After years of fighting, the end of the battle over the 2015 Waters of the United States (WOTUS) rule is finally in sight. On Sept. 27th, the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) closed the public comment period on their proposal to repeal the 2015 rule. After this procedural step, the EPA and Corps should be able to move forward with their plan to erase the 2015 WOTUS rule. The agencies will then embark on a second rulemaking process to replace the definition of “waters of the United States,” and provide regulatory relief to farmers and ranchers across the country.

The road to regulatory relief from the 2015 WOTUS rule has been long and winding. When the Obama Administration first announced the rule in 2014, MSCA joined other farm groups across the country that sharply criticized the vast expansion of federal authority. They were joined by a chorus of other stakeholders concerned about the overly broad definition of “waters of the United States.” Even state and county government officials voiced their displeasure, concerned that the new rule would bring local water infrastructure — a county storm drain, for example — under federal jurisdiction.

The uncertainty was even more acute for cattlemen and women across the country. Instead of providing clear limits on federal jurisdiction on private land, the 2015 WOTUS rule provided a pathway for regulators to assume that any feature is federally jurisdictional by virtue of a series of set-back distances that would allow the government to regulate ponds or wetlands as far as 4,000 feet away from another jurisdictional pool. This can hold water would be a WOTUS. Another aspect of the rule gave government officials the power to broadly aggregate and regulate water features such as prairie potholes, coastal prairie wetlands, and vernal pools.

If it sounds confusing, that’s because it is. The entire rule is riddled with ambiguous wording and broad classifications. Under the agencies’ definition, the term “tributary” even includes intermittent streams, ephemeral streams, and ditches. In fact, the only thing definitively excluded from jurisdiction are swimming pools and koi ponds.

If the 2015 rule persists, it will be a boon to environmental lawyers and consultants, while throwing a wrench into day-to-day operations of cattle producers. Moving dirt near a mud hole or stock pond could become a federally-permitted activity for ranchers, and virtually all feedyard operations would be forced to get an EPA discharge permit. However, securing a permit in a timely manner might be a challenge — federal agencies are already struggling to handle a backlog of tens of thousands of water permit requests.

An Executive Order issued in February of this year set the federal government on a path towards a fix. Titled, “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule,” the order directed the EPA and the Corps to review the 2015 WOTUS rule and engage in a fresh rulemaking process. A few months later, the EPA and Corps announced their proposal to rescind the 2015 rule.

As the public comment period closes on the proposal to rescind the 2015 rule, MSCA would like to thank the many members who shared their views with the EPA and the Corps. The final comments submitted by MSCA can be found on page 12 of this edition of the Minnesota Cattlemen, as well as online at www.mnsca.org.

Not a Mirage: Regulatory Relief on WOTUS is in Sight

Results from the Minnesota Department of Natural Resources’ 2016-1017 wolf population survey were released on Monday, September 25th.

After remaining stable during the past four years, the survey estimates that within Minnesota’s wolf range there were approximately 500 wolf packs and 2,856 wolves, an increase of 25 percent since the 2015-2016 survey. The survey’s margin of error is about plus or minus 500 wolves. The 2015-2016 survey estimated the number of packs at 439 and the wolf population at 2,278.

Minnesota’s wolf population remains well above the state’s minimum goal of at least 1,600 wolves and also above the federal recovery goal of 1,251 to 1,400. The DNR has consistently managed wolf populations at levels that exceed both state and federal minimums.

Survey results suggest packs were slightly larger (4.8 vs. 4.4) and used smaller territories (54 square miles vs. 62 square miles) than the previous winter. Although neither individually represented a significant change from recent years, collectively they explain the increase in the population estimate and are consistent with a continuing increase in deer numbers observed in many parts of wolf range. From spring 2015 to spring 2016, deer density within the wolf range is estimated to have increased 22 percent.

The wolf population survey is conducted in mid-winter near the low point of the annual population cycle. A winter survey makes counting pack size from a plane more accurate because the forest canopy is reduced and snow makes it easier to spot darker shapes on the ground. Packs counts during winter are assumed to represent minimum estimates given the challenges with detecting all members of a pack together at the same time. A winter count also excludes the population spike that occurs each spring when the number of wolves typically doubles immediately following the birth of pups, many of which do not survive to the following winter.

