



The Minnesota Cattleman



The Official Newspaper of the Minnesota State Cattlemen's Association

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Lawsuit Challenges Flaws in WOTUS Rule

Scott Yager – Environmental Council – NCBA

On July 2, 2015, the National Cattlemen's Beef Association joined a coalition of agricultural, land use, construction, and energy groups to sue the Environmental Protection Agency and Army Corps of Engineers over their egregious "Waters of the United States" regulation published in the *Federal Register* on June 29, 2015. NCBA joined the lawsuit to protect the interests of cattlemen and women across the country who will be forced to comply with the final WOTUS rule, which asserts federal jurisdiction over many isolated waters that were previously not subject to federal reach. Common waterways such as ephemeral ditches and streams on or near cattle operations could subject land owners to liability and penalties for common management practices. The lawsuit seeks to vacate the WOTUS rule to prevent arbitrary enforcement of the rule, allowing land owners full use of their land and water resources.

There are some serious flaws in the final rule on which the lawsuit focuses: 1) procedural flaws in the rulemaking process, 2) overreach in the substance of the rule, and 3) violation of the Anti-Lobbying Act.

Failures in the Rulemaking Process

The rulemaking process is designed to be transparent and accessible. A well-managed rulemaking should be universally understood and allow all stakeholders an opportunity to comment on what the agency is proposing to be in the final rule. In the case of the WOTUS rule, the Agencies failed.

The agencies failed to provide an opportunity for comment on the final

rule's set-back distances, which is brand new concept that asserts jurisdiction on waters based on the number of feet they are located from another jurisdictional water. This concept was not mentioned in the proposal, so it was appropriate for the Agencies to open a supplementary comment period to provide folks the opportunity to comment on it. Instead, the Agencies closed the process and finalized the rule. While we are in favor of bright line indicators, the 4000 feet set-back is so expansive that, in combination with the rule's tributary definition, it could capture millions of water features across the country. We should have been provided the opportunity to kick the tires on the methodology and science for those set-back distances.

Additionally, the final version of the science report underpinning the rule was not available for public comment. EPA released the final report months after the comment period closed, at which point no one could comment on it. Many groups, including NCBA, requested the Agencies to re-open the comment period for this very reason but without regard for stakeholders, the Agencies finalized the rule.

These two examples illustrate the failure of the Agencies to provide an opportunity for meaningful comment on the rule. We argue in our lawsuit that this failure violates the Administrative Procedure Act – the statute enacted to promote meaningful public engagement in the federal rulemaking process.

Overreach in the Substance of the Rule

Our lawsuit argues that the WOTUS rule expands federal jurisdiction far beyond the bounds of the Commerce Clause and the limits on federalism embodied in the Constitution, the Clean Water Act, and governing Supreme Court precedent, and does so without any clear statement of intent from Congress.

Under the Rule's definition of tributary, it is impossible to know whether particular features qualify as jurisdictional "tributaries" without a case-specific and subjective determination by the Agencies. The criteria set by the Rule require subjective determinations such as whether the feature possesses the "physical indicators" of a bed, bank, and ordinary high water mark. And the Rule explains that the Agencies can make determinations remotely from a desk, using satellite images and estimation software unavailable to the public, without actually ever viewing the water feature in person, and regardless of whether the purported physical characteristics are in fact observable or even present in the field.



The Rule's significant nexus test, which is not supported by any plausible reading of *Rapanos* or *Solid Waste Agency of Northern Cook County* (SWANCC), is hopelessly vague. Regulated parties have no way to know which waters have a "significant nexus" to jurisdictional waters. The test relies on subjective terms like "integrity," "significant effect," "not insubstantial," "similarly situated waters in the region," and "the functions the evaluated waters perform." The specification that a significant nexus can be shown through a feature's "provision of life cycle dependent aquatic habitat" effectively reinstates the migratory-bird-rule logic for jurisdiction and therefore is unlawful under the Supreme Court's decision in SWANCC.

The Rule's jurisdictional setback of 4,000 feet of the high tide line or ordinary high water mark of any jurisdictional waters is arbitrary. It is also unsupported by the scientific evidence.

The Rule's concept of "adjacent" waters is plainly inconsistent with the Supreme Court's decision in SWANCC. It is also vague and uncertain because it rests on relationships to tributaries, which are vaguely defined, and to 100-year flood plains, which often are not mapped at all, leaving the Agencies and their private citizen proxies to rely on a hodge-podge of "available tools" that do not objectively or accurately identify flood plains and leaves our members guessing as to whether particular waters are "adjacent."

The Rule's "similarly situated" waters provision violates the Due Process Clause, the APA, and the plain language of the CWA. The smallest area that may be aggregated is between 40,000 to 250,000 acres. The Rule thus requires land users to know and assess enormous land areas well beyond their own holdings or fear violating the CWA.

The exclusions are narrow, vague,

and uncertain—for example, because there is no explanation of how to determine whether existing features were "created in dry land" or whether long-since-dry features once carried water and therefore may be deemed a "tributary."

Instead of bringing clarity and certainty to the Agencies' jurisdiction under the CWA, the Rule leaves the definition of "waters of the United States" subjective and unpredictable. Regulated parties are wholly dependent on the Agencies' and citizen-activists' subjective evaluations and cannot know on the face of the Rule what conduct is prohibited.

Violation of the Anti-Lobbying Act

Finally, the lawsuit argues that EPA's orchestrated effort to counter opposition and enlist public support for favorable comments on the WOTUS rule proposal violates the law. The Anti-Lobbying Act prohibits grassroots lobbying and the Department of Justice has reinforced this mandate in the past by issuing opinion letters to federal agencies articulating the prohibition. EPA's effort contravened this mandate and diminished the rulemaking process by slanting the pool of public comments in favor of the rule and drowning out opposition. This only serves to undermine the proper functioning of the notice-and-comment process that was designed to give everyone an equal voice on federal rulemakings.

NCBA will continue to work on behalf of our members to press EPA to withdraw the WOTUS rule. We are moving forward with this litigation, asking members of Congress to support an Office of Inspector General investigation into EPA's lobbying efforts and supporting legislation to withdraw the rule, or in the absence of a withdrawal, a full defunding of implementation of the final rule.

