

# FOOTBALL THE N'WEST IOWA PREVIEW

# THE N'WEST IOWA REVIEW

Your comprehensive guide to the area's high school football teams. Find quotes from the coaches, team rosters, district outlooks, past records and much more! See SECTION D & E

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## Shouts grow louder ahead of Iowa's pipeline hearing

Summit finally set to face IUB on Tuesday

BY ELIJAH HELTON  
EHELTON@NWESTIOWA.COM

REGIONAL—Scores of people for and against the proposed Summit Carbon Solutions pipeline are making their final preparations before the CO2 project's hearing with the Iowa Utilities Board set for Tuesday, Aug. 22. Proceedings are set to start at 10

a.m., although protesters expect to show up at least an hour early at the Cardiff Event Center in Fort Dodge. The IUB will meet for at least a month, with every week-day adding to testimony.

The Iowa Farmers Union, one of several statewide groups organizing against Summit and similar pipelines, held a virtual meeting Thursday afternoon to discuss the hearing.

"It's super important for people to take action," said IFU presi-

dent Aaron Lehman.

The hearing will start with Exhibit H landowners. These are people who are on Summit's proposed route who have not signed a voluntary easement with the Ames-based company.

There are about 1,000 parcels still unsigned in Iowa, about a third of the route. The landowner total is likely smaller since one person can own multiple parcels.

See HEARING on A10



Jess Mazour of the Sierra Club's Iowa chapter speaks at an anti-pipeline rally last year in Des Moines. On Tuesday, Aug. 22, the Iowa Utilities Board will hold its first CO2 pipeline hearing, which could grant a permit to Summit Carbon Solutions. Photo submitted

"It's a really beautiful town, there's so many things there, and it's just all gone. And it's just a sad, sad situation." —LINDA RUSCHE

BY MIKAELA MACKAY MMACKAY@NWESTIOWA.COM

## PERILS IN PARADISE



LAHAINA, HI—Getting on a plane as a 12-year-old to go to Hawaii may be one of the best back-to-school celebratory vacations ever. But for Damon Rusche's daughter, Jaden, this was not the case. The Rusches were among families caught up in the devastating wildfires that broke out in Hawaii last week. Damon grew up on a farm near Hartley before building a family in Omaha, NE. They had gone to Lahaina before and figured Aug. 5-12 would be a great

time to hit the beach, right before the fall school season.

The family stayed at Hyatt Vacation Club at Ka'anapali Beach, right on the ocean. After exploring downtown Lahaina on Monday, Aug. 7, they ended the night eating at Captain Jack's Island Grill.

When the Rusches woke up on Aug. 8, their hotel room had no power. Not thinking much of it, Damon, his wife and their daughter hopped in their

See WILDFIRES on page A11

## WILDFIRES HALT HARTLEY NATIVE'S FAMILY VACATION

## Doon train derailment result of negligence?

Lawsuit filed against BNSF for 2018 crash

BY MARK MAHONEY  
NEWS@IOWAINFORMATION.COM

DOON—Members of a Rock Valley family have sued BNSF Railway over the damage caused to their land by a 2018 train derailment and oil spill near Doon.

According to the lawsuit, Philip, Kristi, John and Helen Kooima have accused the Fort Worth, TX-

based railroad company of negligence and regulatory violations as well as causing their property to decrease in value due to oil and contaminants that still are in the ground.

Efforts to reach BNSF, which operates one of the largest railroad networks in North America, for comments on the civil case went unanswered.

The Kooima family originally filed the eight-page lawsuit in

See LAWSUIT on A7



Crude oils flows into the swollen Rock River south of Doon after a BNSF train derailed during the early Friday morning of June 22, 2018. No one was hurt. Photo by Jacob Faber

## Private schools' ESAs ready for first day of class

Area is a hot spot for state program

BY MIKAELA MACKAY  
MMACKAY@NWESTIOWA.COM

REGIONAL—A wave of speculation and uncertainty has accumulated ahead of the 2023-24 academic year since Iowa Gov. Kim Reynolds signed the Students First Act into law on Jan. 24.