The DNR’s goal for wolf management, as outlined in the state’s wolf management plan, is to ensure the long-term survival of wolves in Minnesota while addressing wolf-human conflicts. Minnesota continues to have no direct management responsibility for wolves now because a federal district court ruling in December 2014 returned Minnesota’s wolves to the federal list of threatened species. The U.S. Fish & Wildlife Service manages all animals on that list.

To find survey results from previous years, visit mndnr.gov/wolves.

The Minnesota Wildlife Services program will stop all operational wolf depredation assistance for the remainder of this year on Friday, October 13th. This includes providing on-site investigations and wolf removal activities.

The period of time for which WS provides wolf damage assistance is contingent on available funding which has typically been sufficient to provide these services through the month of October. However, assistance provided this year resulted in a quicker than expected use of available funding and will prevent us from providing operational assistance beyond the 13th of October.

As in the past, Wildlife Services will continue to offer limited technical assistance on depredation issues on a year-round basis and will respond to human safety threats by wolves on a case by case basis.

Please contact USDA-APHIS/Wildlife Services at the Grand Rapids, MN office at 218-327-3330 for any questions regarding wolf depredation assistance.

Current Wolf Delisting Legislation Efforts

H.R. 3354 – FY2018 Interior-Environment Appropriations Bill: Instructs the USFWS to reissue the 2011 and 2012 final delisting rule for this species within 60 days and prevents any judicial review of the rule. A separate rider in the same bill prevents USFWS from expending any funds to treat the gray wolf as a threatened or endangered species in the lower 48 states.

S.1514 – Hunting Heritage and Environmental Legacy Preservation Act (HELP Act), better known as the “Sportsmen Bill”: Addresses a variety of issues related to hunting, wildlife, and conservation. Reissues the 2011 and 2012 wolf delisting rules.
We are extremely busy here at the farm, just like all of you out there. Trying to get another cutting of grass to make sure we have extra grass for the stock cows, chop the hay for the feedlot, kids back in school and sporting events, and trying to get to some meetings that are affecting our industry. We are extremely fortunate to have a group of people willing to stand up for us and fight for our needs.

As all that is happening, we need to continue to try growing our membership to make sure people see we are united. I know not everything we do is probably right for everyone in our state, but I’ve always said we are a large and diverse state and that makes it impossible to please everyone. But be assured we are trying to do our best. If there is something that you believe needs to be changed or addressed, you have that opportunity to send or better yet, bring a resolution to the annual convention. This takes place on Thursday afternoon and is a sometimes long and grueling process. Importantly this is our guide as to how we position ourselves with politicians when the topics come up. These resolutions don’t have to be perfect, we can work on them in the coming weeks, just need a local organization to support and bring them.

The annual convention is also right around the corner! Be sure to get registered and make the journey to join us. There will be time to learn to visit and time to relax and enjoy. I hope to see you at the event and share familiar faces. I’m hoping to see a great turn out again this year. Thank you to the ones putting the time into planning this. Another fun event during the convention is the fundraising auction. It is almost neat to see the different items that show up every year. (I really like the caramel’s!) I hope everyone has a safe and bountiful harvest. I know there are areas that have seen a little much moisture and that can be frustrating, but I am thankful we have not had to deal with the drought, fires, or hurricanes. We recently received some of our first orders of the season. The drivers painted an ugly picture of what is happening out west. Keep these farmers and ranchers in your thoughts and prayers.

Take care and be safe out there.

Fall is my favorite time of year! Just a few of my favorite things about fall, the fall harvest, it’s harvest season, fall calving, apples, pumpkins, warm apple cider, and crock pot meals.

It was a busy August for the MN CattleWomen and the MN Beef Ambassadors. Farm Camps where held in four different locations this year. Farm Camp is a day where third graders come out to a farm and learn all about agriculture. There were two at Farm Annex on August 5 and 9, one on Rice in August 15 and one in Dundas on August 16. We shared the beef production story, played beef and career bingo and talked about all the by-products that come from beef. Thank you to all the drivers on the Rice and Colombe, Jennifer, Abbey and Bauke Schiefelbein, and Vicky Fick for helping with these Farm Camps.

Minnesota Beef Ambassador Bailey Schiefelbein met with House of Representative member Tom Emmer in August. Another great beef ambassador experience!

At the Great Minnesota Get-Together otherwise known as the Minnesota State Fair Penny Zimmerman, Debbie Clute, and Carol Hoge had a great time talking beef in the Moo Booth on Saturday, September 2. They talked about beef cuts with the magnetic beef cut board, beef byproducts, and different facts about beef. A big thank you goes out to Emilee White, Minnesota State Beef Ambassador, and her family! During our time in the Moo Booth, Emilee and her family brought over the cattle they had brought to the state fair, so people could touch and ask questions about it. It was a fun day!