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NEWS - TIME SENSITIVE MATERIAL

I hope fall harvest is going well and safe in your neck of the woods. It seems in this busy of the year, it is always hard to keep up with what politicians and government agencies are doing. There seems to be almost too much to track at times. The DNR is currently working with fish issues pretty closely, wouldn't it be great if they would join forces with agriculture in that same fashion? The DNR is also placing pretty large roadblocks up for people who would like to irrigate. Declining permit approvals and of course the call for more studies. Then we have Waters of the US, all I have to say, what a big ugly animal that is. It is unfortunate that Minnesota did not take the chance to stand up and say wait a minute, and challenge it like other states took the opportunity to do. The MSCA team has been taking time to learn and improve some of these issues. We are working as close to the source on the problem as we can. Thank you for all of your support.



TIM NOLTE
President, Minnesota State Cattlemen's Association

As I reflect on the time that has passed since my last column two words come to mind: volatility and resiliency. In agriculture, there are very few guarantees; however, lately volatility in the markets seems to be a guarantee.

Many of the calves reaching market weight currently were purchased at record high prices. The highest prices I can remember in my lifetime and although the risk was acknowledged by most farmers, the investment was made because after all, farmers are eternally optimistic. Now fast forward several months, those expensive calves remain however the market has taken a major hit.

Times like this call for each of us to be resilient. We need to make sure that we are managing our risk with the tools that are available. Whether it is through marketing, diversification or another means find a way to manage the volatility that has become a constant. Take a long term approach to your investments, be resilient, this too shall pass and those that can effectively manage their risk will be the ones that will have the staying power to make it through.

I also want to encourage you to take the time to attend the Minnesota State Cattlemen's Association Convention in December. This event is a tremendous opportunity to network with industry professionals, hear from speakers addressing current issues impacting the beef industry and take some time to enjoy the fellowship of other cattlemen and cattlemen.

Stay resilient, see you in December.



DICK PESEK
Chairman, Feeder Council

Fall is in the air because beef producers are weaning calves and preparing for a bountiful harvest. Fall is also when the Minnesota CattleWomen's Association organizes the Minnesota Beef Ambassador Contest! I competed in this contest my senior year of high school and I discovered my passion for teaching others about agriculture. This team is an essential component of the beef community. Team members educate consumers and students about beef nutrition, food safety, and stewardship practices of beef farmers during classroom visits, Summer Tour, Farm Fest, and Minnesota State Fair. We are helping youth develop skills in leadership, communication, and self-confidence which equips them in becoming leaders in the beef community.



SARAH COLOMBE
President, Minnesota CattleWomen's Association

The team consists of a senior ambassador, a junior ambassador, and two team members. Contest is Saturday, October 17 at the Miracle Birth Center, Minnesota State Fairgrounds. Check-in will begin at 9:00 a.m. and contest will begin at 9:30 a.m. The 2015-2016 Minnesota Beef Ambassador Team will be announced at 5:00 p.m. at the Supreme Sale Selection Dinner.

The contest has two age divisions: Junior (13-15 years) and Senior (16-19 years). Youth compete in three areas: media interview, consumer promotion event, and issues response. Registration form and additional contest descriptions can be the Minnesota Beef Expo website under the Junior Activities tab. If you have other questions please contact Karin Schaefer at karin@mnbeef.org or Marilyn Nickel at nickelm@centurytel.net.

The Minnesota CattleWomen's Association wrapped up summer by promoting beef at the Minnesota State Fair Moo Booth. Fairgoers went to various "Awesome Ag. Activities" to learn about beef by-products, meat cuts, feeds, and developed MyPlate meals. After the activities, Juanita Reed-Boniface shared her beef story with fairgoers. This was a great opportunity to educate and answer public's questions regarding the beef community.

Always remember, Beef. It's What's for Dinner!

Harvest is in full gear in my area with corn silage harvest done, earlage being finished up shortly and soybean and wet corn harvest underway. Early harvest reports look quite good. There should be feedstuffs of plenty for cow/calf operations and the feedlots throughout most of the state.

The University of MN Beef Extension Team this past winter reminded us as cow/calf producers how important it is to market our calves properly. We as producers are not salesmen but we should approach calf sales this way. No matter which marketing venue you use to sell your calves (auction barn, direct marketing or order buyer) the buyer should know all you have done as a producer to prepare these calves to fit their needs. We all invest money into the proper vaccination programs, preconditioning, herd genetics, and mineral programs. As we prepare to sell these calves we need to switch to salesman mode and market them to the best of our ability. We need to try to get as much of a return on our investment as possible by adding something as simple as a hand written note to a complete health certification from your veterinarian explaining what we have done through this point of the animal's life. A car salesman will tell you why you need this car, let's try to tell the buyers why they need our calves and hopefully we both benefit from the information provided.

The MN Beef Expo is approaching quickly. This event continues to grow and is a neat way to keep encouraging youth to stay in the cattle industry. The Expo is in its 15th year and will be held October 15-18 with something for everyone to see.

The MSCA state convention is going to be held in December at the Grand Casino in Hinckley. I would encourage you to attend as we discuss almost every issue affecting the cattle industry in the state. If you have any questions as to the position MSCA has on an issue, I would invite you to join us for the resolutions meeting on Thursday.

I hope to see you at these upcoming events and please have a safe harvest season.



GRANT BREIKREUTZ
Chairmain, Cow-Calf Council

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Minnesota Cattleman
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Minnesota State Cattlemen's has teamed up with Concrete Cattle Waterers to support the development of future MSCA leaders! Concrete waters is donating a Model C250 Electric Automatic Tank (Value \$1,000.00) to be auction off at the 2015 MSCA Annual Convention, with proceeds going to the MSCA Jr. Cattlemen's Association to be used for leadership development activities. Concrete also offers a special MSCA members only discount on water tanks throughout the season! \$50.00 on all Cattle Bowls C150 and Larger, \$25.00 on the three small tanks and \$25.00 on EasyPads. Go to their website www.concrete.com for a full brochure & dealer locations. Or call Advanced Agri at 1-866-39-5546.

Minnesota Beef Alliance Members

Thanks to the following businesses that have already joined the Minnesota Beef Alliance in 2015. If you are interested in learning more about the alliance, contact the MSCA office at 612-618-6619 or visit www.mnsca.org.

Prime Level
Minnesota Corn Growers Association
Purina Animal Nutrition
Carlson Wholesale, Inc.
American Foods Group
The Minnesota Beef Council
Wulf Cattle

Choice
Central Livestock Association
Zoetis
Summit Livestock Facilities

Select
Varied Industries Corporation (Vi-Cor)
Huvepharma
Artex Manufacturing
Select Sires

Upcoming Events/Important Dates

Oct. 15 – 18: Minnesota Beef Expo – MN State Fair Grounds
Dec. 3-5: MSCA Annual Convention & Trade Show, Hinckley, MN

MSCA Membership Recruitment and Benefits

The MSCA relies heavily on a grassroots process of local cattlemen's associations and volunteer leaders to recruit and retain members. The MSCA looks to reward recruiters with the following benefits.