The process works this way: Parents who choose to enroll their eligible children in an accredited K-12 nonpublic school will receive an amount equal to the per-pupil funding

allocated to public school districts for the same budget school year.

Funds will be deposited into an education savings account, referred to as an ESA or a voucher, to be used for tuition, fees and other qualified education expenses as specified in the legislation.

Students with accepted applications will have \$7,635 eligible to spend on tuition and education-related costs.

N'West Iowa is among the areas of the state in which the ESAs are being

See ESA on page A10

**WEEKEND WEATHER:**  
**SATURDAY** HIGH: 96 LOW: 66 CHANCE OF PREC: 1%  
**SUNDAY** HIGH: 85 LOW: 65 CHANCE OF PREC: 2%

SHELDON, IOWA  
  
 6 06162 00001 0  
 \$1.75

**INSIDE:**  
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## NEWS

# Rock Valley family suing BNSF for derailment, oil spill in 2018

## LAWSUIT

Continued from page A1

Lyon County District Court in Rock Rapids on June 22, the five-year anniversary of the derailment. The litigation was moved to the U.S. District Court in Sioux City on Aug. 4.

According to the lawsuit, the plaintiffs have accused BNSF of ordering its employees to operate a freight train early on the morning of June 22, 2018, through an area near Doon that had been flooded due to heavy rains the previous two days. "At the foregoing time and place, defendant BNSF was aware that the tracks over which defendant and its conductor were to operate the train were flooded out, improperly maintained, not properly inspected and were unsafe," the lawsuit reads. "Despite such awareness, defendant ordered its employees to operate its train over this section of the track."

As a result, more than 30 tank cars derailed and an estimated 160,000 gallons of heavy crude oil spilled into the floodwaters, "causing catastrophic property and environmental damage," the lawsuit reads.

A National Transportation Safety Board report determined the train's speed was not a factor in the derailment.

The train was found to have been traveling at 48 mph, 1 mph under the maximum speed allowed on that stretch of track, when the emergency brakes were applied and the derailment occurred, according to federal officials.

According to the lawsuit, the Kooima family has alleged the derailment and oil spill have caused harm to them and the environment.

"As a result, in whole or in part, of the foregoing negligence of defendant BNSF, plaintiffs sustained severe, permanent and disabling damages to their property," the lawsuit reads. "Plaintiffs have suffered in the past and will continue in the future to suffer from damages to their property."

In addition, according to the lawsuit, the Kooima family has "incurred losses and will continue to suffer such issues in the future, and will sustain a permanent loss of value of their property in amounts to be determined by the evidence at the trial of this matter."

Collectively, the plaintiffs are the owners of nearly 465 acres of farm ground and green space in Lyon County in and around the area of where the derailment occurred near Doon.

"Plaintiffs' financial interest in the



Members of a Rock Valley family have sued BNSF Railway over the damage caused to their land by a 2018 train derailment and oil spill near Doon. More than 30 tank cars derailed and an estimated 160,000 gallons oil spilled. Photo by Philip Kooima

property has been substantially reduced as result of the derailment and environmental disaster caused by the waste and negligence of defendant and the continued presence of oil and contaminants in the soil," the lawsuit reads.

According to the lawsuit, the Kooima family has requested a jury trial and is asking for actual damages and punitive damages.

"An award of punitive damages is necessary to punish BNSF for its willful and wanton disregard for others' property rights and to deter it and other similarly situated companies from operating recklessly in the future," the lawsuit reads.

In December 2021, the U.S. Environmental Protection Agency announced BNSF agreed to pay more than \$1.5 million to resolve alleged violations of the federal Clean Water Act related to the derailment.

The BNSF train was hauling nearly

2.5 million gallons of oil from Canada to Texas when it derailed near Doon.

According to the EPA, the oil spill caused by the derailment resulted in discharges to the Rock River, Little Rock River and Burr Oak Creek.

"Illegal discharges of oil into streams, rivers and wetlands present a significant threat to human health and the environment," said EPA Region 7 Administrator Meg McCollister. "EPA is committed to protecting our nation's waterways and will ensure that Clean Water Act protections are upheld."

