPA relating to the finding that greenhouse gas emissions are a danger to public health. WORC opposed this effort, which failed.

On June 10, 2010, the Senate voted 47-53 against the resolution. (Senate vote #184) A plus vote is a vote against this resolution.

### S4: Food Safety (2010)

Like the House bill, the Senate food safety bill, S. 510, attempted to address the worst food safety problems in the U.S. food system. Unfortunately, the committee-passed bill put small and local producers at risk. Senators Jon Tester (D-MT) and Kay Hagan (D-NC) co-authored an amendment to ensure that small farms and producers are appropriately regulated, which was added to the bill before the Senate floor debate. WORC supported the vote on S. 510 because it included the Tester-Hagan amendment. The bill has now passed both houses (see votes H3 and H9.)

H5	H6	H7	H8	H9	Score
Tax Extenders	Oil Spill Response	Rural Energy Efficiency	Child Nutrition Reauthorization	Food Safety (2010)	
+	+	+	+	+	77%
-	+	+	+	+	66%
+	-	+	+	-	87%
+	+	+	+	+	100%
-	-	-	-	-	22%
-	-	-	-	-	22%
+	NV	+	+	+	75%
+	+	+	+	-	77%
-	-	-	-	-	22%
-	-	-	-	-	22%
+	-	+	+	+	77%
+	+	+	+	NV	75%
-	-	-	-	-	11%
+	+	+	+	+	77%
+	+	+	NV	+	62%
-	+	+	+	-	66%
+	-	+	+	+	77%
-	-	-	-	-	22%

On November 30, 2010, the Senate voted 73-25 in favor of the bill. (Senate vote #257) A plus vote supports WORC’s position.

—Anna Lucas

**+ Voted in favor of the bill**

**- Voted against the bill**

# 2010 People's Oil and Gas Summit

## An East-West Gathering

On November 18, more than 35 organizations from across the country joined forces with Earthworks Oil and Gas Accountability Project (OGAP) for the 2010 People's Oil and Gas Summit in Pittsburg, Pennsylvania.

The gathering brought together citizens from Western communities who have been dealing with oil and gas issues for over a decade, with Eastern citizens who are facing these issues for the first time. This year's Summit, the first to be held in the Eastern U.S. was critical to building a bridge between Eastern and Western populations. Since 2000, OGAP has sponsored seven such oil and gas summits, which have not only empowered citizens and fostered activism in communities dealing with oil and gas development, but increased the strength and momentum of local, state, and national reform efforts.

Over 300 citizens from 26 states attended the conference to share information about public health and community impacts, exchange scientific data, learn the necessary tools to track development, and collaborate on reform efforts. Powder River Basin Resource Council's John Fenton, Jill Morrison and Deb Thomas all made formal presentations at the Summit.

John Fenton presented the realities of "living in the gas patch" in Pavillion, Wyoming, showing photos documenting the deadly effects of hydraulic fracturing ("fracking") on the health and well being of his family and his neighbors. John explained how property devaluation has exacerbated the problem, forcing people to stay in their toxic homes and suffer contaminated air and water. John then described how a handful of citizens—with the help of Powder River—formed Pavillion Area Concerned Citizens (PACC) in the hopes of better influencing government agencies, elected officials and industry to address the impacts. When the EPA, at PACC's request, stepped in with its own investigation, he felt that Pavillion residents, for the first time, were being heard, he told the gathering.

Jill Morrison's presentation was on the boom and bust cycles that have characterized the history of Wyoming's extractive industries, and how little the state has learned from its past. Using the "Gillette Syndrome"—a term coined from the early seventies' coal mining boom—as a point of reference, Jill showed how Wyoming communities undergoing oil and gas development

today are experiencing the same social and economic impacts that communities experienced during the strip mining boom—impacts ranging from increased crime, drug abuse, and overcrowded courts, to the financial hardships of local governments faced with paying for increased social services and infrastructure. "Is there a lesson to be learned here," she asked.

Deb Thomas hosted a panel on citizen-based monitoring approaches, highlighting the importance of empowering local citizens and communities—the work Powder River has been doing for over three decades!