Recruiter incentives are as follows: 3 members: complimentary registration to state convention; 5 members: two complimentary registrations to state convention; 10 members: two complimentary registrations to state convention and a \$100 gift card; 20 members: two complimentary registrations to state conventions, \$200 gift card and a plaque; 25 members: two complimentary registrations to state convention, \$200 gift card, plaque and two nights stay at state convention.

Upcoming Events/ Important Dates

Dec. 3-5: MN Cattle Industry Convention & Trade Show - Grand Casino, Hinckley, MN

November 17th: SAVE THE DATE: West Central Cattlemen's Meeting, Morris, MN - Keynote speaker MSCA Legislative Adviser - Bruce Kleven - Open to public!

November 21st: Northwestern Stockmen's Association Grazing Workshop, Their River Falls, MN

December 4th: MSCA Quarterly Meeting - Grand Casino, Hinckley, MN

December 5th: MSCA Annual Meeting - Grand Casino, Hinckley, MN

2016 Events:

July 11 & 12 2016 - MSCA Quarterly Meeting and Summer Tour - Canby,

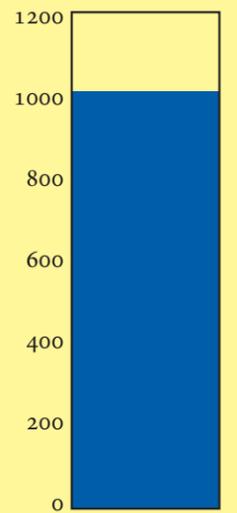
December 1st - 3rd 2016 - MN Cattle Industry Annual Convention & Trade Show - Double Tree Hotel, Bloomington, MN

Don't Forget to Renew Your Membership!

The MSCA saw many successes in terms of our priority issues ranging from wolf management, expanded grazing access on conservation lands, reasonable animal identification requirements, opening up CRP and other conservation lands for emergency haying and grazing and improving the environmental permitting process. As we continue into 2015, the MSCA will be focused on many of the same issues, but we will also be closely monitoring many other issues affecting Minnesota cattlemen.

Be sure to send in your membership renewal as soon as you can so we can continue having cattlemen working for cattlemen! (See membership form on back page)

MSCA Membership Goal



Grass hay for sale. Weed free and quality tested between 9 and 16% protein. These are not road ditch bales. Over 2000 tons available in net-wrapped bales. Delivery available.

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OFFICE 507.641.5384

MINNESOTA BEEF EXPO SCHEDULE OF EVENTS

THURSDAY, OCTOBER 15, 2015

- 9 am Barn opens for cattle
- 10 am - 4 pm NEW TIME IN 2015: Junior Show & Showmanship check-in: Show Office
- 11:30 am - Noon Knowledge Bowl check-in: Warner Coliseum
- Noon - 3 pm Knowledge Bowl: Warner Coliseum
- Noon - 8 pm Trade Show set-up for remaining exhibits
- 3:15 pm NEW Premier Exhibitor Informational Session: Show Ring, Warner Coliseum Arena
- 3:30 - 5 pm NEW TIME IN 2015: Sullivan Supply Stock Show University Seminar: Show Ring, Warner Coliseum

This well-attended event will be lead by some of the best fitters in the Midwest and their number one priority is helping you walk away more confident in your skills. The seminar isn't over until every question is answered.

- 5:30 - 7:30 pm MYBEP Educational Workshop: Warner Coliseum Sponsored by MN State Cattlemen's Association

New & improved in 2015! We'll kick off this free event that is open to all youth with pizza and then split into break-out groups where youth will experience small, hands-on discussions on cattle breeding, identification, feeding, BQA and foot health. At the conclusion of the workshop, the attendee present with the highest application score given by the MYBEP selection committee will be awarded a heifer, sponsored by the Minnesota State Cattlemen's Association.

- 8 pm Barn closes for the night for stalling

FRIDAY, OCTOBER 16, 2015

- 6 am Barns open for stalling
- 8 am - Noon Sale cattle check-in & weigh-in: Livestock Pavilion
- 8 am - Noon Junior Show & Showmanship check-in: Show Office
- 8 - 9:15 am Judging Contest registration: Warner Coliseum
- 8 - 10 am Trade show set-up
- 9:15 - 11:30 am Judging Contest: Warner Coliseum Sponsored by Minnesota Farm Bureau
- 10 am Trade show opens: Warner Coliseum
- Noon Sale cattle & junior show cattle must be in place and checked in by Expo staff
- 12:30 pm Sullivan Supply Fitting Contest: Warner Coliseum
- 1:30 pm Judging Contest Awards: Warner Coliseum
- 2:00 pm MYBEP interviews & showmanship: Warner Coliseum
- 3 pm Junior Showmanship Competition: Warner Coliseum

Showmanship has traditionally been, and will continue to be, a "no fit" show. Exhibitors will be judged strictly on their showmanship skills, with no emphasis being placed on fitting skills. However, exhibitors do have the option of fitting their animal for the sole purpose of personal practice, realizing that it will not affect their placing in showmanship.

- 5 pm Grab & Go Burger Dinner: In Between Warner Coliseum and Livestock Pavilion Sponsored by AgStar Financial Services & Minnesota Soybean Growers

- 7 pm White Satin on Ice, Elite Genetics Sale: CHS Miracle of Birth Center

SATURDAY, OCTOBER 17, 2015

- 8 am Sale Cattle Show: Warner Coliseum Sponsored by Showrite and Hubbard Feeds, Inc.
- 8 - 10 am Junior Show Prospect & Market weigh-in: West end of Livestock Pavilion
- 9 am Trade Show opens: Warner Coliseum
- 9 - 11:30 am 2015 Minnesota Beef Ambassador Team Competition: CHS Miracle of Birth Center
- Noon - 4 pm All sales will run concurrently in Warner Coliseum Sponsored by Lanesboro Sales Commission, Inc. **NOTE: Junior Show entries from sale close 30 minutes after completion of sale.
- 2 pm NEW IN 2015! Minnesota British White Park Select Sale: AgStar Arena
- 2 pm NEW IN 2015! "Artist In You" Class with Weber Custom Painting: CHS Miracle of Birth Center
- 4:30 pm NEW TIME IN 2015: 13th ANNUAL SUPREME ROW Market Beef Show: Warner Coliseum Arena
- 5:30 pm 13th ANNUAL SUPREME ROW Selection Dinner: Warner Coliseum Concourse Sponsored by Central Life Sciences & Minnesota Corn Growers; Presented by Minnesota Angus Association
 - 2015 Minnesota Beef Ambassador recognition
 - 2015 MYBEP Heifers Awarded
 - 2014 MYBEP Achievement Award, Sponsored by Minnesota Beef Cattle Improvement Association and MYBEP Achievement Award Scholarship, Sponsored by Minnesota Farmers Union
 - Selection of Supreme Row Champions

