

# WESTERN ORGANIZING REVIEW

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## North Dakota Farmers March to Miami

### *Tom Wiley To Speak Against FTAA*

North Dakota farmers Tom Wiley, George Barnes and Todd Leake will join tens of thousands of citizens from across the Western Hemisphere to say “Yes to Healthy Communities and a Fair Trade Economy; NO to the Free Trade Area of the Americas” (FTAA) at the FTAA Ministerial in Miami, Florida, November 16-22.

Just two months shy of the 10<sup>th</sup> Anniversary of the North American Free Trade Agreement (NAFTA), trade negotiators from North America, South America, and the Caribbean are meeting to begin talks that would expand NAFTA to 34 countries.

Wiley will promote WORC’s goals for fair, equitable and sustainable trade.

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*“I want to find trade solutions that will benefit all of us. Solutions that force any of us off our land are not true solutions.”*  
-- Tom Wiley

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“I hope to impress upon folks, especially our foreign guests, that the American farmer is not the enemy,” said Wiley. “We are struggling to survive just like farmers all over the world. Many of us are horrified by the tactics our own government uses to force our products into markets — even products that our customers may not want.

Yes, I want a market for what I produce. And, yes, I want to be able to make a good living at doing what I love. But I am also concerned about farmers in other countries. They are my brothers. They have families and love their land and way of life just like I do. I want to find trade solutions that will benefit all of us. Solutions that force any of us off our land are not true solutions.

On Tuesday, November 18, Wiley will speak to Trade Ministers informing them of the dangers of genetically modified crops. On Wednesday, he will be part of panel devoted to educating fellow fair trade advocates about the issues independent farmers face with the introduction of genetically modified seed.



PHOTO COURTESY OF DAKOTA RESOURCE COUNCIL

Tom Wiley, member of Dakota Resource Council, will travel to Miami to speak out against the Free Trade Area of the Americas agreement.

Todd Leake and George Barnes, who are also DRC members, join Wiley in Miami to participate in educational workshops and rallies in opposition of the FTAA, while sharing WORC’s vision of fair trade with other farmers, workers and fair trade organizers from across the Western Hemisphere.

– Jeri Lynn Bakken

*For regular updates on the progress in Miami to stop FTAA, log on to [www.worc.org](http://www.worc.org). Anyone opposing FTAA is encouraged to sign a ballot and vote*

**YES to healthy communities and a fair economy, NO to the Free Trade Area of the Americas**

*Fill out a ballot online at [www.worc.org](http://www.worc.org) by clicking on “There is nothing free about free trade. Stop the FTAA.”*

WESTERN ORGANIZING REVIEW

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## Life, Liberty, Property—and Methane

**Shane Kolb**

**W**hen drafting the Declaration of Independence, our founders recognized that all men have certain inalienable rights, among which are life, liberty and the pursuit of happiness. These are natural rights, they are part of our nature, created by God and they cannot be taken away. The Constitution substitutes “property” in place of the Declaration’s “pursuit of happiness”. We need not know much about government to understand the significance of this provision. Life, liberty and property are precious. They are natural rights.

In the quest to satisfy America’s energy demands, current proposals for energy development do little to preserve the natural rights of property owners. In reality these proposals actually strip us of these rights.

For example, the oil and gas title of the Domenici-Tauzin energy bill attempts to shut landowners out of the permitting process. Section 349 of this bill encourages the Secretary of the Interior to approve drilling permits quickly, regardless of flaws. With such a time limit, there is no opportunity for landowners to review the application and address legitimate concerns.

James Madison, chief author of the Constitution, explained that the “right to property” is a kind of summary right; in it are contained all other rights. Property, Madison said, is not just the material things we own. We have a right to much more, our opinions for example. We have a right to use our ability to make a living, a right to use our minds to learn. But, along with rights, go obligations. If you want to eat, be productive. If you want to learn, study. If you want to express your opinion, be a part of the process. By shutting property owners out of the permitting process, this takes away a natural right.

Coalbed methane is touted by many to be the answer to America’s short term energy needs. Much of the proposed methane development will be on private lands, where the federal government owns the underground minerals. Current law treats oil and gas differently than coal or other hard rock minerals where surface owners must give consent before federal minerals can be leased.

When federal oil and gas is leased, landowners have limited power to ensure responsible development on their land. Requirements that lessees con-

sult with landowners about the placement of roads, pipelines or powerlines and the disposal of millions of gallons of wastewater are weak and rarely enforced. Families with several generations’ worth of time, money and labor invested in their farms and ranches face untold damages to their property and their livelihoods.

