

MIDWEST DIGEST

States Testing For Wasting Disease

BISMARCK, N.D. (AP) — Wildlife officials are increasing the monitoring of chronic wasting disease among animals along the North Dakota and South Dakota border.

The North Dakota Game and Fish Department says a mule deer killed by a hunter last fall in Sioux County tested positive for the disease, a fatal malady of the nervous system in members of the deer family. It was the first case reported in the state.

Sioux County is near the South Dakota border.

Wildlife officials from the Dakotas and the Standing Rock Sioux Tribe will test hunter-harvested deer, elk and moose, road kills and sick-acting animals in the area where the diseased mule deer was killed last year.

The Standing Rock Sioux Tribe later harvested 20 deer that were tested for chronic wasting disease as a precaution.

Tribal officials say the deer were randomly harvested and didn't show signs of the illness.

The disease has been found in wild or captive deer and elk populations in 15 other states, mostly in the central U.S., and in two Canadian provinces.

North Dakota has been sampling for the disease since 2002, when awareness of it was heightened by discoveries in several other states.

South Dakota has found more than 130 cases of chronic wasting disease since testing began in 1997.

S.D. Crops On Track, But Pests Increase

SIoux FALLS (AP) — Sunshine and mostly dry conditions kept South Dakota crop development on schedule last week, but farmers are reporting an increase in field pests in some areas.

Temperatures in many places exceeded 100 degrees, and overall readings for the week were warmer than average except in the far west.

Topsoil moisture was rated 84 percent adequate to surplus for last week, 7 percentage points behind the previous week but 34 points above the five-year average. Subsoil moisture was 89 percent adequate to surplus, 17 points above the previous year.

Winter wheat harvest is in full swing, with 33 percent harvested.

Pastures are rated 86 percent in mostly good to excellent conditions.

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Feds Might Keep Bandit's Family From Profiting

BY GENE JOHNSON
Associated Press Writer

SEATTLE — The tale of the Barefoot Bandit is Hollywood-ready, with its barely schooled, shoeless scamp dodging police as he allegedly stole planes and cars in a cross-country dash before he was nabbed in a high-speed boat chase in the Bahamas.

A well-known entertainment lawyer hired by Colton Harris-Moore's mother says he is being swamped by unsolicited offers for book and movie deals, and no law would prohibit the 19-year-old or his mom from getting rich off his tale.

But hardball-playing prosecutors could seek to have them agree to turn over any profits from such deals in exchange for Harris-Moore avoiding a long prison sentence. The government could use the money to repay his alleged victims.

"Most victims in this case would not look kindly on either the defendant or his family getting rich," said Mark Bartlett, former first assistant U.S. attorney in Seattle. "It would be very difficult for him to make a pitch for leniency without a clean and total disgorgement of profits he or his family members are making."

Harris-Moore was arrested in the Bahamas a week after he reportedly crash-landed there in a plane stolen July 4 from an Indiana airport. He made initial court appearances in Florida last week and is being returned to Seattle, where he faces a federal charge in the crash-landing of a plane stolen from Idaho last year.

The self-taught pilot is suspected of more than 70 crimes across nine states since he walked away from a halfway

house in April 2008, many of them in Washington's bucolic islands. Some prosecutors and a defense attorney who was asked to represent him have expressed interest in negotiating a "global" plea deal to resolve all or most of the allegations.

The U.S. Attorney's Office has declined to comment on how the prosecution will proceed, except to say it is reviewing crimes attributed to Harris-Moore to see which might be prosecuted in federal court. Police suspect Harris-Moore took stolen cars, a boat and planes across state lines, and interstate transportation of stolen property is a federal offense with a 10-year maximum sentence.

John Henry Browne, a Seattle lawyer who has been asked to represent Harris-Moore, did not return calls and e-mails seeking comment.

A global plea deal would be more efficient than prosecuting him in one jurisdiction after another, but it isn't clear that would satisfy the local, elected prosecutors who have dealt with Harris-Moore the longest.

"I never say never, but my preference is that the answer for Island County changes in Island County court," said Island County Prosecutor Greg Banks, whose jurisdiction includes Harris-Moore's hometown of Camano Island. "He's got a lot to answer for."

He also noted Harris-Moore still has two years left on the sentence he walked away from in 2008.

Harris-Moore might not be charged in every case in which he's a suspect. In some Washington burglaries, little or no physical evidence was uncovered. In Indiana, Monroe County Chief Deputy Prosecutor Bob Miller said charges in the plane theft are unlikely for that reason.

Firm Seeks To Condemn Kan. Land

BY ROXANA HEGEMAN
Associated Press Writer

WICHITA, Kan. — A Nebraska company moved Monday to condemn more than 9,100 acres of land in south-central Kansas, marking the culmination of a decade in legal battles between property owners and a firm owned by billionaire investor Warren Buffett.

Omaha-based Northern Natural Gas Co. filed a lawsuit in U.S. District Court in Wichita, arguing that taking the property is "in the public interest and necessary" in order to contain gas migrating from its underground storage facility. It is also seeking a court order to shut down all gas wells within the expansion area.

The filing is the first step under the power of eminent domain to take land from unwilling sellers in Pratt, Kingman and Reno counties. At least 173 property owners hold some interest in the 40 tracts targeted in the filing.

"All they want is condemnation. They don't want to try to work it out with us. They just

want to take it. This is a group of very angry landowners out here. We don't want to give it up. It is their fault it is leaking," said Dorothy Trinkle, one of the leaders of a landowner group formed to oppose the takeover.

Northern Natural Gas spokesman Mike Loeffler said the goal is to stop drilling by third-party natural gas producers, who the company contends have been essentially siphoning off their stored gas supplies by changing the geological pressure. The company believes that the drilling has sucked gas away from what had been a stabilized storage field.

The company is looking to get underground storage rights on the condemned property, and plans to drill observation wells on that property to check for migration of gas, Loeffler said.

The legal maneuvering for condemnation comes in the wake of a June decision by the Federal Energy Regulatory Commission that granted Northern Natural the authority to expand their Cunningham Storage Field in Kansas by an additional 12,320 acres. The

facility stores gas in two underground formations now spanning about 28,000 acres.

But drilling companies that have put in the gas wells, and the landowners who get royalties off those wells, contend that there is native gas reserves underneath the property for which they should be compensated.

They have also won rulings in state courts that would allow landowners to keep the gas, even if it was originally in the storage facility, once it migrated more than a half mile away from the storage field and into areas under their land.

"We think it is the illegal confiscation of the minerals under this acreage because they circumvented the judicial system where they have been beat every time and went to the regulatory process — where they have tremendous lobbying power in Washington, D.C., because this company is owned by Warren Buffett," said Todd Allam, president of VAL Energy, a Wichita firm with a block of oil and gas leases six miles from the storage field.

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