SUNDAY, OCTOBER 18, 2015

- 8 am Prospect Market Calf Show & Breeding Heifer Show: Warner Coliseum
- Ring 1: Shorthorn, Angus, Limousin, Shorthorn Plus, South Devon, Foundation Simmental, Red Angus, Hereford, Simmental
- Ring 2: Prospect Calves (Prospect Steers, Prospect Heifers), Supreme Champion Prospect Calf Selection, Charolais, Commercial, All Other Breeds, British White Park, Charolais Composite, Maine Anjou
- Selection of Supreme Champion Prospect Calf will immediately follow the last prospect calf class of the day. The Supreme Champion Heifer selection will follow the last class of the breeding heifer show. The Premier Exhibitor winners will be announced during the Supreme Heifer Selection.*
- 10 am Trade Show opens: Warner Coliseum

THE MINNESOTA BEEF EXPO SCHEDULE IS SUBJECT TO CHANGE. PLEASE VISIT THE WEBSITE FOR THE MOST CURRENT SCHEDULE. Please be sure to visit the silent auction located in the trade show! All of the proceeds go back to the Beef Expo!

RESERVE YOUR ROOM TODAY!

\$92 Exclusive Rate for MBE*w/\$8 going back to the Expo
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Beef Checkoff Sets FY2016 Plan of Work

As the Cattlemen's Beef Board wraps up their fiscal year, the sun rises on FY2016. After months of hard work by the Beef Long Range Planning Committee, which included MSCA past President Don Schiefelbein, the 2016-2020 Beef Industry Long Range Plan was unveiled at the 2015 Beef Industry Summer Conference. This plan lays out aggressive goals to strengthen the beef industry in the coming five years, many of which are directly pertinent to the goals of the Beef Checkoff Program.



KARIN SCHAEFER
MBC Executive Director

The Cattlemen's Beef Board (CBB) Operating Committee met in mid-September to evaluate plans of work submitted by contractors. Action was taken by this board to recommend programs of beef promotion, research, consumer information, industry information, foreign marketing and producer communication, to the tune of \$42 million. These recommendations will need approval from USDA, followed by review by the full Beef Board.

The staff at the Minnesota Beef Council and CBB, along with contractors of the beef checkoff program, look forward to implementing programs in FY2016 that will provide an outstanding return on investment for beef producers in Minnesota.

To review the comprehensive Beef Industry Long Range Plan or to learn about specific programs that were approved for funding by the CBB Operating Committee, please visit www.beefboard.org.

Cattle Handling Seminars a Huge Success

The Beef Quality Assurance (BQA) Programs in Minnesota, North Dakota, and South Dakota hosted a series of Low Stress Cattle Handling Seminars featuring Stockmanship Expert, Curt Pate the week of September 14-18. The seminars were a huge success, reaching 501 farmers and ranchers who all received a BQA training by attending the seminars.



SUCCESSFUL PROMOTION & EDUCATION ACTIVITIES

12 Days of Grilling

(Insert 12 days of grilling picture)

This August partnered with Twin Cities Live a daily talk show focused on food, fashion and fun, which airs daily on KSTP Channel 5 from 3-4 pm. The 12 Days of Grilling campaign focused on showing consumers fun and practical burger recipes and techniques during all 12 days. Miss the segments? Be sure to check out our 'As Seen on TV' page on the Minnesota Beef Council website.

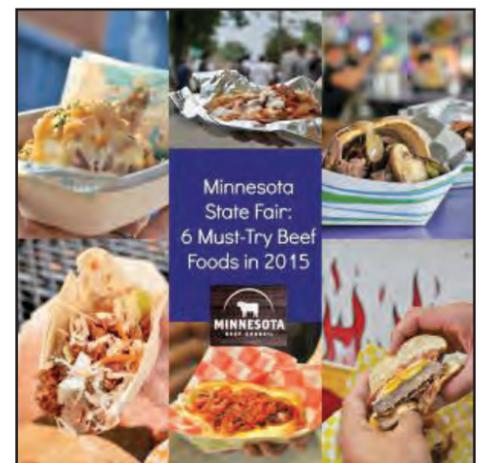


Minnesota State Fair

The Minnesota State Fair, which was held August 27-September 7 provided an opportunity to reach nearly 2 million consumers. Our booth theme this year was 'Beef: Nourishment to Thrive' and focused on a brand new display on beef nutrition and the benefits of beef protein for optimal performance.

Our booth also incorporated a fun and interactive element with a photo booth, which encouraged consumers to show us their love for beef.

New foods at the Minnesota State Fair, receive tons of press and media attention. With so many new beef food items, we worked with Twin Cities Blogger, Alice Sueffert to write a featured blog post providing her reviews of these items. The food was great and her post on our www.meatmnbeef.com blog, received a record amount of hits.



SUCCESSFUL PROMOTION & EDUCATION ACTIVITIES . . . continued

Team BEEF Race: Stockyard Days 5K & 10K

Team BEEF Minnesota had six members represent in our fourth official race: Stockyard Days 5K & 10K. This race, took place on the morning of August 8 in New Brighton, MN. The racers did great placing first and second in various categories.

The Minnesota Beef Council had great interactions with racers about beef and sampled a quick, easy snack option on the go: beef snack sticks! The next race will be the Medtronic Twin Cities Marathon



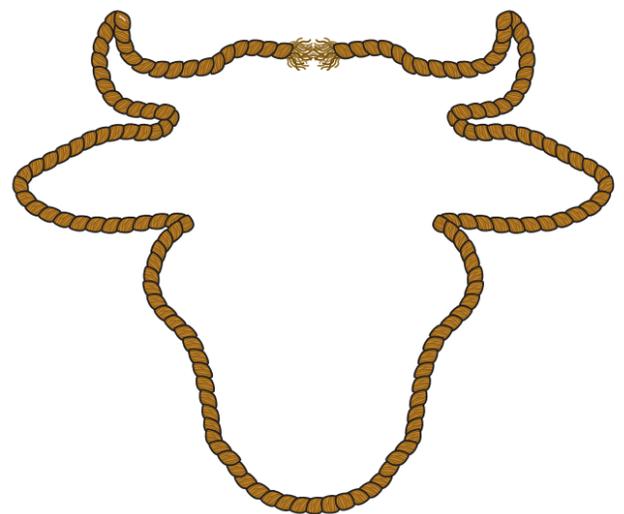
Team BEEF members at the starting line. Pictured left to right Michael Brinza, Jill Wickler, Julie Silverman, Maria Wingert, Becky Church and Amy Smith.