While corporate energy development is looking at a short term solution to meeting energy needs, our long term rights as property owners are being taken away. It is reasonable to expect that oil and gas will continue to play a role in meeting America’s energy needs. We should not be opposed to energy development if it is developed responsibly, in a manner that does not sacrifice the natural rights of property owners. Let your Congressmen know they cannot compromise the Constitution for a few years of energy development.

Over two hundred years ago, Alexander Hamilton expressed his feeling about the natural rights of people in this statement: “The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.” Let’s hope that our current lawmakers keep this in mind.

*Shane Kolb is the Chair of WORC. Shane ranches with his wife, Kathy, and their two sons in Meadow, South Dakota. Shane is the Vice-Chair of Dakota Rural Action.*



## Bits & Pieces

### **MVRC Wins on Mercury**

Anglers throughout North Dakota can now obtain fish consumption advisories wherever they buy their fishing license thanks to a successful campaign by Missouri Valley Resource Council (MVRC), an affiliate of **Dakota Resource Council**.

North Dakota's Department of Health initiated the program in response to MVRC's request for more accessible information on the safe eating of fish.

The state also changed its advisories to admit for the first time that "the burning of fossil fuels and waste incineration" is one cause of mercury contamination in fish.

— Mark Trechock, Staff Director, DRC

### **Northern Plains members surprise BLM**

20 members of the **Northern Plains Resource Council** showed up unexpectedly at the Bureau of Land Management state office on October 29, to meet with the director even though their meeting had been canceled the day before. State Director Marty Ott welcomed the group and listened for about an hour as members vented their frustration and aired concerns about coalbed methane development.

"Coalbed methane will never be taken care of in our lifetime," said Ray Muggli, a Tongue River rancher, "Soil is not a renewable resource."

Ott said legal reasons prevented him from responding directly to the group's concerns. But, he said that their comments would be considered along with others when he makes a decision.

— Amy Frykman, Communications Coordinator, Northern Plains

### **Mining Activists Recognize WORC**

WORC was awarded a plaque recognizing its assistance and support to the Western Mining Action Network (WMAN) at a conference in Vancouver in October.

WORC has acted as fiscal sponsor for WMAN in past years. WORC Regional Director Pat Sweeney is a founding member and is on the steering committee of WMAN.

WMAN is a network of more than 100 organizations from the U.S. and Canada that seek to protect local communities from irresponsible mine proposals and reform government policy and corporate practices.

### **Coloradans protest at federal workshop**

Members of **Western Colorado Congress**, wearing "Our land, their profit" stickers, rallied outside an all day workshop involving the Colorado Oil and Gas Association and federal agencies. The workshop, which focused on streamlining the application for permits to drill oil and gas, was sponsored by the Bureau of Land Management.

"Landowners did not receive invitations," said Peggy Utesch, president of Grand Valley Citizens Alliance, a chapter of Western Colorado Congress. "Ranchers who hold grazing permits for federal lands weren't invited to share their concerns about increased gas drilling on federal lands. The public is not getting equal treatment."

— DeAnna Woolston, Organizer, Western Colorado Congress



Western Colorado Congress organizer Mark Schofield, dressed as a gas man, lies in bed with Uncle Sam (WCC Senator Dean Moffatt) to protest U.S.'s dealings with the gas industry.

## Meetings and Conventions

### **Kucinich to be keynote speaker at Northern Plains' Annual Meeting**

Ohio Congressman Dennis Kucinich is scheduled to be the keynote speaker at **Northern Plains'** Annual Meeting on Saturday, November 22. Kucinich will speak on agriculture and the need for mandatory labeling of genetically modified foods.

The annual meeting, which will be held November 21-22, will also include a panel discussion on the Good Neighbor Agreement, a coalbed methane landowners workshop, and a leadership skills training.

Gloria Flora, keynote speaker on Friday, will discuss her experiences as a supervisor for the U.S. Forest Service and the challenges of public involvement in policymaking.

— Sherri Bruhn, Development Coordinator, Northern Plains

### **"More People, More Profits" conference held in South Dakota**

**Dakota Rural Action** recently held its first annual "More People, More Profits" conference. The conference, was billed as "a gathering to explore agricultural development in South Dakota that focuses on the creativity, history, and resilience of our people rather than corporate money and control."

Audrey Arner from Montevideo, New Mexico, spoke about the need for family farms and ranches to have clear goals. Farmers and farm advocates held a panel to discuss ag issues.

