

Dakota Counsel

April 2008

Organizing • Research • Advocacy • Education

Vol. 31, No 3

DRC TO CONGRESS: FIX GM OVERSIGHT

Congress must prevent new market disasters by demanding better U.S. Department of Agriculture supervision of genetically modified (GM) crops.

That was the message DRC member Todd Leake and several other witnesses brought to the House Oversight and Government Reform Subcommittee on Domestic Policy March 13.

The most recent disaster hit U.S. rice farmers with losses well in excess of \$2 billion after a GM rice variety contaminated the 2006 Arkansas rice harvest and closed many world markets to rice from the southern United States.

“The USDA needs to conduct more comprehensive environmental and economic analysis before embarking on field trials that pose major economic threats to an agricultural industry or commodity,” said Arkansas rice grower and U.S. Rice Producers Association Board member Harvey Howington in his testimony.

The Arkansas contamination came from field trials of Bayer LL601, a form of GM rice never grown outside USDA-supervised test plots.



TODD LEAKE

“The burden must be placed on the biotech company to demonstrate how contamination will be prevented to the satisfaction of the industry and the farmers impacted,” said Howington.

Leake, who raises wheat and other crops near Emerado, testified the USDA’s

failure to consider market impacts several years ago during deregulation proceedings on Roundup Ready

wheat—a product opposed by more than three-fourths of wheat buyers.

“It did not take a Ph.D. in agricultural economics to realize that we were staring in the face of a potential economic disaster,” said Leake. “Loss of markets in Japan, other Pacific Rim countries and the European Union would have been devastating to North Dakota wheat growers and the economy of the entire state.”

Bowing to wheat industry pressure, Monsanto abandoned its experiments with Roundup Ready wheat in 2004.

Two years later, USDA deregulated and allowed widespread planting of Monsanto’s Roundup Ready alfalfa, despite similar market issues.

It took the opinion of a federal judge, Charles Breyer, in 2007 to make USDA do for alfalfa what Leake and DRC say it should do for every new GM crop—conduct a full Environmental Impact Statement that examines contamination risk and market impacts.

That point of view is winning allies even among university research centers that produce new GM varieties.

“Our trading partners point to these two incidents (rice contamination and GM alfalfa planting) as evidence that GM crops are not being properly managed in the United States, and they are right,” said Professor Colin A. Carter of the University of California, Davis, at the March 13 hearing.

Other testimony came from Fred Kirschenmann, organic farmer and manager of a 3,500 acre family farm in North Dakota, and also a distinguished Fellow at the Leopold Center at Iowa State University.

The rice contamination event and Breyer’s opinion were preceded by a 2005 Inspector General’s report, which found the USDA’s Animal and Plant Health Inspection Service “had little assurance that field tests are being conducted safely.”

“North Dakota wheat and durum producers don’t need to come out on the short end of the next unexpected announcement of GM contamination,” said Leake. “The solution has to start with a thorough analysis of market risks and impacts from GM crops before the horse is out of the barn.”

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

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RESTORE COMPETITION

By DRC Board Chair Roger Brenna

What if there were only four or five employers in the entire United States?

Think about what that would do to wages and benefits.

It may seem far-fetched, but for those of us who raise cattle it's a very real problem. The last two decades has been a non-stop series of corporate mergers that have largely taken competition out of the cattle business.



Now it threatens to get worse. JBS Swift announced plans last month to buy both National Beef and Smithfield Beef—and reduce the number of major packers from five to three. DRC has joined with other groups around the country to ask the U.S. Department of Justice to block the merger.

We also asked state Attorney General Wayne Stenehjem to ask Justice to “closely scrutinize the merger” and “strongly consider blocking the deal.”

Even without this merger, there is little competition for cattle in this country.

The squeeze is at the feedlot where “fat” cattle are sold for slaughter. But the repercussions bounce right back to my ranch.