U of MN Celebrate Ag & Food Day

The Minnesota Beef Council along with several other commodity organizations participated in the University of Minnesota for Celebrate Ag & Food Day on September 19 talking to game attendees about the benefits of beef.



Entering its third year, the purpose of this event is to bring more visibility and education to the fans across the state about the importance of agriculture and food production that comes from our great state! The Gopher Football game provided a high profile stage, not only with the fans that day, but a statewide listening audience season long, to speak to on the importance of agriculture on our state's economy.



Free Online BQA Certification

Thanks to a partnership with Boehringer Ingelheim Vetmedica, Inc., your beef checkoff-funded Beef Quality Assurance (BQA) program is offering free online BQA Certification now through -November 20, 2015.

for the online modules, click on Beef Quality Assurance and Beef Cattle Care or one of the other eighteen categories available (Comprehensive Beef Quality Assurance–recommended), register and enter code: BIVIBQA for your payment method. After all videos within a specific category have been observed with quizzes passed successfully, you will become BQA certified!

To take advantage of the free online BQA program, visit www.BIVI-BQA.com



BQA IS MY STORY. WHAT'S YOURS?

The checkoff's Beef Quality Assurance (BQA) program gives me a consumer-friendly story to tell, one that ensures consumers we are responsibly raising a safe, wholesome and healthy beef supply.

Now, thanks to a partnership with Boehringer Ingelheim Vetmedica, Inc., you can earn a **FREE Dairy BQA certification** online through **Nov. 20, 2015.**

FREE Certification  **Visit bqa.org to sign up today!**



Best Management Practices • Animal Health • Facilities Design
Employee Training • Cattle Care and Handling



Late Summer Legislative Report

MSCA Legislative Adviser – Bruce Kleven

New MPCA Citizens Board. Defying the legislature, and essentially going back on the promise he made when he signed the ag and environment finance bill into law in June, Governor Dayton unilaterally formed a new citizen's advisory board in August to provide input to the MPCA. Readers may recall the 2015 legislature – on a bi-partisan basis – eliminated the MPCA citizens board. The old board had the power to approve or deny permits and to order additional environmental reviews; the new board does not. Dayton made the announcement at the annual meeting of the Minnesota Environmental Partnership on August 4 (the nature of the announcement was similar to that of the buffer initiative: it was made in front of an environmentally friendly audience and with little advance notice). The new board will still have eight members appointed by the Governor but without the consent or advice of the legislature. It will provide recommendations on environmental review documents; on the issuance, reissuance, modification and revocation of permits; on the adoption or revision of agency rules; and on requests for variances from rules. Fortunately, the new board was created by an executive order which means it can unilaterally be eliminated by a future administration. Perhaps this was Dayton's plan all along: agree to the elimination of the board in order to "take on" agriculture by getting the buffer provisions signed into law, and then a few weeks later pander to the environmental wing of the DFL Party by simply re-creating the board by himself.

Special Session. A special session to deal with the decline of walleye fishing on Lake Mille Lacs was a possibility in August but now is unlikely to happen. The DNR abruptly closed the walleye season on the Lake because the annual walleye quota had been reached. A working group of administration officials and legislators met in August but could not agree on the underlying need for state assistance to the resort industry. Rather, legislators urged the DNR to re-open the season until Labor Day and further urged the DNR to stock the lake with walleye fingerlings. A \$10 million package was under discussion that included zero interest loans, property tax abatements, extra tourism spending, and advertising for the region to help the resort industry. Governor Dayton once again seemed unable to marshal support for another top priority of his, even from fellow Democrats in the legislature.

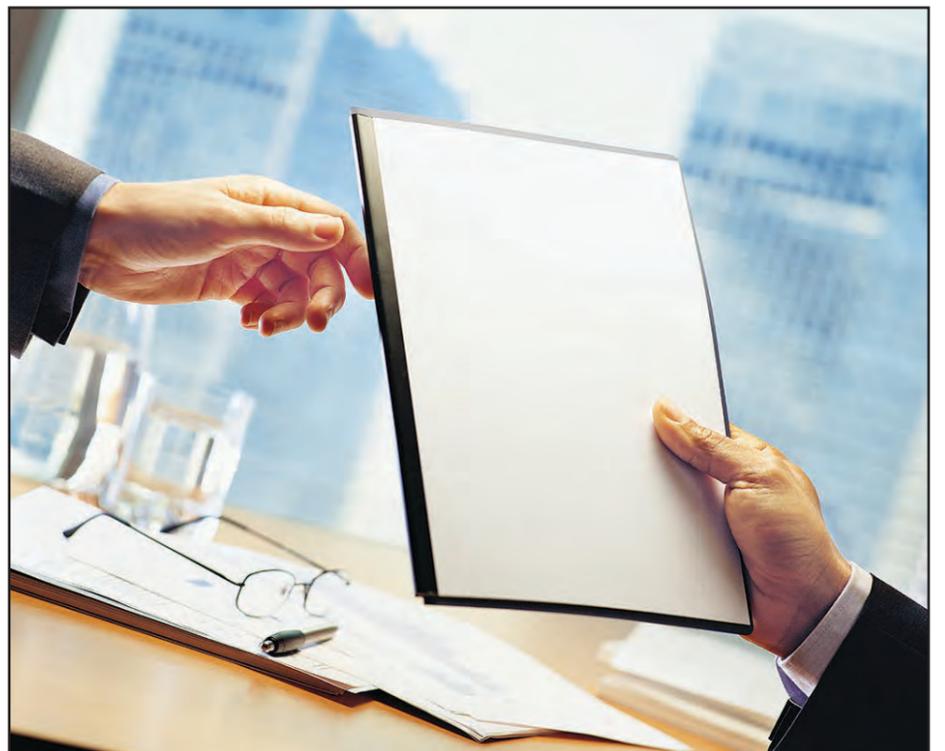
Special Session II. Even if there isn't a special session called over walleye fishing, there might be one called to deal with the release of locked-up sex offenders. Minnesota's program to lock up sexual predators has been ruled unconstitutional by a federal judge, because in the 20-year history of the program no one has ever been released. To date, 720 sex offenders have completed their prison terms but have not been released back into the community because they have been deemed unsafe for public release. The cost of the program is approximately \$120,000 per detainee per year. The release of sex offenders back into a community is a politically hot issue. Democrats had the chance to pass reforms when they controlled all three legislative branches of State government in 2014 but with the Governor and the House up for re-election that fall they passed. Now the situation has become urgent, because the judge has made it clear that he will act alone if the legislature fails to act soon. To that end, a closed-door meeting with administration officials and legislative leaders was held on August 10 but nothing substantive came of it. Meanwhile, the Dayton administration has appealed the judge's ruling which could buy another year of time before legislative action is really required. But waiting another year could turn the issue into a divisive campaign issue in 2016.

