



Trailwinds

April 2003

Dakota Chapter 72

Message from the President



Hello Everyone

Here's hoping that everyone's winter months weather were as enjoyable as mine. It was nice not to have to fight the snowballs. We did have some cold stretches but not having to battle the snow along with it was really nice.

The Right of Way Association is a very important organization to me for a number of reasons. For the educational opportunity it presents, the business associates that I have met and for the friendships I have developed to name just a few.

I look forward to the next two years in working for our chapter. I have set some goals for myself and they are:

1. Try to increase our membership.
2. Try and increase attendance at our meetings.
3. Involve more of the new members in committees and chapter activities.

Of course these goals will involve you as a member so when you are contacted please say yes to the request. Again it takes all of us to make the chapter a success not just a small core group.

Our next meeting will be in May at Minnkota Power Cooperative, Inc. in Grand Forks, ND. We will be presenting their management with the Chapter 72 Employer of the Year Award. Please try to be present as it will show this employer how important this award is to us and should be to them. Details of the meeting are in this newsletter. Hope to see you there.

I would like to close with two items. First I would like to thank a few people. Thank you Don Hellman for your years of leadership of our chapter and the guidance you have given me. Thank you Larry Lloyd for your patience with me and the wonderful job you do as our Secretary/Treasurer. Thank you Ed Schwab for the greatest newsletter in the Association which takes a lot of time and also for your sparkle which tends make our gathering more fun. Thank you to the people here at Otter Tail Power Company which I have the great fortune to work with on a daily basis. You are truly a talented group which makes it fun to come to work each day. The list of thanks goes on and on and you are all included but I will stop here.

Second I would ask that each of you take time out of your busy schedule to reflect on how truly blessed we are to live and work in this great country of ours. In present time of war I think that it is more evident then ever.

See you in May,

Bob Krava

CHAPTER 72 2003 OFFICERS

President	Bob Krava
President elect	Kennenth Brilz
Vice President	Mike Murry
2nd Vice President	Paul Mahlen
Secretary/Treasure	Larry Lloyd
Director 2/year	Don Hellman
Director 3/year	Kennenth Brilz

COMMITTEES FOR 2002

Education Chairman	Robert Larson
Membership Chairman	Robert Larson
PDC Chairman	Kenn Haugen
Newsletter Editor	Ed Schwab
Program Chairman	Don Hellman
Liaison Chairman	Paul Mahlen
Local Public Agency Chairman	Richard Sorneson
Nominations Chairman	Harvey Gabbert
Pipeline Chairman	Ed Schwab
Property Management Chair	Jack Holt
Relocations Chairman	Kenneth Brilz
Environment Chariman	
Valuation Chairman	Dennis Prochnow
Transportation Chairman	George Papacek
Utilities Chairman	Ronald Golden



Mike Murry following his leader "Scott Lang"

Chapter 72 Spring Meeting

DATE: May 2, 2003

TIME: 10:00 am

LOCATION: Minnkota Power Cooperative, Inc
 1822 Mill Road
 Grand Forks, ND Go East on Highway 2 then North on Mill Road and
 The office is across the road from the North Dakota
 Mill and Elevator.

LUNCH: Provided by the Chapter

During the luncheon Minnkota Executives will join us and will be presented the IRWA Chapter 72 Employer of the year award.

It would be great if as many chapter members as possible would attend so that the presentation is made with the spirit it is meant to be given. Please try to attend.

The 2003 49th International Education Seminar is in Kansas City, JUNE 15-19, 2003.

Start making plans for the 2003 Education Seminar in Kansas City. This is a very informative and educational Seminar. Not only just for education, it can be a nice vacation for you and or family. If you plan on attending please give Don Hellman (701) 222-7688 or Jack Holt (701)-223-0441 a call for more information.

Meet our Secretary-Treasurer---Larry Lloyd



Larry has been a IRWA member since 1998. , he has been re-elected for the third year as our Chapter 72 Secretary/Treasurer.

Native of Hecla, SD and a graduate of Northern University in Aberdeen, SD. Began working for South Dakota Department of Transportation at Pierre, as a Construction Inspector. Presently works for BNI Coal, Ltd. at Center, ND and has worked in the coal mining area for over 20 years. Registered Land Surveyor but works in the area of landowner relations dealing with coal leasing, easements and right of way. Responsibilities also include facilities maintenance. Larry and wife Joanne have been married for 39 years and live on the Missouri River near Mandan, which satisfies one of his interests, fishing. Larry also likes to travel and camp.

IRWA Dakotas Chapter #72

The meeting was called to order by President Don Hellman at the Holiday Inn Express in Deadwood, SD, on Feb. 7, 2003 at 8:23 am, MST. The following members and guests were present:

Ron Golden, East River Electric	Bob Larson, DOT BIA Roads
Mike Murray, Basin Electric	Ken Brilz, SD DOT
Jack Holt, Basin Electric	Ron Starkey, OtterTail Power Co.
Art Perleberg, Jr. OtterTail Power Co	Tom Crary, MDU
Chuck Ames, Cass County Elec.	Daryl Brandt, Cass County Elec.
Kenn Haugen, Cass County Elec.	Larry Bontjes, Red River Rural Telephone
Paul Mahlen, Minnkota Power Coop.	Russ Nelson, OtterTail Power Co.
Ed Schwab, MDU	Scott Lang, Basin Electric
G. F. Papacek, Independent	Bob Krava, OtterTail Power Co.
GUESTS Daryl Knobbe, Region 3 Chair	
Bill Rottschaefter, North Star Land Services	

President Don Hellman introduced Region 3 Chair and guest Daryl Knobbe.