The summit was packed with helpful and inspiring information, from a review of web tools and citizen monitoring approaches, to emerging issues such as greenhouse gas emissions from natural gas, shale gas estimates and new pipelines and export terminals that could ship U.S. natural gas overseas. PowerPoint presentations and relevant reports can be viewed online at <http://earthworksaction.org/2010SummitAgenda.cfm>.

—Deb Thomas, Powder River Basin Resource Council Staff

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*"livestock" continued from page 5*

Department of Agriculture would carefully analyze and respond to all the comments submitted, and would do a special economic analysis on the likely effects of the proposed reforms. He declined to give a timeline for adopting a final rule.

WORC submitted the comments on behalf of itself and its seven member groups: Dakota Resource Council, Dakota Rural Action, Idaho Rural Council,

Northern Plains Resource Council, Oregon Rural Action, Powder River Basin Resource Council, and Western Colorado Congress.

A copy of WORC's comments is available at [www.worc.org](http://www.worc.org).

—John Smillie

# Child Nutrition Reauthorization signed into law

One of WORC's priorities in building local food systems is to mobilize the school nutrition programs around the country to utilize fresh and local ingredients. With the passage last week of the Healthy, Hunger Free Kids Act - after two years of Congressional work and grassroots activity, including many WORC members - President Obama signed the reauthorization of the Child Nutrition Act on December 13.

This legislation incentivizes and facilitates schools in their efforts to boost child nutrition by sourcing fresh ingredients from local producers, and provides more resources for schools to purchase from local farms and includes support for school gardens that help teach children the rewards of growing their own food and eating fresh produce, while learning about science, health, math and other subjects.

It provides for one-time grants to schools to assist them in making the transition to sourcing local food, which often entails going from a food service that is outsourced to private contractors to one where meals are prepared from scratch. Such a transition requires some significant upfront investments in equipment or storage, for example; as well as some need for technical assistance in establishing productive relationships with local farmers and using more seasonal foods. The bill also contains a 6 cents/meal increase in reimbursement rates – the first in 30 years – which will provide school meal programs to purchase healthier foods.

The bill contains \$40 million over 10 years in mandatory funding for one time grants to local schools for farm to school programs, school gardens, and related transition investments. This means the funds do not have to go through the Congressional budget each session, which makes them a reliable source for the next decade.



WORC Chair Monica Wiitanen farms near Paonia, Colorado.

"Our nearby elementary schools are a new market for the produce from our small farm," WORC Chair Monica Wiitanen, who operates a small produce farm near Paonia, Colorado, said. "I believe there is even greater potential for this relationship to help small producers prosper. The farm to school provisions in the Child Nutrition law help move this along and I am grateful to hear the President signed it into law."

—Margie MacDonald

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*“pipeline” continued from page 6*

asking that Montanans be afforded the right to see and comment on an emergency response plan before the Keystone XL pipeline is built. Senator Baucus reversed course in September, in a letter to Secretary Clinton, urging her “expeditious” review and approval of the pipeline, without “bureaucratic delay” — even though he had not received a response from Secretary LaHood on his request on behalf of Montana landowners and other concerned residents.

“All of us are disappointed that Senator Max Baucus has urged the State Department to quickly approve the Keystone XL pipeline that would take Canadian tar sands oil from Alberta through Montana to the U.S. Gulf Coast without taking the time to address our concerns,” wrote the Northern Plains Resource Council, the National Wildlife Federation, and seven other groups in a guest commentary published by Montana’s three largest newspapers. “These concerns include whether the pipeline is really needed;

alternatives that would mean more jobs and less pollution; impacts to our land, water, and climate; impacts to tribes; and pipeline safety.”

The State Department’s decision on whether to to a supplemental EIS is expected early in 2011. The Department’s decision on whether to issue a Presidential Permit is not expected until at least June or July.

—John Smillie

### **Food Safety Legislative Path**

In July of 2009 the House passed a bill that failed to protect small farms and small processors. In November of 2009 the Senate passed its own version of the bill, which also failed to protect the small local food businesses from an array of complex and expensive-to-implement federal rules. Both the Senate and House food safety bills received unanimous, bipartisan support in their respective committees and passed by overwhelming margins on the floor of each chamber.