In many cases, packing companies actually own the cattle, eliminating competition altogether.

Sometimes they hold “formula” forward contracts to purchase the cattle. That is, they don't promise to pay on the basis of a negotiated price, but on the basis of the cash market price that day.

The problem is that the cash market is small, and transactions there don't necessarily reflect the value of other cattle. In the Pickett v. Tyson, decided in 2004, Tyson revealed that it bought less than 35% of its cattle on the open market in 2002.

Finally, many feedlots sell to only one buyer because there are very few buyers left nationally, and in many cases only one has a slaughter plant within economical hauling distance.

This may seem like a great thing to the few remaining packing corporations and their investors, who can buy low (without competition) and sell high (to a hungry world).

But a healthy economy is one where everyone is able to earn a decent living. That won't happen in the cattle business if the buyers have the power to dictate terms to the sellers.

We need more competition, not less. The federal government should stop this buyout.

Then Congress should go a step farther and ban packer ownership of cattle altogether. That's what the Senate version of the pending farm bill would do.

To tell **Rep. Pomeroy** we need the packer ban, call **202-225-2611**.

To tell **Sen. Conrad**, call **202-224-2043**.

To tell **Attorney General Stenehjem** to ask for a review of the JBS Swift merger, call **701-328-2210**.

AG ROUNDUP

Farm Bill Languishing

The U.S. House finally named Farm Bill conferees, including Rep. Earl Pomeroy for Ways and Means, but there have been few signs of movement in the legislation for months.

Contention over the cost of the bill is a key factor in the slowdown.

Congress and President Bush have already agreed to several brief extensions to the current law, and as the elections draw closer, it seems likely to many that a longer-term extension may be signed, leaving the next Congress to deal with the bill.

From the standpoint of DRC policy concerns, the Senate and House versions of the bills as they stand now are a mixed bag.

Both versions include subsidies for coal-to-liquid fuel plants, which DRC opposes.

The Senate version has a livestock title with strong language on country-of-origin language and a ban on packer ownership of livestock. But neither bill includes captive supply reform.

The Senate bill also includes key reforms in federal oversight of GM crop testing (see p. 1).

So Is Colombia FTA

The U. S. House voted 224-195 April 10 not to consider the proposed Colombia Free Trade Agreement under “fast-track” rules.

President Bush had sent the proposed agreement to Congress without consent from the Democratic House leadership in an attempt to force a vote.

Rep. Earl Pomeroy voted with the majority.

“The United States should never have negotiated a trade agreement with... a country with a shameful record of labor leader assassinations,” said Public Citizen.

The Colombia FTA includes many features of the North American Free Trade Agreement that have resulted in loss of small farmers, offshoring of jobs, and creation of special rights for investors that put health and environmental laws at risk.

Factory Farms Win, Lose, Win

Foster County granted a permit to a huge dairy this month despite local opposition, while Pierce County at first stopped,

See AG ROUNDUP p. 8

AFFILIATES IN ACTION

SARC Promotes Local Foods

"What would it take to build a sustainable local foods system?"

That was the topic of South Agassiz Resource Council's local foods panel discussion in Fargo March 25 for its annual meeting.

The panelists included two local food producers, Thor Selland of Red Goose Gardens, and Dallas Flynn. Flynn described plans for a new high tunnel green house that will use solar-heated circulating water to warm soil, making growing of vegetables possible all year round without high energy costs.

Betsy Perkins, manager of Amazing Grains, Grand Forks, explained the problems associated with finding enough local producers to fully stock a co-op and called for better networking.

Abby Gold, nutritionist and columnist, encouraged listeners to avoid the big box grocers like Super Wal-Mart and to support instead local grocers like Hornbachers and smaller, emerging local food outlets, such as My Sister's Farm.

SARC held its annual meeting after the panel discussion and elected a new chair, Bette Stieglitz, Fargo.