— Frank James, Lead Organizer, DRA

### **31<sup>st</sup> Annual Meeting at Powder River Basin Resource Council**

**Powder River Basin Resource Council** held its 31st Annual Meeting on November 15, focusing on "Ranching, Recreation and Resource Protection... Uniting for Wyoming's Future." Speakers at the event included Teddy Roosevelt IV and Bill Bullard from R-Calf USA.

### **Dakota Resource Council welcomes speaker Michael Noble**

Michael Noble, of Minnesotans for an Energy Efficient Economy, was keynote speaker at **Dakota Resource Council's** Annual Meeting on October 25. He addressed

## **2003-04 WORC Calendar**

*Northern Plains Resource Council Annual Meeting*  
Billings, MT ..... November 21-22

*WORC Board and Staff Meeting*  
Billings, MT ..... December 4-6

*Idaho Rural Council Annual Meeting*  
Delco, ID ..... January 17, 2004

*Advanced Community Organizing and Leadership Training*  
Billings, MT ..... February 5-7, 2004

*Principles of Community Organizing Training*  
Fargo, ND ..... April 24-27, 2004

*WORC Board and Staff Meeting*  
Deadwood, SD ..... June 3-5, 2004

one of the themes of the annual meeting: the future of clean energy in North Dakota.

A panel was also held to discuss whether North Dakota is ready for the release of genetically modified wheat.

— Mark Trechock, Staff Director, DRC

### **Oregon Rural Action holds 3<sup>rd</sup> Annual Convention**

On November 1, **Oregon Rural Action** held its third annual convention, *Creating Communities That Work*. The day-long convention included meetings, workshops, and strategic planning sessions.

Keynote speaker at the event was Teri Blanton, from Kentuckians for the Commonwealth. Teri spoke about her experience educating people in her area and the state of Kentucky about the harmful effects of PCB's and other hazardous chemicals.

— Jane Sabin-Davis, Staff Director, ORA

### **Author John Nichols spoke at Western Colorado Congress' Annual Meeting**

**Western Colorado Congress** held its 23rd Annual Meeting on October 4<sup>th</sup> in Grand Junction. John Nichols, author of *The Milagro Beanfield War* was keynote speaker for the event.

Two panel discussions focused on efforts to change the rules that govern energy development in Colorado, and the prospects of renewable energy playing a larger role in meeting our national energy needs.

# Agriculture, Labor, Conservation Unite to Stop FTAA

## *Billings, Bismarck En Route to Miami*

The Blue/Green Machine rolled into Billings and Bismarck in October when the Northern Plains Resource Council and the Dakota Resource Council hosted *March to Miami* events. The Blue/Green Machine, a bus painted to represent opposition to the Free Trade Area of the Americas (FTAA), led a national, seven-week, city-to-city tour to promote fair trade with a series of forums, marches, and media briefings.

FTAA would expand the failed North American Free Trade Agreement (NAFTA) to every country in North America, South America, and the Caribbean except Cuba.

Throughout the events, one message rang clear—independent agricultural producers and the workers of this country need a fair trade system.

“We know what a disaster NAFTA has been,” Linda Rauser, Dakota Resource Council Chair, told fair trade supporters at the Bismarck event October 8.

Two days earlier, Dena Hoff, a member of Northern Plains, told about 50 supporters, “NAFTA didn’t work, yet our leaders are replicating the experiment over and over again, and always with the argument that we’ll end up with prosperity for U.S.

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*“We are here to insert our homegrown sanity and common sense back into the conversation by shining a light on NAFTA’s failures and demanding accountability from our leaders.”*

*- Dena Hoff, Northern Plains member*

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farmers and workers. That, my friends, is insanity. We are here to insert our homegrown sanity and common sense back into the conversation by shining a light on NAFTA’s failures and demanding accountability from our leaders.”

Other groups participating in the events included the Montana Community Labor Alliance/Jobs for Justice, Montana AFL-CIO, North Dakota AFL-CIO, Greater Yellowstone Central Labor Council, North Dakota Farmers Union and WORC.



*Shane Kolb, Dena Hoff, and Peter Mickelsen pose next to the Blue/Green bus in Billings, on October 6.*

“WORC supports a FAIR trade system that strengthens the health, food security, land stewardship, working conditions and labor rights of all countries,” said Shane Kolb, WORC’s Chair. “Preservation of local economies must be considered in all trade agreements. Only then will we see a vibrant national economy and a healthy global community.”

Speakers at the events encouraged participants to act. “We must send the message loud and clear to our Congressmen, U.S. Trade Representative and other decision makers that we do not want to see further corporate control of our food and the way it is produced,” Kolb said. “We do not want an expansion of an already failed model of trade like NAFTA. We do not want FTAA!”

