

# WESTERN ORGANIZING REVIEW

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## WORC: federal coal leasing strategy and oversight needs fix

Landowners and conservation organizations, including the Powder River Basin Resource Council, the Northern Plains Resource Council, and WORC, are calling on the Bureau of Land Management to review and initiate reforms in its coal leasing policies. Currently, the agency is offering billions of tons of coal in the Western United States, where it controls much of the resource, based on an environmental analysis completed in the mid 1980's. WORC member groups, and other national and regional conservation organizations, have filed several appeals challenging recent and currently proposed federal coal leases in the region, including leases in Montana, Wyoming, and Colorado.



WORC Coal and Climate Change Campaign Team Chair Ellen Pfister, who ranches north of Billings and whose ranch is slated to be undermined by the longwall Signal Peak coal mine, notes that BLM has not independently decided at what rate coal should be leased in order to both maximize revenue return to the public and protect multiple environmental resources. She is calling for an approach for coal that would allow the agency to take charge of managing the public's resources and determine the pace and scale of coal development in the Powder River Basin. Such an approach would help the agency develop, where appropriate, lease stipulations to reduce environmental impacts from the mining of federal resources and

could identify areas with extraordinary values that conflict with coal mining that should be off limits for leasing.

In the late 1980's the BLM decertified the vast coal reserves in the Powder River Basin, which means that it offers coal on a lease by application (LBA) basis in which companies apply for a "maintenance tract" of coal adjacent to existing mining operations. WORC and its member groups oppose such a piecemeal approach because it undercuts considerations of competitive markets and fair market value for the public's coal reserves and fails to take into account the cumulative impacts of multiple coal leases.

### IN THIS ISSUE:

WORC: federal coal leasing strategy and oversight needs fix	..... 1
The View from WORC	..... 2
Around the Region	..... 3
Remembering Jeanne Charter	..... 4
Bill targets unfair practices by big meat packers	..... 4
Local foods on the table in 2011 state legislatures	..... 5
Powder River Basin coal mines look to export markets	..... 6
Genetically modified wheat not on customers' menu	..... 7
Coming Clean: Fighting oil and gas industry pollution	..... 8
Tar sands spills show risks as decision on pipeline nears	..... 9
Farmers and ranchers are fighting for a fair deal, and you can help!	..... 10
Livestock 101 - Terms and Definitions	..... 11
Organizing Nuts & Bolts	..... 15

*"Federal Coal Leasing" continued on page 14*

# The View from WORC

By **Monica Wiitanen**, WORC Chair

Fertile soil, abundant produce, a network of farmers and ranchers in my community, sharing the farm with a master grower in need of land – feels like homegrown prosperity to me.

Add to this a wood-fired brick oven in my backyard that draws people to it and keeps them coming back – including a young professional baker – prosperity indeed!

Because so much is already happening in the North Fork Valley, including small-scale production of biodiesel that fuels our tractor, a non-profit online produce buying club, a three-day Harvest Festival begun by musicians 11 years ago, and Rotary and others working on Farm-To-School efforts, I've tended to think pretty close to home about Homegrown Prosperity.

WORC builds Homegrown Prosperity by making our communities even better places to live, work, and raise a family. We organize local people to improve the economic well-being of our family farms and ranches, increasing the vitality of our communities. Our efforts produce local, healthy food and clean energy, like community-scale wind, solar energy, and biofuels.

It was wonderful to hear at the June Staff and Board meeting in South Dakota about projects in the various states and chapters within the WORC family. It is so helpful to get others' perspectives and reasons for doing this work and to hear the enthusiasm and determination of those involved.

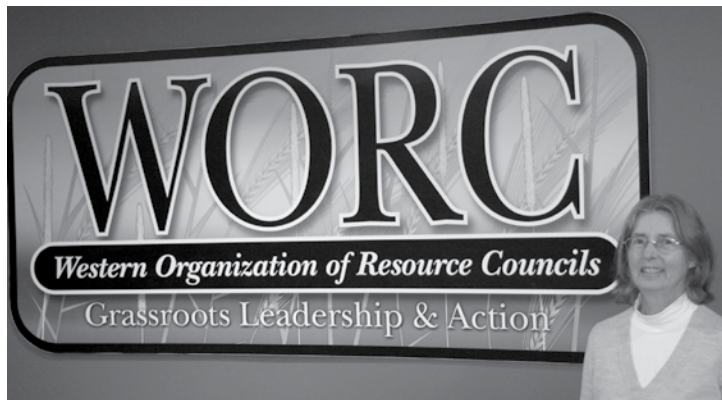
There are Farm-To-School and Farm-To-Institution projects, school gardens, community gardens (with excess in one case at least going to a food bank), farmers' markets including many that accept food stamps, Harvest Festivals, an on-line food co-op, a Farm Beginnings program in which experienced farmers offer classes to aspiring farmers, and cottage food laws already enacted in many of our states. That's on the food side of Homegrown Prosperity.

We also heard from the Intertribal Council On Utility Policy about building tribal wind energy, energy efficiency, and straw bale housing, and about Northern Plains' energy efficiency campaign.

Of course, the biodiesel bus transported WORC folks from Montana to South Dakota and then from Lead to Spearfish for our Saturday morning program at Black Hills State University – and back again!

After three full days of sessions, workshops, panels, and a Board meeting, we're now all back at home continuing with our work to increase prosperity in our communities. Join us in this interesting work!

Come December, we'll be together in Billings for the next Staff and Board meeting, sharing our successes and experiences and getting energized for the next six months.



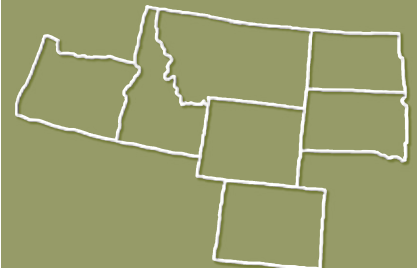
## WESTERN ORGANIZING REVIEW

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 37 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

The North Dakota Public Service Commission agreed with **Dakota Resource Council** to treat wind energy the same as other power sources in a June 8 Montana-Dakota Utilities decision in a rate case settlement. DRC's intervention in the case also saved ratepayers \$1.2 million compared to MDU's initial request. At issue was whether the PSC would issue ratepayers a "renewable rider" to differentiate the costs of MDU's new wind energy installations from other power expenses, including money spent on the abandoned Big Stone II coal-fired project. MDU installed the new wind energy to comply with the Montana renewable energy standard and renewable energy objectives in North and South Dakota.



in three counties how to plan and start their own gardens, how to cook with the foods they grow, and how to connect with their communities by working with food banks and giving a portion of their harvest back.