Election of Officers

President Hellman called for an election of officers with the following recommended for office for the coming term:

President – Bob Krava	Sec/Trea. – Larry Lloyd
President elect – Ken Brilz	Director 2 year – Bob Krava
Vice President – Mike Murray	Director 3 year – Ken Brilz
2 nd Vice President – Paul Mahlen	Alternate Director—Don Hellman

President Hellman asked for nominations from the floor. **Motion** by Kenn Haugen to cast a unanimous ballot for these positions. Second by Bob Larson. Motion carried.

Region 3 Chair Daryl Knobbe swore in the new officers.

The gavel was then passed from past President Don Hellman to President Bob Krava.

President Krava invited Daryl Knobbe and Jack Holt to give a Region 3 update. Daryl said there will be an e-mail coming out from Int'l. warning that some Chapters are being audited by the IRS, either because they have not turned in their tax forms or because they have too much money in their accounts. Question as to a cutoff figure on what amount should be in a Chapter's account and Daryl said no set figure but probably shouldn't be over \$20,000. If one should get a call from IRS, be sure to let Int'l. know and they will handle this for the Chapter.

Daryl also stated that at the last Region meeting, and for those who don't know, the Region has 3 officers, a region Chair, a vice-Chair and a Secretary/Treasurer and each serves 2 terms in these spots. In the past these positions have been rotated by Chapter. At the last Region 3 meeting, they voted to open these positions up to any candidates, the reason being is that there could be more than one candidate from the same Chapter and one would have to wait 10 years. Also, that second candidate from the same Chapter might not run as a candidate today but might want to in 2 years or so. Craig Porker from Minnesota has thrown his hat into the ring for this coming election. Every Chapter is allowed 3 votes. If the Chapter President or Directors can't make it to Kansas City, they should designate their vote to whoever is attending from their Chapter. If a Chapter President is also a Director, he can have 2 votes by the bylaws. Hopefully the information gets to each Chapter so that the membership can discuss which candidates their 3 votes should go to, or split votes. Additional discussion followed on young people getting started but work load won't allow running for office, reduction in force in some companies, getting members involved, etc. Gene Jackson, the Executive Vice-President, is no longer with us. They have an acting person in this position.

Approval of Minutes & Treasurer's Report

Motion by Bob Larson, second by Ron Golden to approve the minutes as presented from the Nov. 26, 2002, Jamestown, ND meeting. Motion carried. Discussion on printing the minutes in the Trailwinds before approval. President Krava stated that he likes to see the minutes so that comments and changes can be made prior to approval. Ed Schwab said he doesn't have e-mail addresses for everyone. President Krava stated that members need to get any address changes to Ed. Also, the Sec/Trea needs address changes so that the minutes can be sent to everyone if there won't be a Trailwinds printed prior to the next meeting.

Motion by Mike Murray, second by George Papacek to accept the Treasurer's report ending Jan. 31, 2003. Motion carried.

Committee Reports

President Krava asked for Committee Reports and also asked for volunteers for the various open committees. These committees report about 3 - 4 times per year. Regional Chairs can furnish information to the Chapter committees. President Krava said he will call the present committee Chairs for their reports.

Education Committee – Bob Larson

Bob said the big thing now is the International Seminar in Kansas City, June 16-20. Courses are offered the first weekend. Bob discussed the seminar and how it is a very good experience. Many good reports are presented during the seminar.

Membership Committee – Bob Larson

70 members in our Chapter. 64 active and 6 retired. Try to get your fellow workers involved.

President Krava's goal is to get more members to be active even though most have a long distance to travel to meetings. We need to educate our companies on what we do and the Employer of the Year awards have helped. The OtterTail Power Co. President and CEO has taken more of an interest in right of way work since he accepted the award for his company in 2001. MDU received the award last year.

PDC – Kenn Haugen

One new SRWA with one real close, hopefully next year. Anyone interested in the designation can contact Kenn for help.

Newsletter – Ed Schwab

Ed requested more information and better pictures for the newsletter, otherwise he will pick the picture. Ed also wants info about members he can include in future newsletters. Our Chapter received the Newsletter of the Year Award in 1997 and Ed applied again and has sent the necessary information to Int'l. President Krava commented on the outstanding job Ed has done and please send info to Ed for inclusion in the newsletter, maybe even once a year.

A recess was taken for a presentation by the Deadwood Volunteer Fire Dept. Ken Hawki showed slides and commented about the 2002 Deadwood fire. President Krava asked for motions for a donation to the fire department since it is volunteer and Ken will not accept any money. **Motion** by George Papacek to donate \$150 to the fire department with a second by Ron Starkey. Motion carried.

Program – Don Hellmann

Don stated that income from the class yesterday should be around \$1000. Bill Rot Schaefer was the instructor and does this without pay, only for his expenses.

Liaison – Paul Mahler

The committee is changing at the international level.

Region Chair Knobbed reported that changes are coming out for this committee.

Local Public Agency – Richard Sorenson not present.