The *March to Miami* began in Seattle September 26 and ends in Miami November 18.

*-Jeri Lynn Bakken*

# 'Clock is Ticking' for Beef, Pork Checkoffs

## Appeals Courts refuse to rehear beef case, affirm pork decision

Family farmers and ranchers took two giant steps closer to freedom from the unconstitutional beef and pork checkoffs after two appeals court decisions in October. In back-to-back blows to checkoff proponents, the 8<sup>th</sup> Circuit Court of Appeals refused to reconsider its earlier decision striking down the beef checkoff, and the 6<sup>th</sup> Circuit Court of Appeals affirmed a federal judge's ruling that the mandatory pork checkoff program is unconstitutional.

"Once again, the courts have agreed with us that the beef checkoff is unfair, undemocratic, and unconstitutional," said Mabel Dobbs, a rancher from Weiser, Idaho, speaking for WORC.

Most of the one-dollar per head checkoff fees are spent by or channeled through the National Cattlemen's Beef Association (NCBA) or its state affiliates. 90% of the NCBA's budget consists of checkoff funds.

WORC and the Livestock Marketing Association brought the case to challenge the constitutionality of the program, which forces ranchers and farmers to



pay the fee even if they oppose the groups, projects or messages funded with their money.

A three-judge panel of the 8<sup>th</sup> circuit ruled for WORC and the Livestock Marketing Association in July. It affirmed a district judge's decision that the beef checkoff forces cattle producers to pay for speech with which they disagree.

In October, the full 8<sup>th</sup> Circuit rejected a request for a rehearing by the defendants in this case, U.S. Department of Agriculture Secretary Ann Veneman and the Cattlemen's Beef Board.

## Pork checkoff closer to the brink, too

The decision in the pork checkoff case "is a huge victory for independent family farmers," said Rhonda Perry, a hog farmer member of the Missouri Rural Crisis Center and CFF spokesperson. "The pork checkoff has forced family farmers to pay into a program that supports corporate concentration, industrialization and the factory farm system of livestock production, which drives family farmers out of business. The end of the checkoff is long overdue."

The Campaign for Family Farms and WORC each say further appeals by the defendants will waste time

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*"Once again, the courts have agreed with us that the beef checkoff is unfair, undemocratic, and unconstitutional."*

— Mabel Dobbs, rancher, Weiser, Idaho

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and perpetuate violation of the First Amendment. "It's time to stop forcing ranchers and farmers to pay for this unconstitutional program," said WORC's Mabel Dobbs. "Instead, we need a beef promotion program that is voluntary, fair, and constitutional."

The defendants asked for a stay of the appellate court's order ending collections of the checkoff while they prepare a petition asking the Supreme Court to take the case. They have 90 days (until mid-January) to file. The Appeals Court granted the stay and will allow collections to continue pending appeal.

The Supreme Court will decide whether to hear the case sometime in the spring of 2004. If it refuses to take the case, checkoff collections would end immediately. If it hears the case, briefing and argument would probably be in the fall of 2004, with a final opinion in the spring of 2005.

"Either way, the clock is ticking toward the end of the checkoff," Dobbs said.

—John Smillie

# GM Wheat Would Severely Depress U.S. Wheat Industry

## WORC Releases First U.S. Market Study

A new study released by WORC paints a grim picture for the U.S. wheat industry if genetically modified (GM) hard red spring wheat is introduced in the near future. The study, prepared by Dr. Robert Wisner – a leading grain market economist at Iowa State University – predicts the commercial introduction of GM wheat in the next two to six years would result in a loss of 30 to 50% of U.S. export markets.

“While there are many unknowns about genetically modified wheat, one thing’s for certain,” said Montana wheat farmer Helen Waller, a member of the Northern Plains Resource Council. “Commercial introduction into Montana, North Dakota, and other wheat-producing states could result in our wheat commanding only feed grain prices, consequently reducing our market price by a third. And that will put farmers like myself out of business.”

At issue is a GM variety of hard red spring wheat produced by Monsanto. 40% of U.S. hard red spring wheat is exported, primarily to Asian buyers who have repeatedly indicated that they will not buy genetically modified wheat.

“Dr. Wisner’s report confirms our worst fears,” said North Dakota Senator April Fairfield, who has worked

in the last two legislatures to give North Dakotans a say in whether and how GM wheat should be released. “His research demonstrates that the introduction of GM hard red spring wheat will devastate our ability to export this high quality, high gluten wheat, reducing this valuable commodity to little more than livestock feed.”