MCETA Packs House in Parshall

Over 150 people jammed the American Legion hall in Parshall to hear Watford City attorneys Dennis Johnson and Ross Sundeen give advice on what to include in oil leases and surface use agreements.

A “no coalbed methane” clause is a must, according to the lawyers, since the shallow wells result in enormous amounts of wastewater, which have been drained onto the surface in Wyoming and other locations with devastating effect.

They also advised a “no access for water wells” clause in light of a state Water Commission decision last year allowing such access unless it had been specifically ruled out.

There was also considerable discussion about whether increased commodity prices may require surface damage agreements that pay farmers better for land lost to cultivation. For example, five acres (the size of a well pad) of 30-bushel wheat at \$12 per bushel is \$1,800 for one year alone.

PIPELINE APPEALED

COMPANY ALSO WANTS CHANGES

Dakota Resource Council and six landowners asked a judge to overrule state agency action approving a major pipeline and giving a Canadian company the right to condemn property in North Dakota to build it.

Meanwhile, TransCanada itself came back to the state Public Service Commission (PSC) April 7 asking for no less than 49 changes to the approved changes, some of them substantial.

And in Norton Township, Walsh County, a room half-full of TransCanada legal and professional staff barely convinced the township to give them a special use permit April 21.

Norton is one of a handful of townships in the state requiring a special use permit of its own for the pipeline.

It's also home to several of the last holdouts against signing easements.

Township supervisors grilled TransCanada representatives for more than an hour on the economic and environmental effects of the pipeline. Afterwards, the chair couldn't get a motion to approve.

After a recess, the township finally approved the permit, with the stipulation that it would become null and void if DRC's appeal was held up.

DRC's March 24 appeal says the PSC failed to consider the environmental impacts of the pipeline or alternatives to the proposed route.

"The line would be a risky experiment," said Janie Capp, Lankin, one of the plaintiffs, "with higher pressure and heat than normal, and pipe that is weaker than the normal minimum federal standard."

"It's a huge leak waiting to happen," she said, "and it's our water that's at stake."

The TransCanada Keystone pipeline would traverse North Dakota from north to south to deliver high-sulfur tar sands oil from Alberta to refineries in the United States.

Besides its failure to address potential leakage, the PSC permit failed to consider routes with lower risks and did not address North Dakota policy giving preference to existing rights-of-way, according to the appeal.

Other plaintiffs in the case are Ramona Klein, Valley City, and Mark Novak, John Capp and Merle and Linette Kratochvil, Lankin.

A successful appeal would overturn the February 21 approval of the pipeline and send the permit back to the PSC for further review.

In the meantime, the PSC has scheduled an informal hearing May 21 on the 49 new route changes TransCanada wants.

Nevertheless TransCanada has begun taking court action to take property from landowners along the route who have not signed easements.



MORE SPILLS

As if to echo the concerns of landowners along the Keystone route, pipelines have started springing leaks again in McKenzie County.

The largest, estimated at 200 barrels of oil and salt water (over 8,000 gallons) took place about a mile from Lake Sakakawea in a rugged portion of the Little Missouri National Grasslands.

It contaminated groundwater to a depth of up to 10 feet, according to the U.S. Forest Service.

The company responsible for the spill is Petro-Hunt of Dallas.

The leak was discovered February 22 by company personnel overflying the area.

DRC heard about the spill about a month later, but it took nearly three weeks to get any official reports.

The Bismarck *Tribune* broke the story April 15.

Larry Melvin of the Forest Service told the *Tribune* he expected more breaks in the Charlson area, where many of the pipelines are over 50 years old.

Melvin said there have been 57 leaks since October 1 in the federal grasslands. Area landowners say at least two or



An exposed pipeline near Charlson

three have occurred since the Petro-Hunt spill.

It does not appear that either the state or federal government has documents showing the exact location of all pipelines in the state.