Katie Moller and Emilee White both were very busy at the MN State Fair. They showed both weekends. Here are just a few highlights: Katie won a $2,000 4-H Scholarship at the Purple Auction, she also had the Champion AOB Cow/Calf on 4-H weekend. Emilee had the Champion South Devon Heifer on 4-H weekend.

Greetings from southwest Minnesota! Our fall beef camp and fall is upon us as I write this on the 21st of September. Our area is mostly finished with corn harvest and the soybeans are starting to begin. It appears that our corn crop will have a better than average yield in our corner of the state. However, the corn maturity is lagging behind average for this time of year. This is where the cattle come into play. We have an advantage over strictly being a crop producer this year as we have the ability to utilize this corn crop through the cattle instead of providing feed at a higher cost. This could be provided for harvesting of the corn grain. If you look at a 200 bushel corn crop this year, it looks to be in better condition and you are faced with removing 5-10 points of moisture at an elevator that will cost $40-80 per acre whereas the cattle could be feeding this same product as a high moisture feed of some form. There also appear to be some value added in that corn crop this year by running it through our cattle feeding operations this year by what some initial early fall calf pricing has been. In this year of low commodity prices, the livestock industry has a better chance of adding value in value adding to our state’s economy. With most of our harvest ahead of us, we are praying for a safe harvest season for all. We are looking forward to many of you joining us for the State Convention in the first weekend of December in Bloomington. It is a worthwhile time to come and talk about the issues that affect us, listen to great speakers and network with your fellow cattle producers in this state.

Executive Committee

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President, Minnesota Cattlemen/Women

KRIST WOLLUM
President, Minnesota State Cattlemen's Association

JIM WULF
Chairman, Cow/Calf Council

GRANT BINFORD
Chairman, Feeder Council
MSCA Membership
Recruitment 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 plaque; 25 members: two complimentary registrations to state convention and a $200 gift card; 20 members: two complimentary registrations to state convention; 10 members: two complimentary registration to state convention; 5 members: two complimentary registration to state convention.

Minnesota Beef Alliance Members

THANK-YOU to the following businesses that have committee to support members of the Minnesota State cattlemen’s Association as part of the Minnesota Beef Alliance for 2017. If you are interested in learning more about the Beef Alliance program, contact the MSCA office at 612-618-6619 or visit www.mnsca.org

MSCA Boots on the Ground

The MSCA members and board of directors have been busy over the past few months! To keep up with the daily activities of MSCA and the MSCA board of directors - like us on Facebook, follow us on Twitter (@CattlemenMN) and sign up for our E-Newsletter. Be sure to use the MSCA hashtag #CattlemenMN when sharing all of your story!

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Minnesota State Fair
This year’s state fair was a success on many levels! With record breaking crowds and a total attendance just shy of two million people, we were able to visit with many consumers and producers in both our booth and in the livestock barns. The Minnesota Beef Council booth was located in the Dairy Building on Judson Ave and we had lots of great interaction. Throughout the fair, we played beef toss in the booth to build confidence in beef cuts and to have lots of fun! We also gave away “I Love Beef” sunglasses for playing beef toss, recipe brochures, cut charts and answered consumer questions about beef. The staff also helped with the 4-H Beef Shows and two of our own, Colleen Zenk and Dr. Renee Korczak, judged the MN Meats Beef competition. This is a competition where teams of 4-H kids work together to cook a beef dish using a cut of beef, a pantry of items including spices, fruit and vegetables, as well each team can bring up to 3 secret ingredients to include in the dish.

Twin Cities Live
It was Dude Week on Twin Cities Live, the week of September 18 – 22. We featured Charlie Cory, owner of Big Steer Meats, on September 19. Charlie talked about his famous Al Capone stuffed steaks that will wow your family and friends. He also showed off his Dapper Dan Steak which was the winner of the Steak/Roast Category of the 2017 Innovative Beef Contest sponsored by the Minnesota Beef Council this past March at the Minnesota Association of Meat Processors Annual Convention. Oh, did we mention the Al Capone steak won the contest in 2008?! Both steaks are stuffed with other meats, cheese and either olives or banana peppers. Check out the episode on the Minnesota Beef Council website www.mnbeef.org and check out all the episodes under the As Seen on TV. If you are in St. Paul make sure to stop by and say Hi to Charlie and pick up some of these delicious steaks.