**Dakota Rural Action** has welcomed a new chapter. The Black Hills Chapter kicked-off on May 9th with an event at Western Dakota Tech, featuring the film "Economics of Happiness" and lots of local food. The Chapter Organizing



Committee has defined an initial campaign goal for the chapter – to increase local food sourcing in three Black Hills-area institutions by 10 percent year for the next three years. The Committee also recognized the potential of the DRA's South Dakota Online Food Co-op to facilitate institutional ordering of local foods, and helped initiate efforts to bring the Online Co-op to western South Dakota.

A new electronic recycling program has opened in Sheridan, Wyo., thanks to a partnership between the **Powder River Basin Resource Council** and Cartridges for Kids. The program recycles cell phones, laptops, Palm Pilots, iPods video games, GPS systems, DVDs, digital cameras, and empty laser, fax, copier and inkjet cartridges. Items can be left at Powder River's office or at Cartridge World, the Copy Shop, and Radio Shack. Items are sent to Cartridges for Kids for refurbishing and reuse. Unusable items are recycled in an environmentally safe manner. Any funds generated by the program will go towards cash awards to students participating in the State Science Fair.



An appeal by the **Idaho Rural Council** of the "Big Sky"/Southview Dairy case is pending before the Idaho Supreme Court. IRC is working to protect family farmers near the proposed large feedlot. The site is close to the Minidoka National Historic Site, which contains the former Hunt Camp for Japanese-American detainees during World War II.



Norway's ambassador to the United States took part in a climate change roundtable co-sponsored by the **Northern Plains Resource Council** in Billings on June 1. Ambassador Wegger Strommen said climate change already is affecting natural resources and commerce in his part of the world. "We live the closest to the part of the planet that is changing the most rapidly. The ice is going away in the Arctic. So, we see with our own eyes it's going to be water up there." Strommen sees similarities between Norway and Montana. Both states are exporters of fossil fuels, he said, and burning those fuels is connected to a faster rate of climate change. "We have come to the conclusion that we cannot face the future with the current balance of energy sources. Our economy has to change. I mean, we have to change."



Over the past two years, **Western Colorado Congress** worked closely with Garfield County residents and trained experts to perform thorough scientific analysis of the impact of natural gas development. The Battlement Mesa Health Impact Assessment (HIA) considers a proposal to drill 200 gas wells within a western Colorado retirement community, and recognizes that both public health and community well-being would be drastically affected. The assessment identified over 70 recommendations for reducing impacts, including increasing setbacks from homes, requiring full disclosure of all chemicals, and regular strengthening of state regulations.



In late April, **Oregon Rural Action** members celebrated Earth Day with a gathering of about 70 people of all ages at the La Grande Community Garden to recognize the local Blue Mountain Chapter's collaboration with Eastern Oregon University on the garden project. The event included a free bee-keeping class, a ribbon cutting ceremony, a plant exchange, potluck, and screening of the documentary film "Vanishing of the Bees." The La Grande Community Garden has doubled in size yet again this year with 38 plots and is one of the sites in ORA's newly launched Youth Garden Project, which seeks to engage Eastern Oregon youth



# Remembering Jeanne Charter

**O**n April 1, the WORC community lost a grassroots leader. Jeanne Charter died in a three-vehicle accident while turning into the north entrance to her ranch near Shepherd, Montana.

Jeanne moved to Montana in the early 1970s and joined the staff of the Northern Plains Resource Council, where she met and eventually married Steve Charter. After leaving the staff, Jeanne continued to be engaged in community organizing and issue campaigns.

Jeanne and Steve took over the family ranch and challenged the beef checkoff fee. They ended their challenge after the U.S. Supreme Court upheld the fee in a separate case brought by WORC. She served on WORC's Board of Directors, and she was a leader in WORC's efforts on local food, livestock market reform, and clean energy.

We miss her dedication, thoughtfulness, and tenacity. Our thoughts and prayers go out to her family.



## Bill targets unfair practices by big meat packers

**L**egislation was introduced in the U.S. Senate May 19 that would end unfair practices by the meat packers and require open public bidding for livestock.

Four giant multi-national corporations have a virtual monopoly, controlling more than 85 percent of the meat packing industry. Large packing operations increasingly own livestock or control them through forward contracting agreements, which enables these firms to buy from themselves when prices are high and buy from others when prices are low.

Livestock market reform has long been a goal of WORC.

“Ranchers want to compete in an open and public livestock market,” said rancher Donley Darnell, a member of the Powder River Basin Resource Council. “A tiny handful of multi-national meatpackers, however, controls the livestock market and limits our ability to earn a living. This bill will go a long way toward giving independent ranchers an opportunity to gain fair market access.”

The Livestock Marketing Fairness Act, S. 1026, would:

- Require marketing agreements to have a firm base price. This guarantees that local contract prices are not subject to manipulation by packer owned herds.
- Call for future forward contracts for livestock (cattle, hogs and lambs) to be traded in public markets where buyers and sellers can witness bids and make their own offers. This openness ensures market competition through multiple offers.

- Exempt producer owned cooperatives, packers with low volumes and packers who own only one processing plant. This exemption targets the source of price manipulation and ensures that the business practices of small family-owned processors are not impacted by the law.
- Guarantee that trading is done in quantities that provide market access for both small and large livestock producers.

The bill was introduced by Senators Tim Johnson, D-S.D., Mike Enzi, R-Wyo., Chuck Grassley, R-Iowa, and Jon Tester, D-Mont.

—Jeri Lynn Bakken

# Local foods on the table in 2011 state legislatures

**L**ocal foods was a hot topic in four WORC state legislatures this year. WORC's member groups in Oregon, South Dakota, Montana and Colorado proved that local organizing can impact state decision makers.