SOUTH HEART UNDER APPEAL

Stark County gave Great Northern Power Development (GNPD) a mining permit April 1 based on a two-line application, and now it's going to court.

DRC and Plains Justice submitted the notice of appeal to Stark County District Court April 28.

The grounds are that the decision was arbitrary and capricious. The Commissioners failed to consult the County's Comprehensive Plan, even though it requires zoning decisions to be made in accordance with it.

"The Commission apparently has no idea what this is going to be like," said Badlands Area Resource Council Chair, Linda Weiss, Belfield. "It's an insult to the people of Stark County."

GNPD says it wants to build a coal gasification plant just south of South Heart, but so far the only permit application it has submitted is the county land use change request and mining permit.

The Commissioners arrived at their decision unanimously after a three-month delay from the initial Planning and Zoning Commission meeting.

They also held a second version of an informational meeting that was held without public notice December 14 with GNPD. DRC's complaint that it was an illegally held meeting is still pending before Attorney General Wayne Stenehjem.

Dickinson *Press* editor Alan Reed has complicated the process by asking for Stenehjem to rule on whether the South Heart and Dickinson city governments were also at fault. A quorum of City Commission members from each city evidently attended the December 14 meeting.

Unlike Stark County, however, neither Dickinson nor South Heart had GNPD business pending before them.

GNPD originally applied to the state for an air quality permit for a coal-fired power plant but withdrew it last year.

The company has made numerous claims in public about air quality, water use and waste disposal for the proposed gasification plant, but submitted nothing to the County.

The proposed mine site is only 15 miles from Theodore Roosevelt National Park and straddles the Heart River in a farming and ranching area.

Weiss pointed out that one policy in the County's Comprehensive Plan is to promote "the ideal of the family farm and support establishment and continuation of adequate farm programs."

"Rezoning land from agricultural to industrial use, for the purpose of establishing a coal mine and coal gasification plant, does not support the ideal of the family farm," said Weiss. "Instead, it will likely be the elimination of many family farms in the area."

TRIBAL ENERGY BATTLE ESCALATES

A renewable energy event on Fort Berthold Indian Reservation turned into a homeland security alert April 1 and got the attention of the national publication *Indian Country Today*.

Tribal leadership locked the Northern Lights Tribal Community Building, forcing the event to the New Town High School cafeteria.

Someone had called the North Dakota Division of Homeland Security to put it on alert for the informational meeting

"They shut us out of our own tribal community building, and they continue to shut us out of a process to challenge the development of a dirty, dangerous oil refinery on our community's land," event organizer Kandi Mossett of the

Indigenous Environmental Network told the press.

Tribal members have been divided for more than two years over a proposed oil refinery at the eastern end of the reservation, near Makoti.

The final federal environmental impact statement is expected to be issued soon.

The project would reportedly process Canadian tar sands oil, the same high-carbon dioxide crude that would flow through the proposed TransCanada Keystone pipeline.

The extraction of the oil is taking place on First Nations land in Alberta and has significant opposition among Native American groups in both Canada and the United States.

The Alberta tar sands are the largest industrial site in the world, underlying an area the size of Florida.

Local doctor John O'Connor has encountered high cancer rates in the area, and area fisherman report a rash of deformed fish, according to *Mother Jones*.

The Mossett pointed out that the refinery was an issue in the 2006 race for tribal chairman, and that the winner promised a referendum on the issue.

"What ever happened to that?" asked Mossett.

Despite the disruption, the meeting went on as planned. Mariah Acosta won a drawing for a free solar panel, and it was installed at her grandmother's home in White Shield.

NEW REPORT: HOMEGROWN ENERGY AND FEED

Great Plains farmer-ranchers can benefit from growing crops to fuel their trucks and feed their cows, according to a new report released last month by the Western Organization of Resource Councils.

The report outlines how to use oilseed crops for small-scale biodiesel production—and the byproducts for nutritious feed.