Impacts from the oil spill included an evacuation order for nearby residents from their homes, elevated levels of hazardous substances within the affected site, closure of nearby drinking water wells, destruction of crops and deaths of at least three animals.

Discharges of pollutants, including oil, into federally protected waterways are violations of the Clean Water Act.

## Young agribusiness owners could win

### Contest by Farm Bureau to award creative ideas

REGIONAL—Iowa Farm Bureau Federation, the state's largest grass-roots farm organization, encourages young farmer entrepreneurs 18-35 years old with an ag-related business to enter the Grow Your Future Award for a chance to win \$7,500.

The competition is focused on Farm Bureau members with enterprises that tap into niche production, agritourism and specialty services.

"The Grow Your Future Award was created by the Iowa Farm Bureau Federation Young Farmer committee who understand the need to diversify and can appreciate the challenges that come with efforts to bring additional income

to the farm," said Amanda Van Steenwyk, Iowa Farm Bureau's farm business development manager.

Interested entrepreneurs should apply at [www.iowafarmbureau.com/grow-yourfuture](http://www.iowafarmbureau.com/grow-yourfuture) by Sept. 1.

The bureau will select up to 10 applicants to be further narrowed down by a public vote.

The top finalists will compete in a live pitch-off during the 2024 Iowa Farm Bureau Young Farmer Conference on Feb. 2.

Winners will be announced Feb. 3.

First-, second- and third-place finalists will receive \$7,500, \$5,000 and \$2,500, respectively.

Last year's Grow Your Future Award winner was a mushroom grower who used his winnings to purchase a delivery van and walk-in cooler.

"In addition to the Grow Your Future Award, Iowa Farm Bureau has a rich history of supporting rural entrepreneurs. One example is through the Renew Rural Iowa program, mentoring nearly 4,000 rural entrepreneurs and business owners while creating more than \$150 million in economic impact for rural Iowa communities," said Iowa Farm Bureau president Brent Johnson.

"The Grow Your Future Award is just one more way to highlight innovation and support rural entrepreneurs. The crop of applicants we get are equally diverse and impressive, ranging from cricket farmers to cover crop seed dealers, but the common thread is a vision and willingness to explore unconventional avenues in farming that make Iowa agriculture and our rural communities even stronger."

## LAW &amp; ORDER

### SIoux CITY MAN JAILED FOR METH AND MORE

SHELDON—A 64-year-old Sioux City man was arrested about 10:25 p.m. Friday, Aug. 4, in Sheldon on charges of first-offense possession of a controlled substance — methamphetamine; possession of drug paraphernalia; driving while barred; driving while his license was denied, suspended, canceled or revoked; and driving without required high-risk insurance.

The arrest of **Danny Joe Bursell Jr.** stemmed from the stop of a 2005 Dodge Ram 1500 pickup for a nonfunctioning license plate light and brake light on the 300 block of Highway 18/Park Street in Sheldon, according to the Sheldon Police Department.

Two pill bottles with Bursell's name on them containing a substance that field tested positive for methamphetamine were found in a bag in the vehicle during a consent search, according to the incident report.

### ARKANSAS MAN JAILED FOR MARIJUANA, MORE

SIoux CENTER—A 27-year-old Earle, AR, man was arrested about 3:55 p.m. Wednesday, Aug. 2, in Sioux Center on charges of first-offense possession of a controlled substance — marijuana, failure to display a registration plate and an hours-of-service violation.

The arrest of **Arthur Melrose Guess III** stemmed from the stop of a 2018 Ram 2500 pickup for a commercial vehicle inspection on Highway 75 at the 12th Street Northeast intersection in Sioux Center, according to the Iowa State Patrol.

His trailer did not have a license plate.

The odor of marijuana was detected, and a bag with a cigar and a marijuana blunt were found in Guess' right shorts' pocket. A THC vaping device also was located under the driver's door handle in the vehicle, according to the incident report.

### ASHTON MAN ARRESTED FOR METH IN SHELDON

ASHTON—A 52-year-old Ashton man was arrested about 8:10 p.m. Wednesday, Aug. 2, in Sheldon on charges of possession of a controlled substance — third or subsequent offense — methamphetamine and possession of drug paraphernalia.