## Oregon—Oregon Rural Action

**HB 2336**—Farm Direct Bill, passed the state legislature and signed by Governor John Kitzhaber. The law:

- Exempts agricultural producers selling specific agriculture products directly to the general public from state laws regulating produce dealers and food establishments.
- Establishes that to be eligible for exemption sales of fruit-based syrups, preserves, jams, fruits and vegetables must have annual sales of less than \$20,000, be producer processed and labeled with the ingredients and address of producer

**HB 2872**—Local Poultry Bill, passed the state legislature and signed by Governor Kitzhaber. The bill:

- Allows Oregon farmers to raise, slaughter and sell up to 1000 poultry in the calendar year, under that federal exemption, without meeting the state-level food establishment license requirements. That is, without building a costly state licensed processing facility that meets state building and sanitation requirements for such facilities.

## South Dakota—Dakota Rural Action

**HB 1240**—In-Home Bakery Law, passed by the state legislature and signed by Governor Dennis Daugaard. The law:

- Exempts of certain sales of non-temperature-controlled baked goods from certain licensing requirements.
- Exempts any person selling non-temperature-controlled baked goods from the person's own primary residence from the licensing and license fee provisions of this chapter under the following conditions:
  - (1) Any non-temperature-controlled baked goods sold from a person's own primary residence is for consumption off the premises;
  - (2) Any non-temperature-controlled baked goods sold from a person's own primary residence meets the requirements of § 34-18-37; and
  - (3) The total gross receipts from the sale of non-temperature-controlled baked goods from the persons own primary residence does not exceed five thousand dollars in a calendar year.

## Colorado—Western Colorado Congress

**SB 58**—Local Foods to Local Markets, passed by the Senate Agriculture Committee and ran out of time in the legislature before moving forward.

Currently it is illegal to sell home-processed, value-added foods without a commercial kitchen. The bill would:

- Increases consumer access to local, value-added goods, boost local economies, and increase the physical health of the people of Colorado while bringing communities together.
- Directs local boards of health to register growers preparing value-added goods in home kitchens. This is limited to specific, low-risk foods they may sell at farmers' markets.
- Encourages the study of the benefits of local fresh foods to the state through the Colorado Proud label promoting “fresh and local” products.

## Montana—Northern Plains Resource Council

**SJ19**—Encouraging and Promoting Montana Farm to School Programs Resolution, passed the full Senate 36-13 and passed the House Education Committee, but died in standing committee. The bill would have:

- Supported curriculum opportunities to educate students about healthy nutrition.
- Encouraged schools to purchase food from local producers.
- Designated a week in October to supporting Montana Farm to School programs.

—Jeri Lynn Bakken

# Powder River Basin coal mines look to export markets

Member Commentary by L.J. Turner, Powder River Basin Resource Council

*Staff Note: It is no secret that coal is getting to be a dirty word in the United States. As utilities look to reduce carbon dioxide emissions in the face of looming climate change regulations, coal's overall market share has dropped. While coal is still the dominant source of electricity in the U.S., it has declined from over 50% of the nation's power to 44.5% in 2010. According to industry reports, not a single coal-fired power plant broke ground in 2010 in the United States.*

*There is a different picture in Asia, however, where there are still significant construction activities going on in China and India. These market trends have led big coal companies to look overseas for a home for Wyoming coal. Peabody and Arch have started investing in coal export facilities in Washington—facilities that would be needed for coal to go to Asia. The export fever comes at a time when Secretary of the Interior Ken Salazar and Wyoming Governor Matt Mead touted the “energy independence” benefits of coal at a press conference at a Cheyenne high school at the end of March. Regardless, one thing is certain: no matter the ultimate destination of Wyoming coal, our organization's work to protect the people and land of the Powder River Basin during coal mining is ever more important.*

—Shannon Anderson, Powder River Basin Resource Council Staff

Secretary of the Interior Ken Salazar recently announced a major coal lease sale in Wyoming. While Salazar and Wyoming Governor Matt Mead suggest that this sale will supply coal to power plants in this country, most of this coal rests next to coal mines operated by companies looking to haul the coal by rail and export it out of Washington State, mainly to Asian countries like China and India.

The original press release, and subsequent news reports, vastly overestimated the amount of money coming to the government between \$13.4 and \$21.3 billion over the lifetime of the lease. In reality, these coal lease sales would bring roughly \$2 billion. Two billion dollars is a lot of money, but it comes with substantial and unaddressed impacts that outweigh many of the benefits.

While many of us who live in Campbell County, Wyoming benefit from coal mining, we are also suffering the impacts of providing our nation with energy. Now it looks like our state and country's leaders are promoting the sacrifice of our land, water, air and quality of life for the profits of coal companies and the energy needs of Asia.

Campbell County is home to nine of the ten largest mines in the country. Mines in the area often violate air quality standards, and dangerous amounts of nitrogen and sulfur oxides as well as fine particulate matter or soot comes from the blasting and large industrial-sized equipment that removes coal from the ground.



These pollutants can harm the health of both people and livestock. My cattle and calves have suffered from dust pneumonia problems. My doctor told me there has been a notable increase in patients with respiratory illnesses that live near coal mines.

Over the years, ranching has become far more difficult due to the expansion in coal mining. I have seen a significant drawdown from our fresh water aquifer, and, over time, I've lost more than 5,000 acres of grazing leases from the expanding coal mines.

*“Powder River Basin Coal” continued on page 12*

# Genetically modified wheat not on customers' menu

**Member Commentary by Helen Waller, Northern Plains Resource Council**

**A**bout a decade ago, Monsanto was on a mission to develop and commercialize a genetically modified strain of dark northern spring wheat.

Farmers' interest in the seed hit bottom because of a lack of acceptance of GM wheat by our valued customers around the world. Buyers for foreign markets purchase half of the wheat grown in this country.

## **Customers don't want GM wheat**

These buyers have exact requirements for wheat growers to satisfy. Over the years, wheat producers have improved their relations with these international buyers. The buyers are regularly surveyed about the characteristics and traits they seek in wheat. Producers have worked with agronomists and plant breeders to create hybrids to satisfy expectations of our customers. As a result, wheat growers have established a mature and steady market for U.S. wheat.

Meanwhile, foreign wheat growers also seek export markets for their wheat, and buyers now have a choice. Introduction of GM wheat in the United States would wipe out a carefully and thoughtfully developed wheat industry that has taken wheat growers, agronomists, and plant breeders over 50 years to build.