Willmar Poultry Testing Lab. Members of the House Capital Investment Committee were in Willmar on August 26 to tour the Willmar Poultry Testing Laboratory. The 2015 legislature provided \$8.5 million in the bonding bill to make improvements to the Lab, including the speed of testing for bird flu.

Surface Water Impacts. The DNR was directed by the 2015 legislature to convene a working group to discuss the potential negative effects groundwater appropriation permits have on surface water. The DNR has increasingly denied irrigation permits near designated trout streams under the theory that those permits will have a negative impact on the trout stream. Rather than hastily agree to something on this issue during the closing days of the 2015 session, the DNR agreed to look at the issue during the interim in an effort to develop recommendations for revisions, clarifications, definitions, and requirements for consideration during the 2016 session. The first working group meeting was held on August 26; the next one is scheduled for September 30.

Wetland Maps. In late August, the DNR released updated wetland inventory maps for 36 counties in Southern Minnesota. The new maps cover an estimated 23,900 square mile area. The newly released maps are the first updates to the National Wetlands Inventory for Southern Minnesota and they are available through an interactive mapping application at: www.dnr.state.mn.us/eco/wetlands/map.html.

Walk-In Funding. The State's Walk-In Hunting Program on private land was formed in 2011 but has struggled because it has never had a stable source of funding. Since inception, nearly 23,000 acres have been enrolled in the Program. The federal government gave the Program a boost in late August when the



USDA announced that another 8,000 acres can be added through \$1.6 million in additional funding over the next three years. In addition, \$375,000 is specifically earmarked to improve wildlife habitat on those lands that are enrolled in the Program (removing dead trees, burning grass, and planting wildflowers). Despite the federal grant, long-term, stable funding remains a concern of walk-in hunting advocates.

Representative David Dill. Representative David Dill (D-Crane Lake), Iron Ranger and long-time friend of agriculture, died on Saturday, August 8, from cancer. He was first elected to the Minnesota House in 2002. Representative Dill served for several years on the House Ag Committee and was one of only a couple of "go-to" guys in the House DFL caucus on ag issues. He often joined Republicans in voting against environmental legislation put up by his fellow Democrats. A special election to fill the vacancy has been set for December 8 and the following six candidates have filed for the District 3A seat:

- Rob Ecklund – Koochiching County Commissioner (DFL)
- Bill Hansen – Small business owner (Sawbill Canoe Outfitters) (DFL)
- Eric Johnson – Dental supply manufacturer (DFL)
- Kelsey Johnson – Grocery Manufacturers Association lobbyist in St. Paul (I)
- Heidi Omerza – Ely City Council Member (DFL)
- Roger Skraba – Former Mayor of Ely (R)

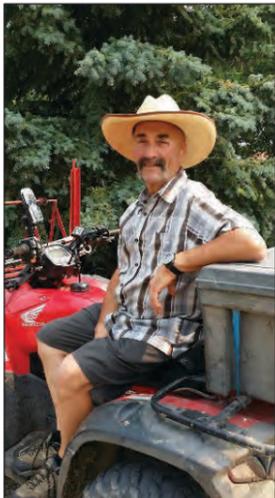
The Duluth News Tribune reported that DFL party officials in District 3A have decided not to endorse a candidate before the primary election that will be held on September 29. The party will instead let voters decide between DFL candidates Ecklund, Hansen, Eric Johnson, and Omerza. The winner of the DFL primary will take on Independent candidate Kelsey Johnson and Republican candidate Roger Skraba in the December 8 special election.

Assistant MDA Commissioner. Assistant Commissioner of the Minnesota Department of Agriculture, Charlie Poster, announced in August that he was leaving the Department to take a position at a local ag-related firm. Mr. Poster served in that position for almost five years and his last day at the Department was on Friday, August 28.

Waters of the U.S. As expected, Minnesota Attorney General Lori Swanson (DFL) did not join 30 other states in challenging the EPA's expanded powers under the new Waters of the United States rule that became effective in Minnesota on August 28. The rule was blocked under an injunction issued on August 27 by North Dakota federal Judge Ralph Erickson but the White House unilaterally decided that the injunction for a national rule applicable in all 50 states was only blocked in the 13 states that were actually listed on the injunction petition. Despite repeated assurances from the EPA, the rule significantly expands the scope of federal power as clearly evidenced by maps that are being produced by the American Farm Bureau Federation to show the potential impact of the new rule. The maps present sequential layers of regulatory coverage beginning with a base layer depicting areas that are jurisdictional waters, such as tributaries and adjacent wetlands. The subsequent mapping layers add ephemeral streams—low spots in the land that drain and channel water away from farmland after a rain but are otherwise dry; adjacent waters including wetlands where any part is within a 100-year floodplain and not more than 1,500 feet from a tributary; and waters or wetlands within 4,000 feet of a tributary, which can be regulated upon finding a significant nexus with the tributary exists. To date, maps for seven states have been completed and they show nearly all of the geography in those states, including most of their dry land, could potentially come within the reach of the federal Clean Water Act and the associated permitting/regulation by the Army Corps of Engineers.



Northwestern Stockmens Association Winter Workshop Series:



Neil Dennis



Gene Goven

Saturday November 21st Ralph Engelstad Arena Thief River Falls, MN

The Northwestern Stockmens Association proudly invites Neil Dennis from Wawota, Saskatchewan and Gene Goven from Turtle Lake, ND to present their on-farm experience of improving profits through grazing management. Topics will include:

- Pros and Cons of High Stock Density Grazing
- Methods to Monitor Success
- Native and Tame Grass Grazing Management
- Winter Grazing
- Tools of the Trade
- Improving Soil Health for Increased Forage Production
- Holistic Management Techniques for Graziers

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In today's world of agriculture it is paramount to increase production without risking detriment to the resource. Come and learn how to improve your grazing management from Neal and Gene. These two respected livestock producers will present information on how to improve your profits by simply changing the techniques of livestock, pasture, and grazing management.