Creative Canvas Ads from the Beef Checkoff
During September, the checkoff was using Facebook canvas ads as a way to sum up the quarterly editorial topic on social media and engage with beef producers. Canvas ads are a full-screen mobile experience through the Facebook platform. The newest canvas ad will represent the National Beef Quality Audit and features Pennsylvania producer, Dan Kniffen. The June canvas ad which featured the safeguarding theme saw a reach of 24,600 and a view time of about 41 seconds.
NBQA: The Results

Over the past 25 years, National Beef Quality Audit (NBQA) researchers have made significant improvements to the research process and tools, leading to an increasingly meaningful set of results. Data from the 2016 NBQA are a tremendous addition to the core knowledge gained from earlier audits. One of the results shows a significant increase in Choice and Prime carcasses, a high mobility score for cattle entering packing plants and the number of other issues that impact carcass value remain small.

The beef industry has spent the last quarter century significantly improving the quality of its product. However, there’s no denying that there is room for continuous improvement. While the data show that those in the industry have a valuable story to tell, it’s no help that many in the industry don’t fully know the best way to tell it. In conclusion, the 2016 National Beef Quality Audit observed a decrease in cattle with hide brands, presence of horns, and an increase in the frequency of Prime and Choice carcasses. However, further improvement is needed regarding liver condemnations and carcasses with bruising. An important strategy for improved health and success was evident in the research: Utilizing BQA and its tools, which would encourage greater beef demand and improve beef conformity. Carrying this BQA message from producer all the way to consumers would benefit every member of the beef community.

Read the positive findings and the full report from the 2016 National Beef Quality Audit at www.bqa.org under National Beef Quality Audit/Navigating Pathways to Success.

Is Perception Truly Reality?

The following commentary is provided by Polly Ruhland, Cattlemen’s Beef Board CEO.

When deciding what protein to eat, today’s consumer is still looking for a tasty experience, and beef is delivering. The Consumer Beef Index (CBI) is a key research survey your checkoff fields twice a year with 1,000+ consumers. It is conducted to:

- Track changes in consumers’ perceptions of and demand for beef relative to other meat proteins, particularly chicken, its primary competitor.
- Assess the impact of the beef industry’s communications efforts on consumer attitudes and behaviors.
- Measure the extent to which consumers consider the positive aspects of beef to outweigh the negatives.

Results from the spring wave of the study showed 77 percent of consumers noted beef was their first choice, or a top choice when it came to proteins, and 93 percent noted eating beef at least monthly, both very strong results.

That said, we have seen the weekly frequency of beef consumption decline. There is less beef available on a per capita basis than in the year 2000, but while that has changed in the past two years, the perception by consumers is that beef prices are higher so they are eating less beef.

The CBI helps your checkoff understand why the consumer thinks they are eating less beef, and address those concerns through advertising campaigns, social channels and in grocery stores. We are seeing ongoing concerns about nutrition — nutrition is important to the consumer in making that dinner decision. More people are saying, “I think there’s something else out there that’s healthier,” but they aren’t calling out saturated fats or heart health specifically as they did in the past. And, beef lags chicken on value in the consumer’s mind.

We are seeing positive upswings about beef’s taste, safety, and knowing how to cook with beef. Within the CBI is a second tracker, the Consumer Image Index, that asks about perceptions on how cattle are raised. Sustainability wasn’t even on the radar five years ago, but it certainly is a factor today. Through a series of deeper-dive questions in the Consumer Image Index, consumers revealed they like the age-old traditions, such as the heritage of beef producers; but they also like to know we have the most cutting-edge animal care practices in place. This information from the study reinforces the need to humanize our industry and document how our industry has progressed. And, we need our story to be out there.

We are producing the best product we’ve ever produced. And consumers...
Farmers investing in their future.

Thanks to the support of farmers like you, we’re able to fund important research and educational seminars, and identify opportunities that impact your bottom line. Together, we’re working hard to ensure your farm continues to be successful for future generations. Learn more at mncorn.org.
MSCA is Seeking Nominations for the 2017 Cattlemen of the Year

Purpose
The purpose of the Minnesota Cattlemen of the Year Award is to publically recognize and reward an individual cattleman that has made a substantial contribution to Minnesota’s beef cattle community.