When Monsanto moved to deregulate its Roundup Ready wheat, U.S. wheat growers could foresee a consumer backlash. A Canadian Wheat Board survey found 83% of foreign buyers would not accept GM wheat and would seek other sources if either the United States or Canada commercialized a GM wheat variety.

## **Preference for traditional varieties**

A series of reports prepared for the Western Organization of Resource Councils confirmed this resistance to GM wheat, particularly by the European Union (EU) and Japan. According to those reports, other Asian country, such as South Korea and Taiwan, are leery about importing GM wheat, even by accident. In addition, major buyers of U.S. wheat, notably the EU and Japan, require labeling and traceability that would make it difficult to sell any U.S. wheat if GM wheat was grown in this country.

The most recent WORC report, released in January 2010, concluded that if U.S. producers planted any GM wheat, foreign wheat buyers would switch to wheat from GM-free countries. The introduction of GM wheat would contaminate established varieties, creating a drop in the price of all U.S. hard red spring wheat, not just the genetically modified crop, of 40 percent while the price of durum wheat would drop 57 percent.

Some within the agricultural industry are talking up support for GM wheat, even though there is no GM wheat trait under development to support today. No seed company is testing a single GM-wheat trait in this country.

Introduction of GM wheat would make wheat seed the proprietary property



of seed companies, raising seed costs for farmers, and putting wheat producers under the control of a few seed companies.

## **If it's not broke, don't fix it**

Better productivity, profitability, and sustainability of our wheat varieties do not depend on the development of GM wheat. Rather, traditional breeding methods, not genetic modification, have developed superior wheat varieties. In fact, researchers are using advanced breeding techniques to develop conventional wheat varieties resistant to fusarium and drought.

Montana wheat growers understand there is no market demand for GM wheat. We understand the characteristics and traits our buyers want, and they have repeatedly told us they will not buy any of our wheat if we grow any GM wheat. So far as touting an increased yield, who needs more product of any commodity there is no market for?

*Helen and Gordon Waller grow wheat on their farm near Circle, Montana.*

# Coming Clean: Fighting oil and gas industry pollution

## WORC launches campaign for oil and gas chemical disclosure, cleanup

Residents in oil and gas fields across the country are reporting more health problems, air pollution, and water contamination from drilling and production—and looking for solutions. Now WORC has launched Coming Clean, a campaign to get federal and state regulators to make the oil and gas industry come clean by requiring strict disclosure of chemicals used in oil and gas development and stronger standards to prevent contamination.

Donald Nelson, a North Dakota rancher with Dakota Resource Council, and Chair of WORC's Oil and Gas Campaign Team, supported disclosure of chemicals during the Bureau of Land Management's forum on hydraulic fracturing in April in Bismarck, N.D.

"With disclosure comes tracking," Nelson said. "Then you can find out who caused the problem and who's going to fix it." Oil wells have been on Nelson's land since the 1950s.

Alarms have been going off across the country in response to the rapid increase in the use of a process called hydraulic fracturing—or "fracking"—to stimulate the flow of oil and gas from shale and other kinds of sand and rock formations underground. The concerns of oil and gas field residents were documented in *Gasland*, a film nominated for an Academy Award this year. *Gasland's* dramatic portrayal of homeowners lighting their tapwater on fire—a feat made possible by methane contamination of water wells—has served as a focal point for beleaguered homeowners. The outrage of people who believe they've been sickened or endangered by oil and gas development is multiplied because in most instances, exactly what chemicals are used can be kept secret, even if they are cancer-causing chemicals such as benzene.

### Concerns go beyond fracking, solutions go beyond disclosure

Oil and gas companies frack wells by injecting water, sand and chemicals under high pressure to crack open a rock or coal formation to increase oil and gas production. Although fracking chemicals have received most of the attention, Nelson and other WORC leaders say that companies should disclose all chemicals used in each stage of oil and gas development, not just the fracking process.

The centerpiece of the Coming Clean campaign is a set of nine criteria to evaluate oil and gas chemical disclosure policies. The criteria include disclosure of all chemicals used in exploring for and producing oil and gas, notification of landowners, and narrow exceptions for the protection of proprietary information. Some companies claim they would lose a competitive advantage by releasing exact chemical formulas of fracking mixtures.

"Without knowing what chemicals to look for, oil and gas field residents cannot conduct a thorough baseline water quality test or pinpoint causes of illnesses and pollution related to oil and gas activities," said Lisa Bracken, a member of the Western Colorado Congress. Bracken's story is told in the documentary film, *Gasland*.

Following a massive blow-out in 2004, another natural gas seep occurred on Bracken's property in 2008. "It took two and half years for the Colorado Oil and Gas Conservation Commission to conduct sampling of gas bubbles coming up in the creek," Bracken said. "When the seep was finally sampled, a suite of production gas compounds was detected. Yet, six months later, we still don't know what other compounds may be present. We know, whatever is there is enough to paralyze a frog found swimming in it."

"Fracking fluids disclosure is the first step," said John Fenton, a Pavillion, Wyoming, rancher and board member of Powder River Basin Resource Council, who is interviewed in *Gasland*. "We also need state and federal regulation to ensure our water, air and health are protected. Disclosure of all fluids and better well construction and proper waste pit remediation are among other steps needed. Then, we need government inspection and enforcement of the rules."

Fenton has a gas well 300 feet from his house and another 24 wells throughout his property. He said that in addition to serious drinking water contamination in the Pavillion area, the air often smells like hydrocarbons. "Some days it's hard to breathe, and many of my family members and neighbors have serious illnesses," he said. "Neighbors have lost their water wells, people have had to move out of their homes and our property has been devalued by 50 percent. Industry still isn't required to tell us

*"Coming Clean" continued on page 12*

# Tar sands spills show risks as decision on pipeline nears

## “Hazard to life, property and the environment”

Bob Banderet woke up to see what looked like a geyser of oil shooting sixty feet into the air about half a mile from his farmhouse near Brampton, in southeastern North Dakota. “It was higher than the cottonwood trees,” Banderet told the Associated Press.