Dr. Robert Wisner

### Consumer choice is the issue

Other key findings of the study are:

- U.S. average hard red spring wheat prices would be forced down to feed-wheat price levels, approximately one-third lower than the average of recent years.
- Durum and white wheat exports and prices also would likely face substantial risk; other classes of wheat would face slightly lower risk.
- Loss of wheat export markets would lead to loss of wheat acreage; loss of revenue to industries supplying inputs to wheat producers; losses for other rural farm-related and non-farm businesses, local and state government tax revenues, and institutions supported by tax revenues; and diminished economic health of rural communities and state governments in the spring wheat belt.

A large majority of foreign consumers and wheat buyers do not want GM wheat,” said Dr. Wisner. “Right or wrong, consumers are the driving force in countries where food labeling allows choice.”

“Our wheat customers in many nations and regions have told us directly that they will not purchase GM wheat and will go elsewhere to procure their wheat supplies,” said Todd Leake, a Grand Forks, North Dakota area wheat farmer speaking for the Dakota Resource Council. “In a world awash in cheap wheat, it’s not hard to find another country to gladly take that wheat business away from us.”

— Amy Frykman and John Smillie



Helen Waller and her family stand in their wheat field near Circle, Montana. Helen says foreign wheat markets will be lost if genetically modified wheat is introduced.

# Fighting For Responsible Coalbed Methane Development

## ***Oil and Gas Companies Granted Intervenor Status***

In early October, a Montana federal magistrate granted intervenor status to several CBM companies and the state of Wyoming in a lawsuit filed by WORC, the Powder River Basin Resource Council, the Wyoming Outdoor Council, and the Natural Resources Defense Council.

WORC's lawsuit argues that Bureau of Land Management (BLM) has failed to protect water resources and landowners impacted by coalbed methane development. The companies and the State of Wyoming are siding with the BLM. Intervenor status allows them to argue alongside the BLM as the lawsuit progresses.

## ***U.S. Supreme Court Affirms Methane Wastewater is a Pollutant***

On October 20, the U.S. Supreme Court upheld an appeals court ruling that salty water discharges from CBM wells are a pollutant, subject to the Clean Water Act. The case stems from an April ruling by the 9th Circuit Court of Appeals that was appealed by Fidelity Exploration and Production Company, a Colorado firm operating in Montana. The Supreme Court refused to hear Fidelity's appeal, affirming the 9th Circuit Court's ruling.

"The Supreme Court's decision is a huge victory for Montana," said Roger Muggli, member of Northern Plains' CBM task force. "We shouldn't have had to go through all this in the first place. A responsible company would have gotten a permit instead of blatantly ignoring the law."

Northern Plains filed the original citizen suit against Fidelity in June 2000, for discharging methane wastewater into Montana's Tongue River without a permit.

"Fidelity violated the Clean Water Act, illegally dumping their wastewater into the Tongue River," said Muggli. "It's time for Fidelity to realize it is not above the law and cannot contaminate our rivers and streams at will."

## ***Montana Agencies Charged With Violating State Constitution***

Northern Plains, Tongue and Yellowstone Irrigation Districts, and Montana Environmental Information Center have asked Montana state court to issue an injunction against the Department of Environmental Quality, De-

partment of Natural Resources and Conservation, and Board of Oil and Gas Conservation to prevent the agencies from approving further methane development until "such development will be in accordance with the law."

The basis of Northern Plains' suit is that a state-approved CBM plan unconstitutionally allows methane

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*"It's a slap in the face to all Montanans that the state's willing to violate our constitutional rights in favor of this new industry."*

*-- Wally McRae, Northern Plains*

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companies to waste billions of gallons of groundwater and violate air and water quality standards.

"It's a slap in the face to all Montanans that the state is willing to violate our constitutional rights in favor of this new industry," said Wally McRae, Northern Plains member. "Doing it right means having a framework for responsible CBM development—this sure isn't doing it right."

## ***BLM Methane Expansion Plans Protested***

Northern Plains has filed an official protest with Marty Ott, Montana State Director of the BLM, asking him to reverse his approval of expanded CBM development near Decker, Montana.

At issue is the BLM's completion of an environmental assessment (EA) and approval of Fidelity Exploration and Production Company's request to drill 178 additional coalbed methane wells. Many of the wells will be drilled on private land owned by Northern Plains' members.

Federal law requires the BLM to provide the public with notice and an opportunity to comment. However, the EPA prepared an EA without the public's knowledge.