Nominations – Harvey Gabber not present

Pipeline – Ed Schwab

Ed asked if pipeline course still available. Region Chair Knobbed said yes.

Property Management – Jack Holt

Bob Larson will get information to Ed for inclusion in the next newsletter on a New law passed in Congress last year called the Hinterland Consolidation Act. This deals with the Dept. of Interior on Trust lands. Should anyone need info they Can contact Bob. Some discussion on the paying of taxes to cross Indian lands.

Relocation – to fill

Environment – to fill

Valuation – Dennis Proton not present

Transportation – George Palace

Discussed speakers for 2004 seminar. George thinks the Int'l. Committee should Get more info to the Chapter committee.

Utilities – Ronald Golden

South Dakota DOT is trying to get the utility company to relocate their utilities Prior to road construction and in some cases before the landowner knows of the Road construction. Ron said he would be attending a conference at the Int'l. Seminar. Some discussion followed.

Old Business

President Kava discussed Professional of the Year from the Chapter. Region Chair Knobbed said it used to be that the next step for professionalism was the Apple Award. Now each Chapter submits their Professional of the Year and that person's name is submitted for Regional Professional of the Year and they are recognized at the Spring Forum. Bob Larson was nominated for this award last year.

President Kava discussed the Young Leadership Council. This is for members who want to get involved locally, regionally and nationally and is future leaders of the organization. Also, how much support does the Chapter want to give to this individual and/or spouse. The individual would get involved both in the Int'l. Seminar and a meeting in the fall. Region Chair Knobbe also discussed the Young Leadership Council. Various motions were made with discussion on sending a member, with no second. **Motion** by Bob Larson to select one member from our Chapter and give \$1500 to that member to be used for expenses for the fall Council in Maryland for 2003 and the Int'l. seminar. Region Chair Knobbe said that each Chapter handles this differently and some send the member and spouse, some just the member, etc. Several Chapters have sent members to the Young Leadership Council. Mike Murray is interested in this and will be our member selected for this year. No one else expressed interest. Second by Ed Schwab. Motion carried.

Discussion on the Kansas City Int'l. seminar in June. Kansas City Chapter 5 has requested a donation for help with the seminar. A request of \$1000 has been made. **Motion** by George Papacek that our Chapter donate \$10 per active chapter 72 member to Chapter 5. Discussed past seminars and making and losing money. There has been talk that if there is a profit then some of this donation might be returned. Ed Schwab second. Motion carried. When we finalize our chapter numbers we will send this donation to Chapter 5.

Discussion on any member who attends the Int'l. seminar be paid their registration by our Chapter. This is \$295 if paid before March 1. Discussion about more members will go to Kansas City because they can drive. No motion made.

President Krava discussed Chapter volunteer help at Kansas City. **Motion** by Ed Schwab to volunteer Chapter help at the Kansas City seminar. Our Chapter could appoint one of our Directors or a member or get a volunteer to work with Chapter 5. Discussion followed. Second by Bob Larson. Motion carried.

Discussion on the Chapter paying for the President and President-elect to go to the Int'l. seminar. The Chapter will pay \$500 plus \$295 for registration for these 2 people or an alternate. Don Hellman as past president will be the alternate. The 2 people will get delegate packets at the seminar. This will be discussed at our next meeting and by then we will know who is going. President Krava and President-elect Brilz both might attend.

New Business

President Krava introduced new applicants for membership in Chapter 72. Kardell Blumhardt, Jim Metcalf and Greg Doll were introduced. **Motion** by Bob Larson to accept these applicants as members of Chapter 72. Second by Ed Schwab. Motion carried.

President Krava will be contacting present committee Chairs for their interest in continuing to serve in those Chairs. Volunteers are asked to come forward for various committees.

President Krava discussed an official nomination turned in supporting Minnkota Power as Employer of the Year for 2003. Bob read the entire written nomination and asked if any other nominations. **Motion** by Paul Mahlen to accept the nomination of Minnkota Power Cooperative. Second by Art Perleberg. Motion carried. A meeting and luncheon will be held at Grand Forks for this presentation.

President Krava asked if Chapter 72 wants to support the Education Foundation by donating to the Int'l. seminar auction as we have done in the past. The last 2 years we donated a knife and a pocket watch. Discussion by Don Hellman about the knife and the watch and how much was bid at the auction. **Motion** by Don Hellman to donate a hand made hunting knife inscribed with the Kansas City IRWA seminar and a Black Hills gold pocket watch. Second by Kenn Haugen. Motion carried. Don will take care of the knife and the watch will be purchased in Deadwood. **Motion** by George Papacek to hold the total cost of both items at \$500. Second by Don Hellman. Motion carried.

Ed Schwab reported that \$417 was raised at the silent auction last night.

Discussion on future locations for Chapter meetings. Ed Schwab, Scott Sigette and Ken Brilz volunteered to review and recommend future meeting locations. Ed will reserve rooms at the Holiday Inn Express for next year and if a different location is decided then these rooms can be canceled. The next meeting will be in Grand Forks and is best if held after the Spring Forum.

President Krava talked about future classes. Anyone interested in a certain class needs to get the information to Bob Larson. George Papacek discussed the recently held class in Bismarck with rural telephone companies. George, Mike Murray and Scott Lang presented information at this class with help from Int'l. Several people in attendance indicated interest in IRWA and Course 200. George will follow up on the roster and with those interested in IRWA.