The report is called *Biodiesel Benefits for Cattle Producers: Feeding Byproducts of Biodiesel Production*,

by Dr. Greg Lardy, Associate Professor of Animal Science, North Dakota State University.

You can find it on the WORC website, www.worc.org, or get a hard copy from any DRC office.

“Oilseed meals can be used as a feedstuff in a wide variety of beef cattle nutrition applications,” Lardy said. “They are best suited for use as protein supplements in wintering diets for beef cows or in growing and finishing diets for beef calves.”

In the study, he analyzed the compatibility of incorporating oilseed meals generated as a byproduct of small scale biodiesel extrusion processors into the nutritional strategy of a 300-cow ranch.

Lardy concluded that 56 acres of camelina or 67 acres of canola could meet three months of protein supplement needs on such a ranch, and also yield from 3,700 (camelina) to 5,000 gallons (canola) of biodiesel. Other crops could be used in the region, including soybeans, sunflowers, safflower and mustard, according to Lardy’s report.

Montana rancher and Northern Plains Resource Council member Jeanne Charter, said farm-scale and community-scale providers could manufacture biodiesel and supply a good nutritional supplement to ranch and pasture fed cattle during the fall and winter seasons, when grasses are dormant and of lower nutritional value.

“We see potential for the ranching industry in cooperation with area growers to become more energy self sufficient while adding value to our beef before shipping it out of state,” Charter said.

Charter feeds safflower oil meal to her cattle on her ranch near Shepherd, Montana.

“This kind of technology brings farmers and ranchers together,” said Gene Wirtz, an Underwood farmer and co-chair of DRC’s Biofuels Task Force, who noted that farmers like him need a market for byproducts to make home-grown biodiesel economically feasible.

“Farmers can grow it. Ranchers can feed it. They can jointly manufacture, process, and use the fuels,” said Wirtz.

DRC TO SPONSOR KIDWIND AGAIN BRINGING WIND EDUCATION TO OUR SCHOOLS

DRC will again team up with industry and education partners to sponsor a KidWind workshop to help bring more education to schools in North Dakota.

This workshop will introduce teachers to the most current information about wind energy and related technologies and to give them time to explore concrete lesson plans and activities that illustrate the science behind wind energy.

The two-day workshop at Minot State University (MSU) is sponsored by Dakota Resource Council’s Clean Electricity Task Force, MSU and LM Glasfiber of Grand Forks, a company that produces blades for wind turbines.

In addition to hands-on model-building, teachers will tour the Acciona wind farm near Velva.

The KidWind Project of St. Paul, Minnesota has put on five highly successful workshops in North Dakota and countless others throughout the nation.

WHAT: KidWind Project K-12 teacher wind energy workshop

WHO: Sponsored by the Dakota Resource Council Clean Electricity Task Force, LM Glasfiber and Minot State University

WHEN: August 5 & 6, 2008

WHERE: Room 231, Cyril Moore Science Center,
Minot State University Minot, ND

Website: KidWind: <http://www.kidwind.org/>

BIG STONE BAD FOR BUSINESS

by Bob Gibbons

I am a small business owner in Bismarck and run a shop in the east part of town. Increasing utility costs are a big concern to me. Even a ten percent rate hike is enough to eat away at my livelihood and the living I need to take home to my family. Last month my MDU bill was over \$800.

The North Dakota Public Service Commission is now considering whether or not to endorse Otter Tail Power and MDU's investment in the construction of a South Dakota power plant called Big Stone II. Because I'm an MDU customer, even in another state, I'm on the hook for this plant.

This is an issue that affects all MDU and Otter Tail customers, because if the PSC approves of the investment, these utilities will be allowed to increase our rates—yours and mine—to help pay for its share of the Big Stone plant. Why should I pay even more to cover costs of a power plant in South Dakota?