The geyser was coming from TransCanada’s Keystone I pipeline, so Banderet called TransCanada’s emergency number. It was 4:30 in the morning on May 7 in Alberta, Canada, and at first the people on the other end of the phone didn’t believe Banderet. Eventually, he was connected to the technicians watching monitors designed to warn them if a spill or leak was causing a drop in pressure in the pipeline. According to a report by the federal Pipeline and Hazardous Materials Safety Administration (PHMSA), TransCanada officials started shutting down the pipeline after talking to Banderet.

A ¾ inch fitting at a pumping station on the Keystone I tar sands pipeline had failed. By the time TransCanada got it shut down, twenty minutes later, 21,000 gallons had sprayed into the air, landing mostly on the ground around the pump station, but also in standing water on nearby farm fields. It took three hours for the first TransCanada employee to get to the site and call for a clean-up crew, and two more hours for the crew to get there and begin sopping up the tar sands sludge.

## Twelfth spill sets off safety officials

The spill on May 7 was the eleventh spill on the Keystone I pipeline in just its first 12 months of operation. In the risk analysis for the pipeline filed with permitting agencies, TransCanada claimed that a leak of 50 barrels or more would be expected just once every seven years. The risk analysis for the proposed Keystone XL pipeline, which would run through Montana and South Dakota on the way to the Gulf Coast, makes similar claims, which sound foolish in the face of so many spills in Keystone I’s first year of operation. TransCanada spokesman Terry Cunha made things worse by claiming that pumping stations were not included in the risk analysis, which turned out to be wrong. Even if it were true, though, that wouldn’t be much comfort to landowners like Bob Banderet on the Keystone I route, or those who would be crossed by the proposed Keystone XL pipeline.

On May 29, not long after TransCanada checked other pump station fittings and got Keystone I running again, another pump station valve failed in Kansas. The twelfth spill was one too many for the safety officials at PHMSA. PHMSA, part of the Department of Transportation, shut down the pipeline and issued an unprecedented Corrective Action Order, lining out sixteen detailed actions TransCanada must take to keep the line operating.

PHMSA said that “failure to issue this Order expeditiously to require immediate corrective action would result in likely serious harm to life, property, and the environment.” PHMSA has never issued a Corrective Action Order to a new pipeline. In fact, in the last 25 years, PHMSA has issued just 48 corrective action orders on the 170,000 miles of pipelines it regulates; the average age of the cited pipelines was 45 years; and the newest pipeline ever

cited had been in the ground 25 years.

## 250,000 comments say Keystone XL isn’t safe or needed

Three days after PHMSA’s unprecedented order, the comment period ended on the State Department’s Supplemental Draft EIS on TransCanada’s proposed Keystone XL pipeline. The State Department refused to extend it despite what seemed to be a clear need to consider the continuing spills and the imminent threat from TransCanada’s Keystone I pipeline. Keystone I is owned and operated by the same company, with the same kind of pipe, carrying the same kind of tar sands sludge as Keystone XL. The State Department had allowed just 45 days for comment on the SDEIS, and refused to hold hearings along the pipeline route, despite repeated complaints by WORC and other groups. The groups argued that the State Department should give PHMSA time to figure out what’s wrong with Keystone I before moving forward with Keystone XL.

Despite the short comment period, a quarter of a million people submitted comments on the SDEIS, opposing State Department approval of the pipeline. Although those comments, and those of the Environmental Protection Agency, urge the State Department to go slow and make sure land and water will be safe from contamination by tar sands oil spills, members of Congress, led by Representative Lee Terry (R-Nebraska), are pushing legislation to force the

*“Tar Sands” continued on page 12*

# Farmers and ranchers are fighting for a fair deal, and you can help!

As the one-year anniversary of the release of proposed rules that will reform livestock and poultry markets approaches, independent livestock producers are fighting for those rules to be finalized on two fronts – against the meatpacking companies and industry organizations who are trying to kill the rules in Congress, and also for a commitment from the President to finalize the rules and implement them.

“We support [these] rules because they would address some of the unfair and deceptive practices packers use to control independent producers and lower cattle prices,” said Mabel Dobbs, a beef producer and chair of WORC’s Livestock Committee from Weiser, Idaho, in a letter to members of the House Representatives.

WORC will mark the one-year anniversary of the release of the proposed by joining with other producer and consumer organizations to flood the White House with calls urging the President to keep his campaign promise to “fight to ensure family and independent farmers have fair access to markets, control over their production decisions, and transparency in prices” with a timely completion of the proposed livestock market reform rules.

One year after the USDA released the proposed rule, independent farmers and ranchers are no closer to fair markets. Four multi-national meat packers control about 85 percent of the U.S. fed cattle market. Unfair and deceptive practices have contributed to the loss of more than half a million ranchers over the last 30 years.

Independent producers, poultry growers, and consumers are rallying in support of the rule to counter the fierce opposition of the meat packers, National Pork Producers Council, and National Cattlemen’s Beef Association, who are trying to kill the rule. The House passed the Agriculture Appropriations bill (H.R. 2112) on June 16, which would eliminate funding for USDA to continue work on the rule. The Senate is expected to consider the bill this summer.

In a concentrated market, it is imperative that clear, strong antitrust regulations ensure that all producers have access to the market, and that pricing mechanisms are fair.

“This is simply not the case today,” said Dobbs. “Our livestock markets are broken, costing family farmers and ranchers \$2 billion in 2006 alone, according to USDA.”

More specific rules are needed to define which practices are illegal under the federal Packers and Stockyards Act. The proposed rules lay out criteria the packers must follow to ensure that contracts they make with producers, feeders and growers are fair. These rules would help livestock producers in six major areas:

- Prevent packers from engaging in unfair trade practices that harm livestock producers and result in the elimination of livestock producers one at a time, or small groups at a time. It does this by defining “unfair, unjustly discriminatory and deceptive practices or devices.”
- Ensure GIPSA has the records needed to determine if packers are

engaging in the unlawful practices enumerated in the Packers and Stockyards Act. It does this by requiring packers to maintain written records that provide justification for differential pricing or deviations from standard prices offered to livestock producers.

- End discrimination against producers based on volume of cattle sold.
- Clarify that ranchers do not have to demonstrate that the entire industry has been harmed in order to end illegal practices and receive retribution.
- Restrict livestock buyers from acquiring cattle for more than one packer.
- Prohibit packers from selling livestock to each other.