Background
The Minnesota State Cattlemen’s Association (MSCA) through the Minnesota Cattlemen of the Year award annually recognizes an individual cattleman that has demonstrated outstanding leadership and personal dedication to Minnesota’s beef 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 Cattladies’ Dinner Banquet at the MSCA convention.

Eligibility Criteria
1. Be a resident of the State of Minnesota and member of the Minnesota State Cattlemen’s Association.
2. Be or have been a cattle producer within the State of Minnesota.
3. Be nominated by a fellow MSCA member or affiliated with local cattlemen’s association.

Cattleman of the Year Nomination Form

Nominee’s Name ___________________________ Phone: ___________________________
Mailing Address __________________________ City _______ State _______ Zip _______

Wife’s name (if married) ____________________
Children’s Name(s) ____________________________

(1) Resident of the State of Minnesota? ___Yes ___ No
(2) Member of the Minnesota State Cattlemen’s Association? ___Yes ___ No
(3) Is currently or has been an active cattle producer in the State of Minnesota? ___Yes ___ No
(4) Is nominee a member of a local cattlemen association? ___Yes If yes association name?
(5) Brief description of nominee’s current cattle related operation, business or past operations that qualify them as a cattle producer.

Note: Attach additional pages if necessary to fully answer the following questions.

(6) Significant contribution(s) to the cattle industry made by this individual that would merit selection as Cattleman of Year.

Note: Attach additional pages if necessary to fully answer the following questions.

(7) Provide examples of the nominee’s promotion of the Beef Industry.

Note: Attach additional pages if necessary to fully answer the following questions.

(8) Provide examples of positions of responsibility held in the Beef Industry by nominee.

Note: Attach additional pages if necessary to fully answer the following questions.

(9) Provide examples of positions of responsibility held in the local community by nominee.

Note: Attach additional pages if necessary to fully answer the following questions.

(10) Attach copies of any letters of support, references, testimonials, honors or other information that would have further bearing on this candidate’s worthiness for selection as Cattlemen of the Year.

Individual or Cattlemen’s Association making nomination: __________________________________________________________

Address __________________________________________ City _______ State _______ Zip _______

Phone Day ___________________________ Email ______________________________________________

I certify that to the best of my knowledge the info provided herein is accurate and correct.

Signature ___________________________ Date ___________________________

Note: Attach additional pages if necessary to fully answer the following questions.

Minnesota State Cattlemen’s Association
P.O. Box 12, Maple Plain, MN 55359
Email: ashley@mnsca.org

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.

Notes:
- Strong record of active promotion of the beef industry and a willingness to speak out publically on behalf of the industry.
- Demonstrated leadership and organizational skills that have made a positive and lasting contribution to Minnesota’s cattle community.
- Served in a variety of volunteer, appointed and elected positions of responsibility within Minnesota’s beef sector and at the national level.
Join us for the 2017 Minnesota Cattle Industry Convention

**2017 Schedule of Events**

**Thursday, November 30, 2017**

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

6:00PM   Social hour & Exhibitor/Sponsor Appreciation Supper   Grand Ballroom

**Friday, December 1, 2017**

8:00AM-6:00PM   Registration open   Grand Ballroom Foyer

8:00AM-11:00AM   Trade show set-up   Grand Ballroom

9:30AM-10:00AM   Cow/calf & Feeder Council meetings   Veranda-South

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

10:30AM-11:30AM   MSCA quarterly Board of Directors meeting   Veranda-South

11:00AM   Trade show opens   Grand Ballroom

NOON-1:00PM   Lunch & welcome   Grand Ballroom

**Cattlemen’s College Feedyard Track**   Veranda-North

**Backgrounding is essential in developing a healthier, more profitable calf and is essential to managing a potentially high risk cattle population. Proper backgrounderg also helps ensure that a calf vaccinations will ensure a proper immune response, setting the calf up for success and adding significant value to the calf. Speakers will discuss different components of successfully backgrounding practices.**

1:30PM-2:00PM   Dustin Balsley, Precision Livestock Analytics

2:00PM-2:30PM   Dr. Alfredo DiConstanzo, U of M Beef Team

2:30PM-3:00PM   Marilyn Corbin, DVM - Senior Veterinarian, Beef Strategic Services - Zoetis

3:00PM-3:30PM   Assessment panel/Q & A moderated by Karin Schaefer, MN Beef Council

**Double Tree Hotel in Bloomington**

7800 Normandale Blvd.

Minneapolis, MN 55439

Phone: (952) 835-7800

(Use the Group name MN State Cattlemen or Group code MCM for discounted rates.)
Join us for the 2017 Minnesota Cattle Industry Convention! December 1st and 2nd in Bloomington, MN.