The least cost livestock production model is to graze perennial forages. The most effective way to increase profits is to improve grazing management. *Come and learn from two of the region's most respected graziers!*

Workshop Schedule:

8am:	Registration
9am:	Am Session
10:30am:	Break
10:45am:	Am Session Con't
Noon:	Lunch
1pm:	Pm session
2:30pm:	Break
2:45pm:	Pm session Con't
4-4:30pm:	Q&A

Cost & Registration

Current NWSA Members	\$50/pp
Non NWSA Members	\$75/pp

Send Check to:

NWSA Winter Workshop
C/O Dana Didrikson
28243 Co Rd 4
Badger, MN 56714
218-689-1480 (Dana's Cell)



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Cattle Contracting

Scholarships Available!

The Minnesota State Cattlemen's Association, in conjunction with the Bottem and Jensen families, have 3 scholarships available to deserving animal science, agriculture or agronomy students. For application forms and submission instructions, visit www.mnsca.org/scholarshipsandawards.php. Winners of the Reid Mason and Dennis Bottem Scholarships will receive their scholarship at the 2015 MSCA Annual Convention in Hinckley, Mn.

Reid Mason Memorial Scholarship \$500 – Eligibility Criteria

- Parent or guardian must be a member of the Minnesota State Cattlemen's Association and National Cattlemen's Beef Association.
- Applicant must be enrolled as a junior or senior in a college or university in Minnesota, North Dakota, South Dakota, Wisconsin, or Iowa.
- Applicant should be majoring in Animal Science with emphasis on beef cattle.
- Applicant must submit with the application:
 - Most recent grade transcript.
 - An essay of not more than 300 words which includes the reasons for pursuing your present education program, career plans, attitude toward agriculture, college activities, and why you are deserving of this scholarship.
- The scholarship application, requested essay, references (one of which must be from a current or former teacher), and grade transcript must be received by November 1st.

Dennis Bottem Memorial Scholarship \$500.00 – Eligibility Criteria

- Must be a Minnesota Resident.
- Applicant can be enrolled in either a two or four year Ag program in any college or school in Minnesota, North Dakota, South Dakota, Wisconsin or Iowa.
- Applicant should be majoring in Animal Science or Agronomy.
- Applicant must submit with the application:
 - Most recent grade transcript.
 - An essay of not more than 300 words which includes the reasons for pursuing your present education program, career plans, attitude toward agriculture, college activities, and why you are deserving of this scholarship.
- The scholarship application, requested essay, references (one of which must be from a current or former teacher), and grade transcript must be received by November 1st.

Adam Jensen Memorial Scholarship \$500.00 – Eligibility Criteria

- The applicant should have completed at least one year of postsecondary education, but consideration will be given to a high school graduating senior if sufficient applications are not received. A current transcript may be requested as proof of attendance prior to distribution of funds.
- The applicant should be actively pursuing a postsecondary education with relevance to Agriculture
- There is not a GPA prerequisite for scholarship award.
- It is recommended, but not required, that the applicant as an individual or their family be associated with a local cattlemen's association or the Minnesota State Cattlemen's Association.
- Applicants who are actively involved in the cattle industry to any degree will be given strong consideration
- Applicant, along with completed application, must submit a short essay on a topic of their choice in relation to the beef industry. The applicant should be prepared to present this essay at the Redwood Area Cattlemen's Association Annual Meeting.
- Application must be received by November 1st.



Members of MSCA's executive committee, regional directors and members met with Rep. Collin Peterson at his Detroit Lakes office to discuss the next steps in wolf delisting, water regulations and trade.

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2015 Minnesota Cattle Industry Convention and Trade Show

Registration for General Attendance

Payment Information:

Name: _____

Business _____

Address: _____

City _____ State _____ Zip _____

Email _____

Phone _____

Payment Method: Check Enclosed
 (“MSCA Convention”) Credit Card

Credit Card: MC Visa Discover

CC Number _____

Authorizing Signature _____

Expiration Date _____

Name on Credit Card (Exactly as listed)

Please return completed form to:

Ashley Kohls – Executive Director
 Minnesota State Cattlemen’s Association
 23722 230th St. - Hutchinson, MN 55350

Online registration available at MNSCA.org

Meeting and Tradeshow Registration:	# of People	Fee	Total
Full Registration Fee (Both Days) (Per Person)		X \$100.00 -	=
Jr. Registration (Both Days) (Per Person)		X \$90.00-	
One Day Registration Fee (Per Person)			
Check Day: Friday _____ Saturday _____		X \$60.00 -	=
Total:			=

* Note: If you are a new member joining the MSCA in 2015, or if you recruited three new MSCA members, you are entitled to one complimentary registration. Exhibitors and general sponsors are also eligible for one complimentary registration.

First Name:	Last Name:	Organization/Business/Farm Name:





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It's time for the 2015

**MINNESOTA
CATTLE INDUSTRY**



Event location:

Grand Casino, Hinckley
777 Lady Luck Dr,
Hinckley, MN 55037
800-468-3517

Schedule of Events

Thursday, December 3, 2015

Committee Meetings..... Noon-2:00PM

MSCA Policy & Resolutions Committee Meeting..... 2:00PM-5:00PM

Social Hour & Exhibitor/Sponsor Appreciation Supper..... 6:00PM

Friday, December 4, 2015

Registration Open..... 8:00AM-6:00PM

Trade Show Set-up..... 8:00AM-11:00AM

Cow/Calf and Feeder Council Meetings
..... 9:30AM-10:00AM

Regional caucus meetings for new director nominations. (2&3, 4, 6, 8)
..... 10:00AM-10:15AM

MSCA Quarterly Board of Directors Meeting..... 10:30AM-11:30AM

Trade Show Opens.....11:00AM

Lunch & Welcome..... Noon-1:30PM
-MSCA & MCW Presidents, NCBA & ANCW representatives.