—Sara Kendall

## TAKE ACTION

Make three calls to support family farmers and ranchers:

- Call the White House at 202-456-1111 between 7am – 3pm mountain time, and urge President Obama to ensure that USDA issues and starts enforcing the new Packers and Stockyards livestock fairness rules now. It has been over a year. No more delays!
- Call your Senators at 202-224-3121 (you will have to ask for their offices) and urge them to oppose any efforts to delay or kill the livestock fairness rules. It’s time independent farmers and ranchers got a fair deal!

# Livestock 101 - Terms and Definitions

The terms, company names and alphabet soup of concentration and competition in the livestock industry can seem very daunting. However, by familiarizing yourself with a few key terms and definitions, it can make the issue seem much easier to understand.

## Who are the players?

**Tyson Foods, Springdale, Arkansas.** Tyson Foods is the world's largest processor and marketer of chicken, beef, and pork and the largest food processing company in the U.S. This company, which boasts 5,835 contract farmers, is also the second largest publicly traded food company in the United States. Tyson bought the world's largest supplier of premium beef and pork products, IBP Inc. in 2001. Tyson's average weekly production in 2010 was 42.3 million chickens, 143,600 head of beef, and 389,800 head of pork.

**Cargill Meat Solutions Corp., Wichita, Kansas.** Cargill Meat Solutions is one of 75 businesses under Cargill Inc., the largest privately-held corporation in the United States. Cargill runs the biggest flour-milling company in the world, is a leading corn syrup and soybean processor, and has cocoa and chocolate operations on four continents. Cargill Beef is one of North America's largest beef processors, harvesting more than 7 million fed cattle and producing nearly 7 billion pounds of boxed beef and by-products each year. Cargill Meat Solutions would not release its beef sale data. Its parent company, Cargill Inc., reported \$88.3 billion in sales in 2009.

**JBS USA, Greeley, Colorado.** With 140 production facilities worldwide and over 120,000 employees, JBS is the largest animal protein processor in the world. JBS has production and processing plants in Brazil, Argentina, Italy, Australia, USA, Uruguay, Paraguay, Mexico, China and Russia. JBS USA is a subsidiary of the publicly-listed, Brazilian company, JBS SA. JBS USA owns more than two-thirds, a controlling interest, of Pilgrim's Pride Corporation, one of the largest chicken-producing companies in the world. JBS USA bought Swift (the-third largest packer) in 2007, then bought Smithfield (the fifth-largest packer and largest U.S. feedlot owner) in 2008, then bought Pilgrim's Pride, the largest chicken processor, in 2009. The company tried to buy National Beef Packing Co. in 2008, but the U.S. Department of Justice opposed the acquisition. The parent company, Brazil-based JBS S.A., is the largest beef packer in the world, with 54 processing plants on four continents.

**National Beef Packing Co., LLC, Kansas City, Missouri.** National Beef has grown from a single plant in Kansas in 1992 to the fourth largest beef packer in the United States.



## Categories of Cattle Feeding

**Feeder Calves.** Steers or heifers, weighing approximately 100-700 pounds. These animals may be on pasture after weaning or sold directly weaned off the cow.

**Cattle on Feed.** Cattle fed a ration of grain, silage, hay and/or protein supplement. They are typically shipped from their current location directly to slaughter market. They are expected to produce a carcass that will grade select or better.

**Fat Cattle.** Cattle under 30 months of age that are ready for slaughter and will move directly to the packing facility. Usually 1200-1500 pounds.

*“Livestock 101” continued on page 13*

everything we’ve been exposed to, and after 10 years and all of this impact, state agencies are only now investigating how contamination has moved into our soils, water and air.”

### **The slow regulatory response**

The Environmental Protection Agency is undertaking a comprehensive—and lengthy—review of hydraulic fracturing and its impacts on drinking water; preliminary results are expected at the end of 2012. Interior Secretary Ken Salazar has directed the Bureau of Land Management (BLM) to study its policies for oil and gas development on public lands. Now the Department of Energy is looking at fracking, too, after Secretary Steven Chu appointed an advisory subcommittee to come up with recommendations to “improve the safety and environmental performance of shale gas extraction...”

Last year, the Wyoming Oil and Gas Conservation Commission adopted a widely-publicized rule requiring oil and gas companies to disclose chemicals used in hydraulic fracturing—with a less widely publicized, but widely used, exemption that allows continued secrecy to protect “proprietary information.” Rules adopted by the Colorado Oil and Gas Commission require oil and gas companies to maintain an inventory of chemicals used at each well, which regulators can then require a company to turn over to public health officials in case of a spill or accident.

The Montana Oil and Gas Conservation Commission, pressured by consideration of a fracking disclosure bill in the Montana legislature earlier this year, has proposed a rule requiring disclosure of chemicals used in

hydraulic fracturing -- but like the rule adopted in Wyoming, the proposed Montana rule has a loophole for chemical mixtures that oil and gas companies claim are proprietary.

The Idaho Oil and Gas Conservation Commission, which has had nothing to regulate for many years, is scrambling to put together rules regulating fracking and other phases of oil and gas production, to cover a regulatory gap for that state’s fledgling oil and gas industry. The Texas legislature has just adopted a law requiring disclosure of chemicals used in hydraulic fracturing, but it has an exemption for proprietary information, and doesn’t take effect until 2013. California legislators are considering a more stringent bill.

—John Smillie

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### *“Powder River Basin Coal” continued from page 6*

I can smell the coal blowing off the trains when they pass by my pasture, and the buildup of coal dust regularly causes fires on this land. These fires, as well as the pollution of coal dust and diesel emissions, would significantly impact communities living near coal export facilities and any of the rail lines transporting the coal to these terminals.

Coal companies are required to reclaim or return the land to pre-mining condition. This does not happen quickly. For example, Black Thunder, the largest mine in the nation, has over 30,000 acres tied up under its permit and has only released 418 acres from the first phase of bond release. Overall, less than four percent of bonded acres have been fully reclaimed in Wyoming.

I am not against doing our part to provide energy to the country. We’ve already done and continue to do a lot in Wyoming, and we need to focus on clean and sustainable solutions to our energy needs. I have been in talks with wind developers about the construction of a utility scale wind farm on the ranch. And, as we transition away from fossil fuels to power America, Campbell County residents shouldn’t be paying the price to fuel emerging economies in Asia.