**Minnesota Cattle Industry Convention**

brought to you by the Minnesota State Cattlemen’s Association

**FRIDAY, DECEMBER 1, 2017 CONTINUED...**

1:30PM-3:00PM  
Cattlemen’s College Cow/Calf Track  
Veranda-South  
Get more from what you have: Cover Crop & Livestock Strategies for Forage Production, Soil Function, Animal Health, Water Quality & the Bottom Line.  
Kent Solberg, Livestock and Grazing Specialist - Sustainable Farming Association

3:00PM-3:30PM  
Assessment panel/Q & A moderated by Grant Breitkreutz

3:30PM-5:00PM  
Trade Show  
Grand Ballroom

5:00PM-5:30PM  
President’s Social  
Grand Ballroom

5:30PM-8:00PM  
Best of Beef Banquet: Dinner, Ceremonies and Auction  
MC: Dustin Hoffmann, KLGR Radio  
Grand Ballroom

8:00PM-?  
Entertainment: The Second Amendments  
(Collin Peterson’s bi-partisan band of legislators) and hospitality rooms.

**SATURDAY, DECEMBER 2, 2017**

7:30AM  
Registration Open  
Grand Ballroom Foyer

7:30AM-9:00AM  
Breakfast Briefing  
Grand Ballroom  
Bruce Kleven, MSCA Legislative Advisor  
Kent Bacus, Director of International Trade and Market Access - NCBA

9:00AM  
Trade Show Open  
Grand Ballroom

9:00AM-10:30AM  
MSCA Annual Meeting  
Veranda-North

9:30AM-Noon  
Minnesota CattleWomen Annual Meeting  
Veranda-South

10:00AM-Noon  
Young Cattlemen’s Leadership Academy  
Bloomington

10:30AM-Noon  
Dedicated Trade Show Time  
Grand Ballroom

Noon-1:30PM  
Lunch  
Grand Ballroom  
Keynote: Ryan J Goodman - Director, Grassroots Advocacy and Spokesperson Training - NCBA

1:30PM  
Convention Closes

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September 26th, 2017

Filed electronically at www.regulations.gov
Docket No. EPA-HQ-OW-2017-0203

The Minnesota State Cattlemen’s Association (MSCA) appreciates the opportunity to comment on the U.S. Environmental Protection Agency’s (EPA) and the U.S. Army Corps of Engineers’ (Corps) (together, “the Agencies”) proposed rule: Definition of “Waters of the United States”—Recodification of Pre-existing Rules. 82 Fed. Reg. 34899 (July 27, 2017) (“Proposed Rule”).

The definition of “waters of the United States” is important to the cattle industry. In particular, section 402 National Pollutant Discharge Elimination System (NPDES) discharge permits, section 404 permit requirements, and Total Maximum Daily Loads (TMDLs) have a direct and immediate impact on cattle producers.

MSCA supports the Agencies’ proposal to rescind the Clean Water Rule: Definition of “Waters of the United States,” 80 Fed. Reg. 37,054 (June 29, 2015) (“2015 Rule”), and codify the status quo that is now being implemented under the Sixth Circuit stay of the 2015 Rule. The Agencies should rescind the 2015 Clean Water Rule because the 2015 Rule’s provisions are, in various respects, beyond the Agencies’ statutory authority, inconsistent with Supreme Court precedent, and contrary to the goals of the Clean Water Act (CWA), including the Act’s goal to “recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution.” 33 U.S.C. section 1251(b). The Agencies failure to seek input from state and local entities during the development of the 2015 Rule contributed to the rule’s legal flaws and lack of clarity.

Of particular importance to MSCA, whose members are subject to regulation under the CWA, is the regulatory uncertainty that stems from the 2015 Rule’s lack of clarity on key terms and definitions, such as “adjacent,” “floodplain,” “ordinary high water mark,” and “significant nexus.” Moreover, by allowing for jurisdiction over remote, isolated features and ephemeral washes, as well as 100 year floodplains, the 2015 Rule improperly reads the word “navigable” out of the statute, and implicates significant constitutional concerns about the appropriate scope of federal authority. Furthermore, nothing in the record created during the 2015 rulemaking process dictated the adoption of such a sweeping definition of “waters of the United States.”