The arrest of **David Lee Buss** stemmed from the stop of a 2003 Chevrolet Avalanche for an equipment violation on Second Avenue at the North Third Avenue intersection in Sheldon, according to the incident report from the Sheldon Police Department.

The police department's K-9 Balin conducted a drug sniff around the vehicle and indicated to the odor of narcotics coming from inside the car.

Methamphetamine and a used meth pipe were found.

### INWOOD MAN ARRESTED FOR OWI AFTER CRASH

ALVORD—A 36-year-old Inwood man was arrested about 3:45 p.m. Thursday, Aug. 3, near Alvord on charges of first-offense operating while under the influence, possession of an open container of alcohol and failure to maintain control.

The arrest of **Clinton Jon Berentschot** stemmed from a report of a 2022 Chevrolet Silverado pickup in the ditch along the 2000 mile of Elmwood Avenue, just north of Alvord, according to the Lyon County Sheriff's Office.

The caller also said the driver was unconscious.

Berentschot was transported by the Lyon County Ambulance to Avera Merrill Pioneer Hospital in Rock Rapids for treatment of

minor injuries.

He had bloodshot/watery eyes, impaired balance, slurred speech and the odor of an alcoholic beverage and was found in possession of an open container of alcohol.

### WOMAN ARRESTED FOR EXPOSING SON TO METH

HAWARDEN—A 19-year-old Hawarden woman was arrested Thursday, Aug. 3, on Sioux County warrants for child endangerment — methamphetamine exposure and violation of probation.

The arrest of **Madison Renee Hardin** stemmed from a July 11 hair follicle drug test for her infant son that registered positive for methamphetamine, according to the Hawarden Police Department.

Hardin also tested positive for methamphetamine. The information was provided to the Iowa Department of Health and Human Services, which requested a charge be filed.

A warrant for her arrest was issued July 26.

The child endangerment charge also was considered a violation of Oct. 14 sentencing for a charge of keeping premises or a vehicle for the purposes of using, possessing, selling or keeping controlled substances.

### INMATE CHARGED FOR NO CONTACT VIOLATIONS

ROCK RAPIDS—An inmate in the Lyon County Jail in Rock Rapids was charged Friday, Aug. 4, with two counts of violation of a no contact/protective order.

The charges against 25-year-old **Frederick Kurt Alexander Buckalew Jr.** of George stem from him using his jail texter, according to the Lyon County Sheriff's Office.

He texted a woman he is not to have contact with 81 times since July 20, according to the first complaint.

Buckalew on Aug. 1 sent two messages to an individual, asking him to send them to a man Buckalew is not to have contact with. "The messages were threatening in nature," according to the second complaint. The individual forwarded the messages to the man.

### SOUTH DAKOTAN JAILED FOR OWI NEAR MAY CITY

MAY CITY—A 47-year-old North Sioux City, SD, was arrested about 9:50 p.m. Friday, Aug. 4, near May City on a charge of second-offense operating while under the influence.

The arrest of **Martin Bernard Struthers** stemmed from the stop of an eastbound 2006 GMC Sierra pickup on 220th Street after it ran a stop sign at the Tyler Avenue intersection northwest of May City, according to the Osceola County Sheriff's Office.

Struthers had bloodshot/watery eyes, impaired balance, slurred speech and the odor of an alcoholic beverage and failed field sobriety tests.

He admitted to having two alcoholic drinks earlier in the evening, according to the incident report.

### ALTON MAN JAILED FOR MARIJUANA IN SHELDON

SHELDON—A 20-year-old Alton man was arrested about 9 p.m. Thursday, Aug. 3, in Sheldon on charges of first-offense possession of a controlled substance — marijuana and possession of drug paraphernalia.

The arrest of **Michael James Sullivan** stemmed from him being a passenger in a vehicle in a traffic stop at the intersection of South 10th Avenue and 16th Street in Sheldon, according to the incident report from the Sheldon Police Department.

Sullivan admitted to possessing and using a THC vaping pen, according to the report.

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