Kenn Haugen presented a plaque to Paul Mahlen as a new SRWA. President Krava said anyone interested in SRWA can contact Kenn. Kenn said some college courses qualify toward the SRWA.

Past President Don Hellman spoke about his 2 years as President. Daryl Knobbe and Bob Krava presented Don with a past president plaque and pin.

A drawing was held and Don Hellman drew his own name for \$25.

Motion to adjourn the meeting by Don Hellman. Second by Paul Mahlen. Motion carried. Meeting adjourned at 12:30 MST.

MEET OUR NEW CHAPTER 72 VICE PRESIDENT

I have been a member of IRWA since 12/7/1999. At this time I am one course shy of achieving my Negotiation/Acquisition Certification. After receiving my certification, I will then work towards achieving my SRWA. Was elected Vice President of Chapter 72 for 2003 and 2004. I have worked for Basin Electric since 1/3/1990 and have been in Property and Right of way for the last 3+ years. Was recently promoted to Property & Right of Way Specialist on 3/9/2003.



Married to my wife of 10 years, Denise. We have 3 children: Courtney age 12, Mitchell age 7 and Andrew age 2. Born and raised in Bismarck. Graduated from Bismarck State College and credit my dad for my good work ethic and my mom for my creativity.

My hobbies are hunting, fishing, camping and darts. With me still being fairly new to the field of Property Management and Right of Way, it is very beneficial to try and attend as many IRWA courses and meetings as possible. It's a great opportunity to gather valuable information on certain projects from other IRWA members.

Industry happenings

Basin Electric was awarded the Wind Power Cooperative of the Year 2002 Award from the National Rural Electric Cooperative Association (NRECA), its Cooperative Research Network (CRN), and the U.S. Department of Energy's (DOE) Wind Powering America Program. The Cooperative was honored during the CRN Breakfast held as part of the 2003 NRECA Annual Meeting in Nashville March 2.

Basin Electric was cited for its leadership in expanding opportunities for wind energy. The cooperative will purchase the entire production from the two, 40-megawatt wind farms that will be constructed by FPL Energy, Juno Beach, FL. The project, announced in 2002, is the largest electric cooperative wind development in the nation. Ron Harper, Basin Electric CEO and general manager, accepted the award from Jim Powell, director of the DOE Atlanta Regional Office.

In addition to honoring Basin Electric's wind energy project, CRN conducted a wind power seminar on March 1 during NRECA's TechAdvantage Conference, which featured a panel of experts on cooperative wind issues, success stories and agriculture.

CRN is a research program dedicated to solving the technical and business challenges of electric cooperatives through the use of technology applications. CRN has a close working relationship with the DOE and Electric Power Research Institute, collaborating on research and advancement activities that will help not only electric cooperatives, but also the electric utility industry as a whole.

More News: A two-year dispute over whether there's too much sulfur dioxide at Theodore Roosevelt National Park will come to a head in two to three weeks. The State Health Department and the Environmental Protection Agency have been at odds over whether the state is violating its Class I air quality standard, a pristine measurement required for both units of the national park, the Elkhorn Ranch at the national park and the Lostwood National Wilderness Area in North Dakota.

The EPA says the state is in violation by a significant amount. It told the state to fix the problem or face the possibility that the federal agency would do it instead. The state says it is not in violation. The EPA will release its final say on the matter in a final report sometime in April. Richard Long, who heads the regional air quality division at Denver, said, "There'll be no more review. This is it."

Long wouldn't say what the EPA has concluded about North Dakota's alleged violations, except that the report is being reviewed by EPA attorneys. The final report will analyze the EPA's newest air quality model of North Dakota, using information culled from a full-blown public hearing held by the two agencies last fall. The hearing was called because earlier air modeling by both agencies only reinforced their opposing findings.

Long said there are two likely outcomes in the report. The EPA could conclude that the state has been right all along, he said. Or, it could conclude that the state is in violation and require North Dakota to reduce the amount of sulfur dioxide in the air. "Personally, I think this is an issue that's headed for federal court," Long said. Sulfur dioxide is the result of burning lignite for electricity and of processing oil and natural gas.

Meanwhile, North Dakota is moving on the issue. Terry O'Clair, who heads the state's air quality program, said the state has already decided to cap how much sulfur dioxide power plants and oil and gas sources can put into the atmosphere. The new cap will lie between how much sulfur plants actually emitted in 2000-01 and how much they're allowed to emit under long-standing permits. Plants emitted 153,000 tons of sulfur dioxide in 2000-01. By permit, they're allowed to emit 275,000 tons, though the most they've ever emitted is 183,000 tons, according to records compiled by the State Health Department. O'Clair said the cap will be somewhere between 170,000 and 200,000 tons. "That will go a long way toward bringing the two agencies together," O'Clair said. Whether it does depends on what the EPA concludes in its anticipated report. Long said if the state is required to reduce sulfur emissions, the state can find its own way to do that.

The easiest way to dial down sulfur numbers is to get power plants that don't scrub sulfur dioxide to add scrubber equipment, he said. It's also very expensive, in the hundreds of millions of dollars. Plants that are not scrubbed because their construction pre-dated the requirement are Basin Electric Power Cooperative's Leland Olds units at Stanton, one unit at Great River Energy's Stanton station and one unit at the Minnkota Power Plant at Center. O'Clair said other plants will need to upgrade their scrubbers to meet the proposed caps. Those are the second Minnkota unit, both units at Great River Energy's Coal Creek Station and one Heskett refinery unit at Mandan.