To address these concerns, the Agencies should rescind the 2015 Rule and recodify the regulations in place immediately prior so that the Code of Federal Regulations accurately reflects the applicable regulations. Since the Sixth Circuit’s October 2015 issuance of a nationwide stay, the Agencies have been currently implementing the regulations defining WOTUS that were in effect immediately before the 2015 Rule. The proposed action would simply continue that practice and recodify the status quo that has been in place for decades.

Finally, MSCA supports the Agencies’ efforts to undertake a substantive rulemaking to reconsider the definition of “waters of the United States.” Although codifying the status quo is important to ensure clarity and regulatory certainty in the near term, there are many issues with the current regulations and guidance documents that should be addressed through a new rulemaking. MSCA will continue to support a rulemaking to clearly articulate the extent of federal CWA authority.

Sincerely,

Krist Wollum
Minnesota State Cattlemen’s Association, President

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MSCA Joins Call for Support of the Bipartisan Long-Costa Amendment Clarify that Farm Families are NOT Hazardous Waste Sites

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was enacted to provide for cleanup of the worst industrial chemical toxic waste dumps and spills, as well as oil spills and chemical tank explosions. CERCLA has two primary purposes: to give the federal government necessary tools for prompt response to problems resulting from hazardous waste disposal into water and soil, and to hold polluters financially responsible for cleanup. The Emergency Planning and Community Right-to-Know Act (EPCRA) requires that parties who emit hazardous chemicals submit reports to their local emergency planning offices, thus allowing local communities to better plan for chemical emergencies.

In 2008, the EPA finalized a rule to exempt all agricultural operations from CERCLA and small operations from EPCRA reporting requirements, recognizing that low-level continuous emissions of ammonia and hydrogen sulfide from livestock are not “releases” that Congress intended to regulate. When Waterkeeper sued EPA in 2009, the Obama administration spent eight years defending this Bush-era regulation. In defending the lawsuit, the Obama EPA argued that CERCLA and EPCRA language does not explicitly exempt farms because Congress never believed that the continuous emissions of agricultural operations would fall into the realm of regulation. However, in April 2017, the D.C. Circuit Court issued a decision vacating EPA’s 2008 exemption, concluding that these statutes are unambiguous.

Not only does this court decision have the potential to bring necessary changes under federal regulatory authority, but it will also likely put our nation’s environmental and public health at risk. Currently, Hazardous Substance-release reports are taken by the National Response Center (NRC), run by the Coast Guard. This department has averaged 28,351 reports per year over the last eight years. When farms from across the nation are suddenly in violation of CERCLA reporting requirements, reports from over 100,000 agricultural operations will inundate the NRC. This increase of over four times the average annual amount, in less than one week, could potentially prevent the Coast Guard from responding to actual hazardous waste emergencies, entirely defeating the primary purposes of CERCLA.

Following the D.C. Circuit’s decision, the EPA’s options are limited. The court recently granted a stay for three months, providing time for the agency to develop administrative guidance, but buying time does not change the ultimate outcome: thousands of farms and ranches across the nation will be forced to report their daily emissions to the EPA or face liability of up to $53,907 per day. Now, it is up to Congress to ensure that the EPA is not required to implement this overly burdensome court decision.

MSCA urges Congress to confirm that it never intended to regulate manure under CERCLA or EPCRA by supporting the attached bipartisan appropriations provision introduced by Representatives Billy Long (R-MO) and Jim Costa (D-CA).

CERCLA and EPCRA Background:

In 1980, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was enacted in response to serious environmental and health risks posed by industrial pollution. The Emergency Planning and Community Right-to-Know Act (EPCRA) was created to help communities plan for chemical emergencies, by requiring that hazardous waste emissions be reported to local emergency planning offices.

In 2008, EPA finalized a rule to exempt all agricultural operations from CERCLA reporting and small operations from EPCRA reporting requirements, recognizing that low-level continuous emissions of ammonia and hydrogen sulfide from livestock are not the “releases” that Congress intended to limit. However, in April 2017, the D.C. Circuit Court issued a decision vacating the 2008 EPCRA agriculture exemption, concluding that these statutes provide no room for the EPA to exempt agriculture.

Recent Action:

Following this court decision, the agency’s options are limited. EPA recently asked the court to delay issuing its mandate for six months, providing time for the agency to develop administrative guidance, but buying time does not change the ultimate outcome—thousands of farms and ranches across the nation will be forced to report their daily emissions to the EPA or face liability of up to $53,907 per day. Now, it is up to Congress to ensure that the EPA is not required to implement this overly burdensome court decision.