In the waning days of the Congress, following the November election, in a lame duck session, the Senate turned its attention to the FDA Food Safety Modernization Act (S. 510) and passed it by a vote of 73-25, having to overcome a member’s filibuster threat. The senate-passed bill contained an amendment long sought after by WORC and over 155 small farm, co-op and consumer organizations. The Tester-Hagan amendment allowed small local food businesses and small farms that met several screens from being subjected to the elaborate hazard analysis and preventive controls procedures and farming standards which make up a major portion of the bill. The successful addition of the Tester-Hagan amendment to the food safety bill before it was voted on by the full Senate was the culmination of over 18 months of effort by WORC and its members, leaders and member groups.

Over that period the WORC network sent over 3,300 messages to Senate offices urging support for the Tester amendment. In addition members met with their Senators and Representatives on multiple occasions, including a face to face meeting with Sen. Dick Durbin, the bill’s chief sponsor when he visited Billings with Sen. Tester in early 2010. Members made phone calls and attended town meetings with Senators and Representatives traveling through their districts.

In the final weeks of the Congress, the bill was voted on several times in both the Senate and the House because it was attached to the continuing budget resolution along with other bills deemed to be either essential or sharing a broad bipartisan consensus of support in both houses. This attachment of unrelated bills in the closing days of a session of Congress is not unusual.

### **Tester-Hagan Amendment Lauded**

“The Senate’s acceptance of the Tester-Hagan amendment is a victory for small farmers and food producers, and consumers who enjoy fresh, local farm produce and locally processed food products like jams and jellies,” said

Gus Wahner, served as chair of WORC’s Local Foods Campaign Team in 2009-2010 and who sells nutrient rich fresh vegetables and fruit in Farmers Markets in Eastern and Central Oregon. “Food safety is a priority we all share, but one size fits all does not fit all when it comes to imposing federal regulations on small local food businesses, including farmers market vendors, who are already effectively regulated by state and local regulations.”

“The bill with the Tester-Hagan amendment is a huge win for small businesses and family agriculture,” said Jeanne Charter, a rancher and Northern Plains Resource Council member in Shepherd, Montana. “If the bill had passed without the Tester-Hagan amendment it jeopardized many new, vibrant local food businesses springing up around the region, as well as farmers markets and our growing local food system,” Charter continued.

“The local food movement is a grassroots non-bureaucratic way to deal with food safety,” Charter added. “The local food movement is a food quality and safety movement. By buying from local producers, consumers know where their food comes from.”

—Margie MacDonald

## WORC BOARD ELECTS NEW OFFICERS

The WORC Board of Directors tapped new officers at its December 5 meeting.

The Board elected Monica Wiitanen of the Western Colorado Congress as the new Chair. Monica runs Small Potatoes Farm near Paonia with her husband, Wayne.

Lana Sangmeister of the Northern Plains Resource Council was selected to serve as Vice Chair. She lives in Nye, Montana.

Verle Reinicke of the Dakota Resource Council was chosen as the Secretary/Treasurer. Verle is a retired pastor living in Bismarck, North Dakota.

*“Meeks Commentary continued from page 4*

At least eight of my neighbors have problems with their water, and now, Encana has admitted to the state that there is water contamination from three pits that were dug on their well sites. But I’m overwhelmed at the imbalance of power between ordinary citizens and the gas companies. We have formed a community group, Pavillion Area Concerned Citizens, because we want to ensure that our decision-makers strengthen and enforce the laws that are supposed to protect us.

The Environmental Protection Agency warns people in Pavillion not to drink from their water wells once tests find fracturing chemicals. That is hardly enough. We need our regulators and elected officials to conduct air monitoring and provide blood and urine testing for people who have already become sick. A community health survey found that 94 percent of the folks surveyed reported health problems that most likely can be attributed to these fracturing chemicals.

Encana needs to get the gas out, but the company has an obligation to do it right. We need to protect the people and the water for future generations. The energy industry has made such a mess that Wyoming may never be able to clean it up. Yes, we need energy to live good lives. But we can’t survive a day without clean water. Can you?

## Cinnabar Foundation honors conservation couple

The Cinnabar Foundation honored the two leaders of the Northern Plains Resource Council and the Western Organization of Resource Councils (WORC), at the Northern Plains Annual Meeting Nov. 12-13 in Billings.