"BLM has a solemn moral and legal responsibility to involve landowners and the public when it approves methane projects," said Mark Fix, chair of Northern Plains CBM task force.

*—Kevin Williams*

# Dakota Resource Council Sues for Clean Air

## *EPA Fails to Protect North Dakota's Air*

**O**n September 30, Dakota Resource Council filed a lawsuit in Denver against the U.S. Environmental Protection Agency (EPA) for failing to protect air quality in some of the most pristine areas in North Dakota and Montana, including the Theodore Roosevelt National Park. These areas, designated as Class I areas under the federal Clean Air Act, include national parks, wilderness areas and some Indian reservations.

EPA has known for three years that sulfur dioxide (SO<sub>2</sub>) pollution is exceeding national limits in North Dakota and Montana Class I areas but failed to require North Dakota to take action to reduce emissions. Coal-fired power plants in North Dakota spew 140,543 tons of SO<sub>2</sub> into the air every year. North Dakota ranks 20<sup>th</sup> in the nation for SO<sub>2</sub> emissions despite having only seven power plants. North Dakota is first in SO<sub>2</sub> emissions among western states.

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*"We're just asking the court to tell EPA something very simple: Do your job."*

– Dean Hulse, Dakota Resource Council

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Many of North Dakota's power plants are "grandfathered" under the Clean Air Act, meaning they don't have to comply with the laws tougher emission standards. Some of the power plants have increased their emissions since they were permitted. Others have added pollution controls to reduce SO<sub>2</sub> emissions, although not enough to solve the problem.

Sulfur dioxide is one of several air pollutants governed under the Clean Air Act. Sulfur dioxide pollution is linked to asthma and other respiratory problems. A state study conducted in 2000 showed that children in North Dakota's coal-burning counties suffered more asthma and respiratory illness than in unaffected counties.

According to the Clean Air Act, EPA must require states to remedy any violation of the Class I air standards. In 2001, the EPA found that SO<sub>2</sub> emissions from North Dakota were contributing to air pollution violations in Theodore Roosevelt National Park and Lostwood Wildlife Refuge. However, the EPA has not required the state to take any action to reduce the pollution.



"Cleaning up our air, particularly in our national parks, is in everyone's best interest," said Dean Hulse of Fargo. "If pollution is reduced, it won't just be the parks that benefit—we will all breathe cleaner, healthier air, and jobs would be created if plants were required to modernize."

EPA has been aware of the pollution violations since 1999 when the North Dakota Department of Health analyzed SO<sub>2</sub> air pollution in the state. Since then, the Department of Health and Basin Electric (a generation and transmission cooperative) have worked together to make the violations disappear: not by reducing emissions but by changing the computer models to make it appear that the violations never existed. EPA has found the state's efforts to change the modeling methods unacceptable.

"EPA was supposed to be the watchdog but has let us down," said Hulse. "We're just asking the court to tell EPA something very simple: Do your job."

"We want to see North Dakota remain an energy powerhouse," said Terrence Kardong, chair of the DRC Energy Policy Committee. "But we need to realize that our brightest hope for new energy development lies in our world-class wind resource. Instead of wasting resources on keeping the air dirty, the state should get behind the goal of modernizing our current power plants – and should do more to foster our abundant clean energy resource."

–Kevin Williams

# Energy Bill Is Bogged Down Again

## *WORC and Allies Draw Attention to Controversial Provisions*

Congress is attempting to put the finishing touches on the energy bill, but these efforts are being stymied by a few issues upon which key players have been unable to agree.

*“Some lawmakers apparently assume we can fill the pork barrels, grease the permitting processes, and drill our way to energy independence.”*

—Joan Kazmerzak, South Dakota landowner

As the House-Senate conference committee becomes bogged down over divisions on issues such as tax policy and ethanol, WORC and its allies are drawing attention to many controversial provisions that the conference chairmen, Senator Pete Domenici (R-NM) and Representative Billy Tauzin (R-LA), have agreed to include in the final bill—including some new provisions that were not included in either the bills passed by the House and Senate.

“In truth, [this bill] would trample private property rights, threaten water resources, limit participation in energy development decisions, and toss only a fraction of funds towards renewable energy,” said Joan Kazmerzak, member of WORC’s Energy Issue Team. “Some lawmakers apparently assume we can fill the pork barrels, grease the permitting processes, and drill our way to energy independence.”



### **Federal Condemnation Power**

The bill grants the federal government the power to take private land for electric transmission lines (known as “eminent domain” authority.) This provision would circumvent provisions in state laws that are fairer to landowners, such as giving the landowners right to sell an easement rather than title for the land that is used, and the right to be compensated for damages to property that is not directly affected by a transmission line.