O'Clair said people should remember that the state has some of the cleanest air in the country, far exceeding the EPA's ambient air quality standard. He said it's not uncommon for monitoring stations at the south unit of Theodore Roosevelt National Park to measure zero sulfur dioxide in the air. By 2013, plants that don't scrub sulfur dioxide will have to anyway, under federal requirements to reduce what's called "regional haze," O'Clair said.

Submitted by Craig Poorker GRE/ER Land Rght [mailto:Cpoorker@greenergy.com] Published

REGION 3 NEWSLETTER

From the Chair:

Hello, all members of Region 3. I hope everyone is well and the new year has been kind to you so far.

I want to take this opportunity to thank the members of Chapter 72 for the wonderful fall forum they put on. The hospitality we were shown is very much appreciated, and I especially want to thank Jack Holt for taking me with him, his son and their friends on their annual opening day pheasant hunt. The opportunity to go on a real North Dakota pheasant hunt is one I will not soon forget.

I also want to thank International Treasurer Dan Beardsley and the members of Region 3 for what I believe was a very productive forum. I think some great information was shared and discussed. In my opinion, the most important decision made was a change in the way of handling nominations for region offices.

For those of you who are not aware, in the past when a region representative spot came open, it was rotated among the chapters. At the fall forum, it was voted on that the opening would be made available to anyone in the region. I think the way we have handled the region nominations in the past by rotating it among the chapters has worked well, and we have had great leadership. However, I also believe some very talented people in the region may have been discouraged by the fact that once a chapter has put a rep on the committee, it was not possible for another person in that

From the Vice Chair

I know some of the chapters have gotten your class schedule information for 2003 to me, but if your chapter has not, please have your Education Chair get this info to me as soon as possible. We're running into some problems of duplication of courses within a few weeks of each other within our Region. This isn't good for anyone. I need to have this information in order to have a complete, current list available before the Spring Forum. I'd very much like to have it by Monday, March 17.
Nancy Halvorson

chapter to be a region representative for 10 years. I also believe this change will allow our region to choose among the best candidates for our region at that specific point in time.

Also at the forum, the nominees for our second Region Professional of the Year were announced. They are:

- Chapter 5: Bruce P. Reed, SR/WA
- Chapter 20: Sue Pariseau, SR/WA
- Chapter 37: Daryl Knobbe
- Chapter 41: Rita J. Rasmussen
- Chapter 72: Robert E. Larson
- Chapter 78: Judi Sorensen, SR/WA

Once again, this is an excellent group (present company excluded), and we are proud to have each of you as a member of our region.

Finally, this is my last Region Chair article, so I just want to say thanks to each of you who have helped and worked with me over the past six years. I hesitate to give specific names out of concern that I may leave someone out, but I do want to give special thanks to my mentors, Jack Borgmeyer, SR/WA, and Bruce Reed, SR/WA, as well as my fellow region reps Nancy Halvorson, SR/WA, and Jack Holt, SR/WA. I would also be remiss if I didn't thank my wife, Jill, my boys Chris and Matt, and my associates at O.R. Colan Associates who helped me and handled a lot of issues while I was gone on region business.

*Daryl Knobbe
Region 3 Chair*

Secretary Report:

Balance: \$782.04

It's that time of year again when chapters need to consider the \$1.00 per member to be paid for Region funds. The Region then pays for what is necessary and also the golf sponsorship plaques and various things also come from this donation.

I want to thank everyone who attended the fall forum in Bismarck, ND. If you did not make it, you missed a good meeting, food and entertainment. Now it's the spring forum again, which has come up very fast for all of us. It should be a very good meeting and give us a feel for the upcoming seminar. The forum will be held in Kansas City, which is the also the seminar host. We are doing this because it is in our own region. Information on this is included in the newsletter. At the Chapter 72 installation meeting, they voted to give \$10 per member to the Kansas City seminar committee and challenged each of the chapters in the region to do at least the same. This is not expected by the Kansas City committee, but is very much appreciated. Our chapters can also help in other ways.

Deadwood, SD, was the location of our annual Chapter 72 meeting. It was great to have Daryl Knobbe, our region chair, attend the meeting. It is not an easy place to get to in the winter, but all those who were there had a great time. A lot of things were brought to the table. A presentation by the Deadwood fire department was given on last year's forest fire. The town was evacuated in 30 minutes. No one was killed but a large area was destroyed.

This is my last forum as a secretary and will be looking forward to vice chair. I appreciate all the help and friendship I have acquired along the way. Good luck to our incoming secretary.

The following is lodging information for the Spring Forum:

- Embassy Suites
7640 NW Tiffany Springs Parkway
Kansas City, MO 64153
(816) 891-7788
Rate: \$99 (mention IRWA meetings being held there)

A couple less expensive hotels nearby:

- Hampton Inn
11212 N Newark Circle
(816) 464-5454
Rate: around \$90
- Fairfield Inn KC Airport
11820 NW Plaza Circle
(816) 464-2424
Rate: around \$79

The social hour will be at 5:30 p.m. at the Embassy Suites on Thursday, April 10. There will also be a \$10 registration fee.