This plant is proposed to be built near Milbank, South Dakota. It would use coal from Wyoming. All, or nearly all, of the power it would generate would go to the cities in Minnesota. There would be no new North Dakota jobs, no new North Dakota taxes, not even North Dakota fuel.

And, since Minnesota is considering making utilities pay for their emissions of carbon dioxide, our rates could keep going up. I get that we all need to be able to turn the lights on, but there are better and cheaper options.

We have plenty of wind here in North Dakota. The PSC should tell Otter Tail and MDU to build wind turbines here to meet its electric requirements. That way, the electricity would be clean and the jobs and taxes would stay here in North Dakota.

(Gibbons is the owner of Gibbons Fiberglass and Aluminum Boat Repair in Bismarck and a DRC member.)

DRC intervened last year in MDU and Otter Tail's "pre-prudence" application to the PSC. Two Big Stone II partners withdrew from the project last September, and the PSC suspended proceedings until April 28-30.

Because of a 1995 state law preventing the PSC from hearing evidence on "environmental externalities," including the costs of compliance with future carbon dioxide regulations, major portions of DRC's testimony have been disallowed.

Big Stone II is also still lacking a power line permit in Minnesota.)

I'D LIKE TO SUPPORT DRC ENCLOSED PLEASE FIND:

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___ \$100 • Patron Membership

___ \$75 • Contributing Membership

___ \$45 • Family Membership

___ \$25 • Individual Membership

___ \$10 • Student/Low Income

BARC/DRC Membership
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MCETA/DRC Membership
Family \$55 ___ Individual \$35 ___

MVRC/DRC Membership
Family \$50 ___ Individual \$30 ___

SARC/DRC Membership
Family \$65 ___ Individual \$35 ___

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UP FOR GRABS
4 Pentium III computers



Thanks to the generosity of our members and a grant last year, we were able to update our computers and would like to "pay it forward" by donating our "half fast" computers to any of our members that has a need. Each one has a CD Rom and floppy 3 1/2" drive along with modem and ethernet for internet use. They are complete with monitor, keyboard and mouse except for one that lacks a monitor. There are 2 in Bismarck and 2 in Dickinson at this time. Please call Aleta @ 483-2851 or e-mail aleta@drcinfo.com

AG ROUNDUP, from p. 3

then went along with a public handout to a hog operation it had already permitted.

The 1,500-head Foster County dairy is to be just three miles from the city of Carrington.

County Commissioners overrode on April 1, a recommendation from their Planning and Zoning Commission to deny the permit.

In Pierce County on the same day, Jim and Linda Gibbens of Hexagon Farm were denied county sponsorship of a \$260,000 federal block grant to extend a rural water line to serve a 7,500-hog operation near the Towner County line west of Cando.

In a letter to the County, DRC member Father Tom Graner, Rugby, urged Commissioners not to support use of the block grant for Hexagon Farm.

“I don’t believe this is the kind of development we need in our communities,” said Graner. “Hexagon Farm should bear the cost of that [water] hook-up.”

Under pressure from the Farm Bureau and Governor Hoeven’s office, however, the County reconsidered the handout April 23 and passed it, 3-2.

Speaking of Handouts

The National Pork Producers Council (NPPC) has asked U.S. Secretary of Agriculture Ed Schafer for emergency help for factory hog farms that are going under because of higher grain prices.

With farmers actually making money on grain, a strategy like factory farming, which depends on grain sold below the cost of production, no longer works.

The NPPC asked Shafer for direct relief, loan guarantees, early release of CRP acres and export supports so that the vertically-integrated factory farms it supports can afford to continue keeping out independent hog producers and competitive markets.

Factory hog producers are now reportedly losing up to \$50 per animal.

The U.S. Environmental Protection Agency is already doing its part to shore up factory farms by proposing rules to exempt them from reporting ammonia, hydrogen sulfide and other animal waste emissions.

Comment period on the proposed rules ended March 27 and drew criticism from both Congress and environmental groups.

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