### **Rubber-Stamped Permits**

The bill would also require the Bureau of Land Management (BLM) to approve oil and gas drilling permits within a matter of days, leaving surface owners and neighboring landowners little opportunity to review these permits and propose modifications. This provision would hamstring the BLM’s ability to carefully evaluate drilling proposals, and may result in more appeals that are expensive and time-consuming for both energy companies and impacted landowners.

Although Senator Domenici and Representative Tauzin apparently have finished writing these and many other provisions, the legislation still has a long way to go before it is passed into law. Domenici and Tauzin have scheduled and then cancelled a final meeting of the conference committee several times in a failed attempt to force conclusion of the remaining issues.

The timeframe for completion of the conference committee’s work is now completely up in the air.

—Sara Kendall

# America Deserves a Better Energy Policy

**Joan Kazmerzak**

Congress should rethink the pending energy bill. The Domenici-Tauzin bill plays into Americans' worries of energy dependence on the Middle East and future blackouts, and hands out an enormous gift to the oil, gas, coal, and nuclear industries. In truth, it would trample private property rights, threaten water resources, limit participation in energy development decisions, and toss only a fraction of funds towards renewable energy.

In particular, the bill would:

- Allow the federal government to take private property to build electric transmission lines.
- Remove oil and gas construction activities from the Clean Water Act's pollution controls, resulting in unregulated discharges of chemicals into waterways.
- Force taxpayers to bankroll nearly \$20 billion in special interest tax breaks and subsidies for already rich oil, gas, coal, and nuclear companies.
- Repeal a key consumer protection law for electricity customers and open the door to more Enron-type abuses and California electricity disasters.
- Cut impacted landowners and residents out of the permitting processes.
- Spend very little on renewable energy.

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*It's time to move towards an energy system that will not run out, cannot be cut off, supports a vibrant economy, and safeguards our health and land, air, water, and wildlife.*

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Some lawmakers apparently assume we can fill the pork barrels, grease the permitting processes, and drill our way to energy independence. But this assumption ignores reality – domestic supplies of these fuels will not meet America's long-term energy needs.

For example, the entire amount of recoverable coalbed methane gas from neighboring Powder River Basin in Wyoming would supply our domestic needs for about a year.

Cutting the environmental review process and opening access to public lands in the Rockies to drilling would increase supplies by less than one percent, provide no immediate price relief, and save the average U.S. household only \$5 a year by 2020, according to a resource economist.

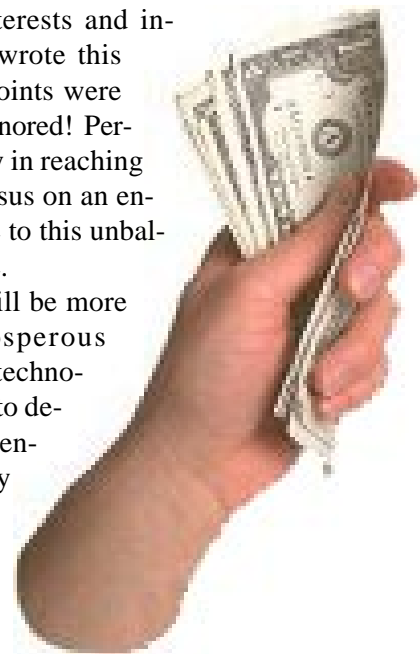
Corporate interests and industry lobbyists wrote this bill. Other viewpoints were unwelcome and ignored! Perhaps the difficulty in reaching a national consensus on an energy policy is due to this unbalanced perspective.

Americans will be more secure and prosperous when we use our technological ingenuity to develop renewable energy and efficiency measures, ensure that oil and gas production is done right, and work to wean ourselves from a dependency on fossil fuels.

Wind energy is now cheaper per kilowatt-hour and clean when compared to coal.

It's time for lawmakers to focus on a policy that powers industry for the long term. It's time to move towards an energy system that will not run out, cannot be cut off, supports a vibrant economy, and safeguards our health and land, air, water, and wildlife. It's time to create a more responsible energy policy.