Members news:

At close of business on December 6, 2002, the association's membership stands at 10,718: 6,771 active members, 1,417 active senior members and 1,718 allied patrons. Overall membership has jumped 16.2 percent over the same period last year.

In-memory of Dan Ewing

The following is an excerpt from a letter Dan was in the process of drafting to his family and close friends. Please contact Jack Holt if you are interested in the full text of the letter.

"I have come to the realization that we all spend considerably too much time pursuing what we perceive as 'The American Dream,' which we define as the accumulation of enough wealth and material possessions so that when we reach retirement age, we will be able to live this blissful, trouble-free, 'heaven on earth' life with our families and friends, doing all the fun things that we never had time for while we were obsessed with the 'accumulation' phase of our life. ... We can, however, make the decision to commit our lives to God's purpose instead of our more selfish personal interests, and God will always bless us with all of our needs."

~ Dan Ewing

IRWA DAKOTA'S CHAPTER 72 MEETING IN DEADWOOD, SD



Meet one of our Chapter 72 members

MIKE HAUPT, Range Specialist, ND State Land Dept.

Mike is a St Cloud Minnesota native, however, with a father working for the rail road there were moves to Willmar Minnesota, Grand Forks North Dakota and finally Minot North Dakota where he graduated from Minot High School in 1976. He received a Bachelor's degree in Fish and Wildlife Biology from Montana State University in 1981 and a Master's in Botany from NDSU in 1984. The major emphasis in his undergraduate curriculum was in the areas of Wildlife/Range Management. His graduate program emphasis was in Range and Soil Science.

While completing his education Mike spent two summers as a track maintenance worker with the Burlington Northern Rail Road, three summers as a biological technician with the U.S. Fish and Wildlife Service, and two summers as a research assistant at the Glenharold Coal Mine near Stanton, ND, dealing with the effects of prescribed burning on re-established grasslands. In 1987 he became a full-time employee of NDSU Land Reclamation Research Center in Mandan, ND and in 1988 started his tenure with the North Dakota State Land Department.

Mike was originally hired by the Land Department to assist in developing a new method for evaluating and establishing minimum rents for State School Lands and manage the easement and right-of-way program. This resulted in the adoption of the Fair Market Value System for leasing state school lands, which was approved by the Board of University and School Lands in August of 1989.

Since his employment, he has developed procedures for streamlining and improving methods of issuing and maintaining rights-of-ways on school trust land and developing standards for improving the reclamation of areas disturbed by rights-of-ways. His most recent and ongoing projects are oil and gas development sighting, routing and reclamation, flood adjustment monitoring, trash and equipment removal, railroad abandonment reversions and special projects such as the Alliance Natural Gas Pipeline and Basin Electric CO2 Pipeline which crossed several tracts of school trust land. Mike is also responsible for monitoring coal mine reclamation and bond release, and several range improvement plans on school trust land.

Mike is a member of the ND Chapter of the Wildlife Society, ND Natural Science Society, Society for Range Management and the International Right Of Way Association.

IRWA DAKOTA'S CHAPTER 72 MEETING IN DEADWOOD, SD FERRUARY 7, 2003



Don Hellman receiving past president Plaque



Daryl Knobbe, Region 3 Chair, informing our members of happenings at HQ's and IRWA Region info.



Congratulation to **Paul Mahlen**, Minnkota Power Coop, Grand Forks, ND, Receiving his SWRA Plaque from **Ken Haugen**, PDC Chairman



the Basin bunch at the Ethics class
Mike, Jack, Amy, and Scott.



Deadwood Fire Department gave us a very good presentation on the BlackHills Fire--July 2002



IRWA Chapter 72 Meeting February 2003, Deadwood, SD.



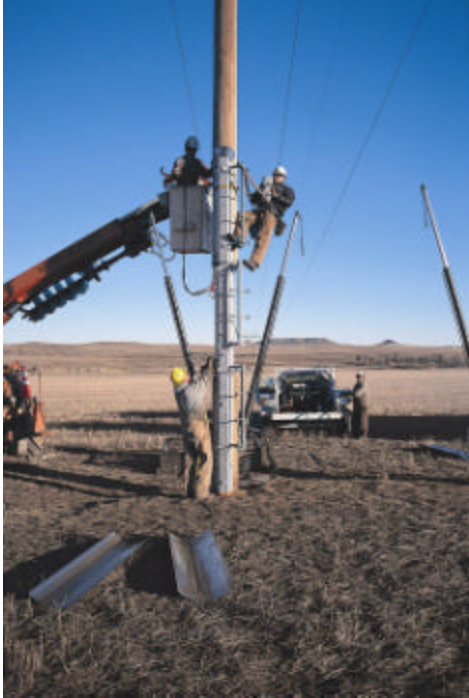
Deadwood, good old snow storm: How many of you remember this?

More pictures from Deadwood February 2003



Pole Raising – 21st Century Style

With fall construction weather fully cooperating, Montana-Dakota Utilities Co. line crews based in Glendive, Montana, and Dickinson, North Dakota, raised 50 two-pole transmission structures along the Montana-North Dakota state line. Raising the structures will allow the company to transmit greater loads on its integrated electric system.



Raising structures like these would normally require us to temporarily take that section of transmission line out of service,” says Craig Lohstreter, electric construction supervisor for Montana-Dakota Utilities Co.’s Dickinson District. “But, using a new technique called ‘PhaseRaiser’ allowed us to get the job done while the lines remain energized – it’s quite an operation.”