I sincerely hope when decisions to allow new coal export terminals are made that politicians and the coal companies themselves consider the impacts facing communities on the west coast as well as impacts faced by those of us living and working near the coal mines.

*L.J. Turner lives and ranches in Campbell County, Wyoming.*

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### *“Tar Sands” continued from page 9*

State Department to make a rushed decision, ignoring all of the safety concerns. The State Department has said it plans to make a decision on a permit for the Keystone XL pipeline by the end of 2011.

“The SDEIS, like the DEIS, fails to demonstrate a need for the pipeline sufficient to justify condemnation of landowners or a finding that the pipeline is in the national interest,” WORC said in its comments. “It fails to consider the risks specific to pipelines carrying tarsands or carefully assess the potential for contamination of land and water... TransCanada’s Emergency Response Plan for the XL pipeline is still unavailable for review and comment by affected landowners, nearby residents, first responders, and local government officials...[and] the SDEIS fails to clearly set out the procedures, agency responsibilities and liability at abandonment of the pipeline.”

—John Smillie

**Cull Cattle.** Cattle usually over 30 months of age that are withdrawn from the breeding herd and sent to slaughter.

**Producer to Consumer Spread.** The difference between the amount the producer is paid for feeder calves and the amount the consumer pays at the grocery store.

### **Kinds of Contracts**

**Forward Contract.** An agreement between the buyer and seller to deliver a certain number or weight of cattle at a certain time under certain circumstances.

**Formula Contracts or Formula Pricing.** Forward contracts that do not have a price attached at the time of sale. The price is determined in the future by a formula that is set by a number of conditions. Often this price is based or formulated on the cash or futures market on the week or day of delivery. Formula pricing allows packers to control a very large, unpriced supply of cattle; the timing of whose slaughter can be manipulated to create downward pressure on both the futures and cash markets.

**Production Contracts.** Contract by which a producer (sometimes called a grower) agrees to sell or deliver all of a designated commodity raised in a manner set forth to a processor in exchange for payment based on a formula typically tied to performance of the commodity.

**Marketing Contract.** Contract where a basis for the price is negotiated in advance and includes when and where the product will be delivered. The final price is based on product attributes, but the farmer retains major management control and ownership until delivery. Marketing contracts can be made at any time during the production process.

### **Types of Market Strategies**

**Captive Supply.** Animals in feedlot that are actually owned by the packer or animals the packer controls through forward contracts or formula pricing. By holding a large number of cattle “captive,” packers are able to fill their slaughter needs without having to bid for cattle in the open, public market.

**Contract Grower.** A person or business who has a contract or agreement to raise and care for animals, using their own labor and production facilities, according to another person’s instructions for nutrition, health and wellbeing of the animals. Animals under these contracts are sold for slaughter, and are not owned by the grower.

**Packer-owned Livestock.** A form of captive supply where livestock packers actually own livestock in feedlots. These packers can either own the livestock and pay a feeder operator to feed them or the packer may own the feeding operation as well.

**Vertical Integration.** The ability of a corporation or business to control a product from “the ranch to the dinnertable.” For example, Swift and Company feeds cattle on contract, owns meat processing plants, and distributes their branded product to retail outlets.

**Horizontal Integration.** When a firm has market shares in more than one commodity in similar industries. In agriculture horizontal integration occurs when one packer owns processing in beef, pork and poultry or any combination of the two. One most significant example of this was Tyson’s purchase of Iowa Beef Packers (IBP) in 2001 when they became the largest

packers of beef, pork and poultry--three protein sources.

### **Laws and regulatory authority**

**United States Department of Agriculture (USDA).** The governmental department responsible for developing and executing U.S. federal government policy on farming, agriculture, and food. It aims to meet the needs of farmers and ranchers, promote agricultural trade and production, work to assure food safety, protect natural resources, foster rural communities and end hunger in the United States and abroad.

**Grain Inspection, Packers and Stockyards Administration (GIPSA).** Facilitates the marketing of livestock, poultry, meat, cereals, oilseeds, and related agricultural products. It also promotes fair and competitive trading practices for the overall benefit of consumers and American agriculture. GIPSA is an agency under USDA and is charged with enforcement and oversight of the Packers and Stockyards Act.

**Packers and Stockyards Act of 1921.** A Congressional act implemented in 1921 to prevent unfair marketing practices in the beef industry and to strengthen existing antitrust laws. According to the act, discrimination, favorable/unfavorable treatment, monopoly ownership by packers, price fixing, and territory apportionment are illegal.

**Farm Bill.** Legislation that is passed about every five years and sets the framework for farm and food policy. Currently Congress is preparing for the upcoming 2012 Farm Bill.

**“GIPSA Rule.”** The 2008 Farm Bill included a requirement that USDA develop and enact rules to clarify and better enforce the Packers and Stockyards Act.

—Jeri Lynn Bakken

## Groups appeal BLM coal leasing

A group of federal coal leases being offered by the Department of Interior in the Powder River Basin of Wyoming and the Bull Mountains of Montana sparked a series of appeals in recent months filed by WORC’s member groups the Powder River Basin Resource Council and the Northern Plains Resource Council and its members and local chapters.

## Bull Mountain Landowners

In May, the Bull Mountain Landowners Alliance (BMLA) and Northern Plains Resource Council challenged a proposed sale of coal underlying 2,680 acres in the path of the Signal Peak Coal mine, a longwall deep mine operation between Roundup and Billings, Montana. The lease includes 61 million tons of federal coal, and opens access to an additional 72 million tons of adjacent private and state coal. Because the mine is an underground operation, landowners who operate their ranches and hold the deed on the surface above the coal are not able to exercise surface owner consent (see “Landowner Exercises Rights as Surface Owner” on the right).

Bull Mountain landowners are increasingly alarmed at the dramatic subsidence and cracking showing up as the young mine operation completes its first “panel” with the longwall method which removes the entire seam of coal and then lets the layers settle or subside over the 6-9 foot gap where the coal seam was previously. For landowners whose livelihoods depend on grazing cattle on grass and managing livestock in back country on horseback, such subsidence phenomena as cracks, slumps and instability render the land dangerous, effectively removing the surface above the longwall mine from productive use.