*Joan Kazmerzak is a member of WORC's Energy Issue Team and of Dakota Rural Action. She is a landowner from Kingsbury County in Eastern South Dakota.*



# Senate Fights For Meat Labeling

## *Country of Origin rules fix some problems but inflate cost estimates*

The United States Senate voted 58-36 for consumers right to know and choose the origin of their food, on November 6. The vote came on an amendment by U.S. Senators Mike Enzi and Craig Thomas (R-WY), Tom Daschle and Tim Johnson (D-SD), Byron Dorgan and Kent Conrad (D-ND) and Max Baucus (D-MT). The amendment instructs agriculture appropriations conferees to remove language from the final agriculture spending bill that prohibits USDA from spending funds to implement mandatory Country of Origin Labeling of meat.

WORC joined 135 agriculture and consumer groups in asking Congress to maintain full funding for the implementation of Country of Origin Labeling in early October. The coalition, representing more than 50 million Americans, sent the letter to Senate members requesting their support of the Daschle-Enzi-Johnson resolution.

### **USDA ignores labeling benefits**

Consumer and agricultural organizations found some good news and some bad news in draft regulations for mandatory Country of Origin Labeling issued in late October by USDA.

Americans for Country of Origin Labeling (ACOL), a national alliance of WORC and other agricultural and consumer organizations, believes that USDA grossly overestimated implementation costs and severely discounted evidence of the value of labeling to consumers and producers. But WORC, R-CALF and other groups in the alliance believe USDA improved the rules significantly, compared to the guidelines published one year ago to govern the voluntary labeling program.

Critics said cost estimates are inflated even though USDA cut the estimated cost of record-keeping from \$2 billion to \$580 million, following a scathing critique by the General Accounting Office. But USDA accepted the packing industry's estimated cost of \$3.3 billion for new equipment and facilities to segregate produce and livestock during packaging and processing. Others said USDA's failure to consider estimates of benefits submitted by proponents showed USDA's bias against the rules, critics said.

The Office of Management and Budget, which reviews rules to be proposed by federal agencies for the White House, met only with industry organizations on record as opposing mandatory Country of Origin Labeling.

### **Political costs for ignoring economic benefits**

Senate supporters of labeling were livid about the inflated cost estimates in the draft rule and USDA's failure to calculate any potential benefit. Senator Byron Dorgan called the failure to consider benefits "bizarre to say the least."

In an October 17 letter to Department of Agriculture Secretary Ann Veneman, Wyoming Senators Thomas and Enzi reprimanded the USDA for continuing to issue biased and misleading information on the costs and benefits of Country of Origin Labeling.

*"Labeling" continued on page 15*

The Office of Management and Budget met with nine companies and organizations while reviewing USDA's proposed rules to implement mandatory Country of Origin Labeling – all opponents of the new law who have urged its repeal. Here are the groups OMB met with, in meetings on October 17 and October 20.

#### **October 17, 2003:**

American Meat Institute  
Cargill Incorporated  
Tyson Foods, Inc.  
National Cattlemen's Beef Association  
National Pork Producers Council

#### **October 20, 2003:**

ConAgra Foods  
Altria/Kraft Foods  
American Frozen Food Institute  
Grocery Manufacturers of America

## Trade on the Web

### **March to Miami** [www.marchtomiami.org](http://www.marchtomiami.org)

The March to Miami is a series of educational forums, marches, and press briefings to organize people in the fight against the Free Trade Area of the Americas .



### **R-CALF USA** [www.r-calfusa.com](http://www.r-calfusa.com)

R-CALF USA is a national non-profit cattle association representing cow/calf producers and independent stockers and feeders.



### **Citizens Trade Campaign** [www.citizenstrade.org](http://www.citizenstrade.org)

The Citizens Trade Campaign (CTC) is a national coalition of environmental, labor, consumer, family farm, religious, and other civil society groups founded in 1992 during the fight over the North American Free Trade Agreement (NAFTA).



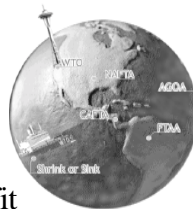
### **Trade Observatory** [www.tradeobservatory.org](http://www.tradeobservatory.org)

The Trade Observatory is a trade resource page by the Institute for Agriculture and Trade Policy. The page includes resources, fact sheets and multimedia.



### **Public Citizen's Global Trade Watch** [www.citizen.org/trade](http://www.citizen.org/trade)

Public Citizen is a national, nonprofit consumer advocacy organization representing consumer interests in Congress, the executive branch and the courts. Global Trade Watch (GTW) promotes democracy by challenging corporate globalization, arguing that the current globalization model is neither a random inevitability nor "free trade."



### **U.S. Trade Representative** [www.ustr.gov](http://www.ustr.gov)

The Office of the U.S. Trade Representative (USTR) is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and leading or directing negotiations with other countries. Robert Zoelick is the current USTR.







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