According to Lohstreter, as electric current across a conductor is raised, the conductor heats up and sags. If the conductor sags too low, it might violate clearance standards of the National Electric Safety Code, which governs safety concerns for electric transmission systems. Before loads could be increased, the company identified 50 structures that

had to be raised on three sections of the 115-kilovolt line that extends from the Lewis & Clark Station at Sidney, Montana, to Hettinger in southwestern North Dakota.

Lohstreter supervised construction on the North Dakota side of the state line, while Ray O’Donnel, operations supervisor for the Glendive District, supervised work in Montana. O’Donnel’s crews started the five-month project in July at the Lewis & Clark Station. PhaseRaiser kits are available from Laminated Wood Products, Inc. headquartered in Seward, Nebraska. Each kit includes steel braces to fit around each pole. Once the braces are in place and the pole is cut in two, the structure is raised by a hydraulic lift. Then the braces are secured above and below the cut line. The fresh cuts are treated with preservative to keep the poles from deteriorating.

The maximum any structure can be raised with a PhaseRaiser kit is 20 feet. Lohstreter says structures in this project were raised between 5 and 15 feet, as necessary. Raising one structure takes two, three-person line crews between two and three hours.



“We really just had two other options,” Lohstreter says. “We could have installed new poles, which would have been very expensive, or we could have raised the static lines and cross arms on the present poles, which would have reduced pole strength. Both options would have been more time consuming and required us to shut down that section of line. Using the PhaseRaiser was the best possible solution.”

The writer can be reached via e-mail at dan.sharp@mduresources.com.

KANSAS CITY, MISSOURI
HEART OF AMERICA CHAPTER 5
INTERNATIONAL RIGHT OF WAY ASSOCIATION

Presents

RIGHT OF WAY AND EASEMENT LAW

April 10, 2003, Kansas City, Missouri

A one day seminar on the legal principles relating to easements and rights of way. An overview of easement creation and termination will initiate the program followed by the discussion of cases which illustrate the general legal principles courts will examine to interpret and decide the rights of the respective parties. The primary topics are:

Significant Cases of General Interest

Cases emphasizing creation, termination, location, subdivision and the scope of use of easements.

Highway Rights of Way

A discussion on the land interests within highway rights of way, methods of creation, franchises and the permitted incidental uses of highway rights of way.

Railroad Rights of Way

A discussion of cases interpreting railroad rights of way.

Utility Easements

Utility easement issues decided by various state courts.

Street Dedications

The types of dedications and the rights of abutters upon vacation.

Pipeline Easements

Interpretation of rights granted by pipeline easements.

This is an advanced course and prior knowledge of basic easement law is recommended, but not required.

SPEAKER: Daniel W. Beardsley, SR/WA, of Anchorage, AK, is a right of way consultant and member of the Alaska Bar. He is the author of materials for this presentation, various publications on easements and title in Alaska, Easement and Right of Way Law in California, Montana, Oregon, and Washington, and the International Right of Way Association's Course 802, Legal Aspects of Easements. Mr. Beardsley, a graduate of Gonzaga Law School, has lectured and taught extensively throughout the United States on easement, real property and land title issues.

From Bob Larson

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS**

To:

*Departments of Transportation, Local Public
Agencies and Utilities*

Subject:

*Requests for Ownership Information of Lands Owned in
Trust*

Chapter 72 Members;

Local Public Agencies (LPA), Departments of Transportation (DOT), Utilities, and Service Providers have expressed concerns that it is difficult to complete rights-of-way when trust property is required. The difficulty has been in receiving land ownership information to begin the process.

The “Indian Land Consolidation Act Amendments of 2000” (ILAC), cited as Public Law 106-462, were passed to improve the quality of information to be provided to Indian owners, tribes, and prospective applicants for the leasing, use or consolidation of trust or restricted land.

Part of the Bureau of Indian Affairs (BIA) mission has traditionally been interpreted as limiting the information it made public, and believing this was part of its “trust responsibility”. Many agency staff’s developed a work culture that reflected this as their mission. Recently individual property owners and tribes have requested “legal determination”; by the courts on how poorly or well the BIA has carried out its trust responsibility. These issues compounded to complicate the way land ownership data was handled until none was being provided to anyone and resulted in access to ownership data being stopped on November 1, 2001.

The Great Plains Regional Office is now on line and our staff is working to supply quality information as directed by the Indian Land Consolidation Act Amendments of 2000. ILAC, 25 U.S.C. § 216 (e) provides that, - Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or any interest in trust or restricted lands, shall, **upon written request** be made available to – (3) prospective applicants who have a use for the trust or restricted lands.

Also under 43 CFR Part 2- Freedom of information Act, Subpart B – Requests for Records, § 2.13 Records Available (a) and (b), It is the Policy of the Department of the Interior to make the records of the Department available to the public to the greatest extent possible. The Act requires that the Department on a request from a member of the public submitted in accordance with the procedures in this subpart, make requested records available. The new policy should assist the BIA, and companies who do business on trust property, meet their obligations to owners with allotted property interests.

This is a dramatic change in the culture of the BIA and it takes time for practices to change, but it is required that those who make **written requests** for information needed to identify and contact property owners, must be given this information.