## Thunder Basin

In April, the Powder River Basin Resource Council appealed a BLM decision to approve the South Highlight Coal Lease-by-Application. Eighty-two percent of the proposed tract underlies the Thunder Basin National Grassland. It is part of a group of six proposed leases adjacent to the Black Thunder and North Antelope Rochelle mines in the southern Powder River Basin. Cumulatively,

## Wyoming Landowner Exercises Rights As Surface Owner

Dennis Edwards, whose ranch underlies much of a 1,156 acre parcel up for lease south of Gillette, adjacent to Arch Coal’s Coal Creek mine, exercised his right to say no—having his surface strip mined, blocking a portion of the pending BLM lease sale. Under the Surface Mine Control and Reclamation Act, as a result of the efforts of Powder River Basin Resource Council and Northern Plains Resource Council members, landowners whose deeded surface overlies federal coal were given the right to say no to strip mining. Since the federal coal to be leased under Edwards’ land was slated for strip mining, his refusal means that his land will remain intact, and he can continue to ranch on land he owns.

the tracts include 5 billions tons of federal coal reserves underlying over 36,000 acres of surface.

In its appeal to the Interior Board of Land Appeals, Powder River states that “It is imperative that BLM use the National Environmental Policy Act (NEPA) to take a ‘look before you lease approach’ to energy mineral development in the PRB and go back to the drawing board to consider ways to better protect the people, communities, land, air and water of the PRB.”

—Margie MacDonald

## Fair Market Value?

Federal law mandates that agencies managing coal garner fair market value. This is important to posterity, to the states and communities where the coal is mined and the impacts are felt (state’s receive a share of the lease), and to the taxpayers of the nation. Failure to diligently pursue fair market value on the part of the Bureau of Land Management in its coal lease sales is very costly, particularly at a time of historically high deficits.

The recent sale of the West Antelope II North tract in Wyoming’s Powder River Basin on May 11 raises questions. The lone bidder, Cloud Peak Energy, which operates an adjacent mine, received the coal at 85 cents/ton or \$297.7 million for the tract. The most recent federal leases sold in the Powder River Basin in 2005 went for 97 cents/ton, for coal of similar heating value. Coal prices have rebounded from the lows of the 2009 recession. The 12% drop in the bid received for West Antelope II is significant. It would have meant an additional \$41.8 million to state and federal coffers.

News of the lower-than-expected bid prompted financial firm, UBS, to raise its stock price target for Cloud Peak from \$26 to \$31 per share, according to Platt’s Coal Trader on May 16, 2011. It went on to quote industry analyst Shneur Gershuni: “It’s clearly a good thing from Cloud’s perspective; it was certainly below the range that we were looking at. Anytime you want attractive land and pay less for it than expected, that has a good impact from a [discounted cash flow] perspective.”

“WORC is pushing for greater public scrutiny of how BLM is determining Fair Market Value for the public’s coal and will continue to push for this in the months to come,” said Ellen Pfister. “It is a subject that calls out for Congressional oversight and investigation.”

# Organizing Nuts & Bolts

## Inside and Outside Organizers

The following material is a synopsis of a chapter that appears in Lee Staples' book on grassroots organizing entitled "Insider/Upsider Upsides and Downsides."<sup>1</sup> Every organizer and leader should read this book.

Staples says his goal is not to demonstrate that an organizer from inside the community is better or preferable to an organizer who comes from outside the community. "Rather, it's important to understand the pluses and minuses of each along with guidelines so that organizers in either situation can maximize their assets while preparing for and minimizing their difficulties."

### Potential upsides to organizers from outside the community

- More clarity about their role and fewer temptations to stray from the organizer's responsibilities (e.g., not be a spokesperson, not make decisions, etc.).
- Have a license to ask tough questions, many of which might never occur to group members.
- Less likely to fall into the "personal issues trap" (e.g., overly involved in an issue of personal concern or a "pet issue").
- Make few assumptions and take little for granted.
- Can contribute external examples of success.
- Can bring a new perspective and energy that stimulates action.
- Have the distance needed to separate private life from work responsibilities.

### Potential downsides to organizers from outside the community

- Not a community role model. While they may model certain ways of thinking and behaving, they always will be different in a fundamental way.
- Do not have direct experience with the everyday conditions faced by community members. (This can lead to a pre-occupation with organization building at the expense of winning issues.)
- Must work hard to overcome problems related to legitimacy and trust.
- Must overcome distance and detachment.
- Can make errors of assumption about the community based on ignorance.

### Potential upsides to organizers from inside the community

- Usually start with broader and deeper knowledge about the community.
- Easier to establish legitimacy and trust (e.g., cannot be branded as "outside agitators").
- Have role flexibility. Can combine or separate leader and organizer roles.

- Unique ability to recruit and mentor new leaders.
- Bring the lived experience of being part of the community.
- Already have contacts and linkages in the community.

### Potential downsides to organizers from inside the community

- May assume too much (or in the extreme believe they know it all) and thus dismiss certain individuals, constituencies or issues.
- May undermine leaders by stepping into the breach.
- Can create role confusion for both organizers and leaders.
- Can over identify with a pet or personal issue, resulting in a loss of objectivity, lack of role clarity, etc.
- Must negotiate tricky dynamics and pitfalls (e.g., their personal history may come with some baggage).
- Strong personal relationships may pose great difficulty unless clear roles are established.

<sup>1</sup>Staples, L. (2004). *Roots to Power: A Manual for Grassroots Organizing* (Second Edition). Westport, CT: Praeger. \$26.95.

—Kevin Williams

# WORC

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## PUBLICATIONS

### **BOUND TO FAIL: THE COSTS AND RISKS OF CAPTURING AND SEQUESTERING CARBON FROM COAL-FIRED POWER PLANTS**

White Paper by WORC discusses why carbon capture sequestration technology is a risky and ineffective solution to reducing our nation's carbon emissions

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

Report by Dr. E. Neal Blue analyzes 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

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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

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

## CALENDAR

PRINCIPLES OF COMMUNITY ORGANIZING TRAINING  
Brookings, South Dakota..... July 20-23

POWDER RIVER BASIN RESOURCE COUNCIL HARVEST FESTIVAL  
Sheridan, Wyoming..... September 10

OREGON RURAL ACTION ANNUAL MEETING  
La Grande, Oregon..... October 8

WESTERN COLORADO CONGRESS ANNUAL MEETING  
Grand Junction, Colorado..... 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