Robin Tawney Nichols, Chair of the foundation, awarded the 12th Len and Sandy Sargent Stewardship Award to Teresa Erickson, Staff Director of Northern Plains, and Pat Sweeney, Director of WORC.

The Len and Sandy Sargent Stewardship Award recognizes outstanding achievement in environmental advocacy, preservation, and education within the Montana and Greater Yellowstone Ecosystem and included a \$2,500 grant to each organization.

In presenting the award, Tawney Nichols referred to the husband and wife team as “the power couple of Billings and conservation in Montana.”

“Individually and together, the two of you have inspired legions of grassroots voices for conservation, family agriculture, and sustainable communities in Montana and the High Plains,” said Tawney Nichols. “Many whom you have mentored have become prominent community leaders and elected public officials. And you walk the talk with your organizations’ new LEED-certified Home on the Range (building).”

Erickson was cited for her leadership in Northern Plains and the 10th anniversary of its Good Neighbor Agreement with Stillwater Mining Company, and other rural issues such as the Otter Creek coal tracts, TransCanada’s tar sands pipeline, and coal ash pollution.



Pat Sweeney, Regional Director of WORC, Robin Tawney Nichols, Chair of the Cinnabar Foundation, and Teresa Erickson, Staff Director of Northern Plains at the awarding of the foundation’s 12th Len and Sandy Sargent Stewardship Award.

Photo Credit: Larry Winslow, Northern Plains Resource Council

“You have created a successful model for community organizing and have trained hundreds of emerging activists over 38 years,” she told Sweeney. She also cited Sweeney’s work in founding WORC, Montana Conservation Voters, and the Western Mining Action Network.

—Northern Plains Resource Council Staff

# WORC

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## PUBLICATIONS

### **A REVIEW OF THE POTENTIAL MARKET IMPACTS OF COMMERCIALIZING GM WHEAT IN THE U.S.**

Report by Dr. E. Neal Blue analyses the likely reaction of foreign customers for U.S. wheat if GM wheat is deregulated

### **LAW AND ORDER IN THE OIL AND GAS FIELDS - 2009 UPDATE**

Report by WORC reviews state and federal oil and gas inspection and enforcement programs in five Western states

### **HOMEGROWN PROSPERITY FROM THE BOTTOM UP**

Report by Wilbur and Elizabeth Wood looks at the biodiesel industry as it is emerging in the rural economies across the region

### **BIODIESEL BENEFITS FOR CATTLE PRODUCERS**

Report by Dr. Greg Lardy provides ranchers with nutritional information about using oilseed meal byproducts from biodiesel production from crops in the Northern Great Plains

### **UNDERMINED PROMISE**

Report by WORC and the Natural Resources Defense Council examines reclamation and enforcement of the Surface Mining Control and Reclamation Act

### **A GUIDE TO GENETICALLY MODIFIED ALFALFA**

Toolkit discusses the environmental and economic risks of adopting genetically modified alfalfa technology

### **FILLING THE GAPS**

Report by Jim Kuipers on the steps needed to ensure effective reclamation of oil and gas fields

Download these publications at [www.worc.org](http://www.worc.org)

## CALENDAR

### WORC JUNE BOARD AND STAFF MEETING

Lead, South Dakota..... June 2-4

### PRINCIPLES OF COMMUNITY ORGANIZING TRAINING

Billings, Montana ..... June 22-25

### POWDER RIVER BASIN RESOURCE COUNCIL HARVEST FESTIVAL

Sheridan, Wyoming ..... September 10

### OREGON RURAL ACTION ANNUAL MEETING

La Grande, Oregon ..... October 8

### DAKOTA RESOURCE COUNCIL ANNUAL MEETING

Location TBA ..... October 22

### POWDER RIVER BASIN RESOURCE COUNCIL ANNUAL MEETING

Sheridan, Wyoming ..... November 5

### NORTHERN PLAINS RESOURCE COUNCIL ANNUAL MEETING

Billings, Montana ..... November 11-12

### WORC DECEMBER BOARD AND STAFF MEETING

Billings, Montana ..... December 2-3