When a State DOT requests names, mailing addresses, parcel description and percentage of undivided ownership interest, adjacent to a proposed project for the purpose of collecting signatures on a consent and completing a Grant of Easement for Right-of-Way, that determination of ownership shall be by the Department that identifies the owners of such lands on the date the request is submitted. The requested information is provided in a report called a Certified Title Status Report (TSR), and the ownership data is abstracted by the Conveyance Examiners on staff. The Great Plains Regional Office, Land Titles and Records Office, Aberdeen, South Dakota, provides TSR's for Minnesota, Nebraska, North Dakota and South Dakota.

I would encourage DOT's, utilities, and LPA's to request TSR's, early in the planning process, and to copy the Agency Superintendent and Realty Officer with all letter correspondence. The Agency provides the addresses for the property owners of the allotted land. The Agency people are the best resource for guidance in acquiring the needed encumbrances and moving your right-of-way acquisition forward.

Have your solicitor provide you with copies of the documents mentioned in this letter and request a copy of 25 CFR Indians, Part 169, Rights-of-Way Over Indian lands for your resource library. You can also find these documents on the world wide web at the government printing office web site www.gpo.gov or contact your Chapter 72, Utilities and LPA Committee Chairman.

The form attached is used to request a Certified Title Status Report. Modify it to suit your needs. I hope this information will help you acquire the land ownership information so projects you have planned on Reservations in the Great Plains Region are not delayed.

Robert E. Larson
Member, IRWA, Chapter 72

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS**

REQUEST FOR TITLE STATUS REPORT

TO: LAND TITLES AND RECORDS MANAGER

DATE:

This office is requesting an UPDATED CERTIFIED TITLE STATUS REPORT for the following Allotment/Tract No. (s). Please provide the requested information as soon as possible.

Allotment or Tract No.

Description

REMARKS

RETURN TO BRANCH OF ROADS

Agency

Requestor

Title

“2003” MEMBERSHIP DUES

If you have not paid your 2003 IRWA Dues, please do so. By keeping your dues paid up, you will be able to keep up to date on IRWA information, also you get a discount on IRWA Courses and I can keep your name on the membership list for receiving the Trailwinds.



TRAILWINDS EDITOR REPORT:

I would like to thank, **Larry Lloyd, Craig Poorker, Bob Krava, Jack Holt, Bob Larson** for submitting articles for this newsletter. It is great to have impute like this to get a newsletter together. If you have an article, please send to me for the next newsletter.



Deadline For Publication

The next issue of the Chapter 72 Newsletter will be published in **August**. Material submitted for publication in the newsletter should be received by the editor no later than **July 15th**. Items received after **July 20**. will be published on available space. Thank you for your cooperation.

Send to **Ed Schwab, MDU 400 North 4th St., Bismarck, ND. 58501**

Email --at work:-----<mailto:ed.schwab@mdu.com>

Home: -----<mailto:smoothe@gcentral.com>

When anyone of you as a member of Chapter 72 signs up a new member, please fax me a copy of the application so they can be listed in our newsletter and add them to the mailing list. my **MDU Fax No. (701)222-7970. Attn: Ed Schwab**

RECIPES

OVERNIGHT EGG CASSEROLE

8 slices bread (or buns), crumbled	1 teaspoon dry mustard
8 eggs, beaten (extra large)	1/8 teaspoon black pepper
2 cups milk	2 cups grated cheddar cheese
1 teaspoon salt	1 cup ham

Optional ingredients as desired:

mushrooms onions other meats (precooked) green /red peppers broccoli

Mix all ingredients in a baking pan and refrigerate at least 4 hours.

Bake in a 325 degree F oven for 1 hour.

Chocolate Maple Cookies

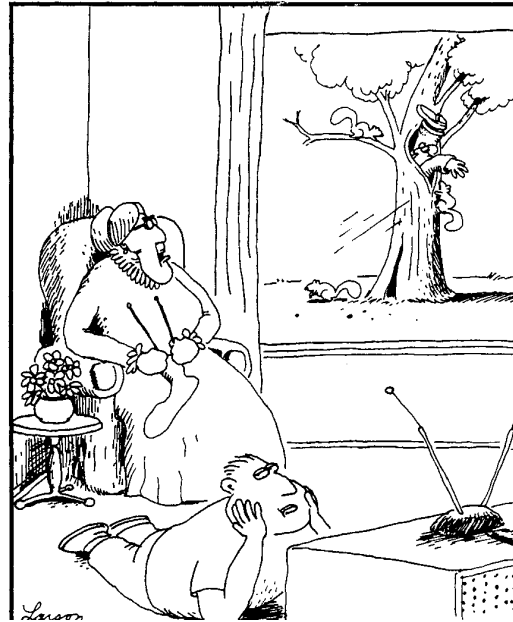
1-1/4 cups shortening	1-1/2 cups packed brown sugar
5 eggs	1 teaspoon vanilla extract
1/2 teaspoon maple flavoring	1-1/2 cups all-purpose flour
3/4 teaspoon baking soda	1/2 teaspoon salt

FROSTING:

2 squares (1 ounce each)
semisweet chocolate
1 tablespoon butter
(no substitutes)
1-1/2 cups confectioners' sugar
1/4 cup milk



Is this going to be you? Dennis Prochnow



"Austin" go out and get your grandpa Ed Schwab.....
"the squirrels have got him again."

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