-Keynote: Dr. Kim Stackhouse - high level overview of U.S. Beef Sustainability Round Table

Cattlemen's College..... 1:30PM-2:30PM
-Dr. John Rodgers "Stewardship of using antibiotics in cattle here and into the future" Sponsored by Zoetis

Cattlemen's College..... 2:30PM-3:00PM
-Kim Stackhouse - Regional Sustainability Data

Cattlemen's College..... 3:00PM-3:30PM
-Lisa Pederson - NDSU Livestock Extension Specialist, ND BQA Coordinator - Transportation BMP's, sponsored by The Minnesota Beef Council

Preventative Care Panel
..... 3:30PM-4:00PM

-(Preventative Care, Vaccination, Backgrounding, Lowstress handling, value in buying "reputation" backgrounded cattle)
Moderated by Lisa Pederson, NDSU Livestock Extension Specialist

Trade Show..... 4:00PM-5:00PM

Social..... 5:00PM-5:30PM
Sponsored by Form A Feed

Supper, Ceremonies and Auction,
-Entertainment: Peterson Farm Brothers
..... 5:30PM-11:00PM

Saturday, December 5, 2015

Registration Open..... 7:30AM

Breakfast Briefing..... 7:30AM-9:00AM
-Bruce Kleven, MSCA Legislative Advisor
-Marci Schlup - Manager of Legislative Affairs for the Public Lands Council

Trade Show Open..... 9:00AM

MSCA Annual Meeting
..... 9:00AM-10:30AM

Minnesota CattleWomen Annual Meeting..... 9:30AM-11:30AM

MSCA JR. Association meeting
.....11:00AM-Noon

Dedicated Trade Show Time
..... 10:30AM-Noon

Lunch..... Noon-1:30PM
-Keynote: Jessica Sampson - Agricultural Economist, Livestock Marketing Information Center (Lakewood, CO)

Trade Show closes..... 1:30PM

New officer/director orientation
..... 2:30PM-5:00PM



2015 Cattlemen of the Year Award

The Minnesota State Cattlemen's Association (MSCA) through the Minnesota Cattleman of the Year award annually recognizes an individual cattleman that has demonstrated outstanding leadership and personal dedication to Minnesota's cattle community. MSCA accepts nominations for the honor and presents the nominations to a selection committee consisting of individuals that are past recipients of the award. The announcement of the selection is made public at the Annual Cattlemen's and Cattlewomen's Dinner Banquet at the MSCA convention.

Qualities and achievements shared by recipients of the Cattleman of the Year Award include, but are not limited to the following.

- Demonstrated leadership and organizational skills that have made a positive and lasting contribution to Minnesota's cattle community.
- Strong record of active promotion of the beef industry and a willingness to speak out publically on behalf of the industry.
- Served in a variety of volunteer, appointed and elected positions of responsibility within Minnesota's beef sector and at the national level.
- Served in volunteer, appointed and elected positions of responsibility within their local community and at the state and national level.
- Well respected by fellow cattlemen, local community leaders, and government officials.
- An active participant in and supporter of the Minnesota State Cattlemen's Association.

The Cattlemen of the year award form can be found at www.mnsca.org and is due November 13th. Completed award applications can be mailed to 23722 230th ST., Hutchinson, MN 55350 or emailed to mnsca@mnsca.org.



MSCA Regional Director Dan Anderson handing Representative Dan Fabian an MSCA PAC check along with a thank-you for all of his work in representing rural Minnesota and being a friend of Agriculture in St. Paul. "Representative Dan Fabian understands agriculture. He knows how important agriculture is to the district he serves and understands the issues and challenges that the farmers and ranchers of Minnesota face. We are fortunate to have someone who works so hard on our behalf serving us in St. Paul." - MSCA Regional Director Dan Anderson



Matt Ulwelling, board member for the Northwestern Stockmen's Association, an affiliate group of MSCA, also attended the recent fundraising event for Representative Dan Fabian.

2015 MSCA Beef Industry Service Award

The purpose of the Minnesota Beef Industry Service Award is to publically recognize and reward individuals that have made a substantial professional contribution to Minnesota's Beef Industry.

The Minnesota State Cattlemen's Association (MSCA) through the "Minnesota Beef Industry Service Award" periodically recognize individuals associated with the beef industry that have demonstrated outstanding leadership and personal dedication to Minnesota's Beef Industry. MSCA accepts nominations for the honor and the MSCA Executive Committee annually reviews and makes a determination as to the merit of each nomination. If merited an individual or individuals may be selected from the nominees. The announcement of that selection is made public at the MSCA Annual Convention and Beef Industry Trade Show in December of each year.

Qualities and achievements shared by recipients of the "Minnesota Beef Industry Service Award," include, but are not limited to the following.

- Demonstrated leadership and organizational skills that have made a positive and lasting contribution to Minnesota's Beef Industry.
- Strong record of active promotion of the Beef Industry and a willingness to speak out publically on behalf of the industry.
- Served in a variety of government, education, volunteer, appointed and elected positions of responsibility within Minnesota's Beef Industry and at the national level.
- Well respected by fellow professionals, cattlemen, local community leaders, and government officials.
- An active participant in and supporter of the Minnesota State Cattlemen's Association.

The Beef Industry Service award form can be found at www.mnsca.org and is due November 13th. Completed award applications can be mailed to 23722 230th ST., Hutchinson, MN 55350 or emailed to mnsca@mnsca.org.



MSCA Vice President, Mike Landuyt attending a fundraising event for Representative Tim Miller. "During his first year in office, Representative Miller has proven to be a good friend of the agriculture industry." - MSCA Legislative Adviser Bruce Kleven

Sign Up a New Member Today - Help MSCA Grow!

Minnesota State Cattlemen's Association/National Cattlemen's Beef Association

MSCA/NCBA Partnered Membership Application Form

Name _____ Phone _____ Email _____

MN State Cattlemen's Association Dues \$50
Junior Dues \$25

Local Cattleman Association Dues (Optional)

Local = _____ (Local Dues →) _____

NCBA Membership Dues (Optional)

(Select the appropriate classification and add to MN State Cattlemen dues)

- 1-100 Head = \$100
- 101-250 Head = \$200
- 251--500 Head = \$300
- 501-1000 Head = \$400 + Fair Share
- 1001 - 1500 Head = \$550 + Fair Share (NCBA Dues →) _____
- 1501 Head & Up = \$750 + Fair Share
- Fair Share is \$0.25 per stock cow & \$0.125 per stocker/feeder
- Individual Supporting Member (non-cattle owner) = \$100
- Student Membership = \$50

Total Dues Enclosed This Membership _____

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City _____ State _____ Zip _____

Type Ops: Feeder Cow-Calf Seedstock Stocker Dairy Associate

Method of Payment: Check Credit Card Invoice Me

Credit Card Type: Master Card Visa Discover

Card # _____

Expiration Date _____ / _____ Signature _____

Make Checks Payable to: "MSCA" (No Cash Please)

Return Form & Payment To: MSCA Treasurer

23722 230th Street • Hutchinson, MN 55350

Recruited By: _____

Questions Call: ☎ (320) 634-6722 or email: ✉ mnsca@mnsca.org