

Groups want fees from illegal Health Council meeting

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Bismarck Tribune

Groups suing the State Health Council for approving new radioactive disposal rules at an illegally noticed meeting are asking the judge to award attorney fees plus \$1,000 in damages.

They also are seeking a determination that, even though the council later ratified its decision at a properly noticed meeting, the rules are not retroactive and can be voided.

The suit was brought by the Dakota Resource

Council and the North Dakota Energy Industry Waste Coalition. The groups initially asked the court to find the council in violation of the state's public meetings laws after it approved new radioactive disposal rules at a meeting without giving the public proper notice.

The council later decided to hold a do-over meeting without waiting for the court. In August — a year after the illegal meeting — the council ratified the new rules.

The groups' attorney, Sarah Vogel, said the do-over meeting did not make the initial lawsuit moot, and the judge still should make a decision on it to

create case law on the topic.

"There is no reason to assume that similar violations of the open meetings law will not occur again and again unless the court steps in to clarify the law, impose appropriate sanctions and direct the attorney general to undertake appropriate steps for compliance," Vogel said in court filings.

Further, although the council ratified the new rules, it did not expressly declare them to be retroactive as is required, she said; and therefore, they can be voided by the court.

■ COLUMN ■

The Bakken's impact continues to shape communities

The Bakken impact continues to amaze the economy and break new ground — literally and figuratively. In



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the midst of record number of population increases, greenfield refineries being constructed and major infrastructure being completed, another rarity has broken ground in Williston, North Dakota: the relocation of the Sloulin International Airport.

According to Steven Kjergaard, airport director, Sloulin International Airport, this will be the fourth relocation for a commercial airport in the United States over the past 25 years.

"You will see some small relocation airports occur; for example Bowman, North Dakota, just completed theirs," Kjergaard said. Kjergaard added that the other commercial airport relocations were Willmar, MN, Panama City and St. George, UT. "So they do occur, but they are not very common," Kjergaard said. "An airport is an expanded place with many parts and features."

According to Kjergaard, there are many reasons an airport would be expanded, like community preference and cost efficiency. The challenge is incorporating as many solutions to address issues of today and the future.

"But sometimes it just comes down to the best solution is a relocation," Kjergaard said. "And that's where we are at today. We need to relocate because that's our best option."

Kjergaard was part of an October 10 groundbreaking ceremony for the new airport that included U.S. Senator John Hoeven, U.S. Senator Heidi Heitkamp, U.S. Congressman Kevin Cramer, Williston Mayor Howard Klug, Federal Aviation Administration (FAA) Great Lakes Region Airports Division Manager Susan Mowry-Schalk and Governor Jack Dalrymple.

"It was a great big kick off and showing we are going into a new phase," Kjergaard said. "The planning stages where it took us multiple years to get from there to we are going to be moving into the construction phase really soon. That's a very positive state for us to get into."

Construction for the new Williston Basin International Airport will begin in 2017 with a targeted completion date of 2018 on the airport, located northwest of Williston on County Road 7. Funding for the \$240 million project includes \$112 million from the Federal Aviation Administration (FAA), \$62.5 million from the City of Williston, \$56.7 million from the State of North Dakota's Energy Impact Fund and other sources.

"The new airport will be six miles to the northwest of the existing airport," Kjergaard said.

The relocation will be a major change for the community — physical change, emotional change, airport name change, transportation flow change. Airports are major arteries of transportation and Kjergaard knows this relocation will have an impact with ripples. But he sees and hears the community is ready.

"It's a major change for the community. We've talked about this as an airport relocation now for about four years," Kjergaard said.

He added that working with a federal and state agencies can take longer than one would hope and is part of the timeline's process.

"People tend to forget at just how long a process like this can take, especially when you are talking about as much in depth work as it takes to move an entire airport," Kjergaard said. "Now that we are moving into the construction phase from planning, it is a major accomplishment for our community."

"We are staying at a level beyond where we were five, six, seven years ago, and is significantly higher than it was pre-oil activity. That's a positive that it wasn't a bust but rather a slow down."

— Steven Kjergaard

Along with the new location, the airport will have a new name too. The Sloulin International Airport will be changing its name to the Williston Basin International Airport — a branding move that certainly symbolizes the importance of the region's oil field.

"A great deal of our planning was related to the oil industry impact," Kjergaard said. "The influx of people and the general influx of people issues were there, but we would have had to do something at some point."

Kjergaard said there had been plans on the books for a renovation or relocation for years, but the energy impact sped up some of the timelines.

"There was no way to grow into the issues we had where everything had to be accomplished tomorrow," Kjergaard said. "At least tomorrow in the aviation sense. In the aviation world you don't typically do projects on a 2-3 year timeline, you

do them on a 20-year timeline."

Kjergaard said the demand to have the airport of tomorrow done today was stressful and trying to adjust for the growth demands in an oil economy is challenging.

Today, Williston's Sloulin International Airport is showing signs of economic life and signs of continued activity.. Kjergaard said their numbers are up and the people are there.

"We are staying at a level beyond where we were five, six, seven years ago, and is significantly higher than it was pre-oil activity," Kjergaard said. "That's a positive that it wasn't a bust but rather a slow down."

Kjergaard also provided a couple general specifics to help paint the picture of economic activity in Williston.

"Every month we are basically doing what we did seven years ago per year," Kjergaard said.

At the end of the day, Kjergaard sees the potential Bakken growth and is pleased their airport will be positioned for when oil prices rise.

"We are still showing signs of growth. We are still seeing significant usage of our terminal," Kjergaard said. "We are still seeing a lot of private aviation in and out of the airport as well. That to me is a massive sign there is still Bakken activity going on out here."



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