The court ruling poses the following immediate concerns:

1. Cost and time-prohibitive. The costs of complying with CERCLA and EPCRA reporting requirements will be significant to small farmers and ranchers across the nation. Not only will operations be required to make emissions determinations, but spend time completing and submitting tedious reports.

2. Exposure to citizen lawsuits. NCBA anticipates that environmental groups will use publicly available CERCLA reports to create a national list of farm locations, and use this list to bring lawsuits under the Clean Water Act and Clean Air Act. Additionally, NCBA is concerned that the misuse of this information will lead to unnecessary and overly burdensome regulation of Animal Feeding Operations.

The 2017 Minnesota Grazing School was held in Grand Rapids, MN on September 8 & 9. The program was delivered by the Minnesota Grazing Lands Conservation Association (GLCA), University of Minnesota Extension, and the USDA Natural Resource Conservation Service (NRCS). The program featured both classroom and field exercises to demonstrate the fundamentals of rotational grazing. Minnesota GLCA President Roy Bell of Leader, MN said “The school was a tremendous success and the people that attended the school were very happy with the information they learned about grazing.” Participants from all over Minnesota said they were really amazed with how much information was packed into the school. Chrissy Davenport of Fergus Falls, MN said “The stuff we learned in the field was great and really gave us some good ideas to take home and try on my place; it was definitely worth the cost.” The event was supported by sponsorships from Minnesota State Cattlemen’s Association, LaCrosse Seeds, Fillmore Soil & Water Conservation District, and Albert Lea Seeds.
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. Winners of the Reid Mason and Dennis Bottem Scholarships will receive their scholarship at the 2017 Minnesota Cattle Industry Convention in Bloomington, 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:
  - 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 transcripts must be postmarked by October 31st, 2017.

Application for the Reid Mason Memorial Scholarship can be found online at www.mnsca.org.

**Dennis Bottem Memorial Scholarship $500**

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.

Application for the Dennis Bottem Memorial Scholarship can be found online at www.mnsca.org.

**Adam Jensen Memorial Scholarship $500**

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 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, 2017.

Application for the Adam Jensen Memorial Scholarship can be found online at www.mnsca.org.

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### 2017 Minnesota Cattle Industry Convention and Trade Show

**Registration for General Attendance**

Online registration available at MNSCA.org

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<th>Meeting and Tradeshow Registration:</th>
<th># of People</th>
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*Note: If you are a new member joining the MSCA in 2017, 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.*

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**Payment Information:**

Name: ____________________________ Business: ____________________________ Phone: ____________________________

Address: ____________________________ City: _____________ State: ______ Zip: _____________ Email: ____________________________

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

Name on Credit Card (Exactly as listed): ____________________________

Credit Card: [ ] MC [ ] Visa [ ] Discover

Credit Card Number: ____________________________

Authorizing Signature: ____________________________

Expiration Date: ____________________________

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Please return completed form to:

Ashley Kohls
Executive Director
Minnesota State Cattlemen’s Association
PO BOX 12
Maple Plain, MN 55359
The business of producing better beef doesn’t start in the feedyard. Fact is, the business of producing better beef begins a couple of years before the feedyard at every cow-calf operation in America. Today, generations of commitment create the greatest opportunity for better beef production. Carcass data collection over decades, implementing science and technology into breeding philosophies, and making certain our customers have equal opportunity for profitability, all make producing better beef a sustainable equation, calf crop after calf crop.
Interested in Sharing Your Conservation Story?

Environmental stewardship and conservation have long been the focus of America’s foremost land stewards: farmers and ranchers. We realize this importance and work with the Environmental Stewardship Program to provide a platform for consumers, as well as fellow cattlemen, in learning more about the environment, conservation, and stewardship practices of the U.S. beef industry.

MSCA is seeking any members interested in throwing their “name in the hat” for the 2018 Environmental Stewardship Award. Previous MSCA nominees have been an asset in helping share the conservation story of Minnesota’s beef producers. If you are interested in applying, or if you know of a fellow cattlemen doing great things - please contact Ashley at ashley@mnsca.org or 612-618-6619.

Applications for the 2017 Environmental Stewardship Award are due on March 10, 2017. Any individual/business who raises or feeds cattle is eligible for the award. We expect nominees to be involved in the preparation of the application helping provide needed information to complete the nomination.

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### Minnesota State Cattlemen’s Association/National Cattlemen’s Beef Association

**MSCA/NCBA Partnered Membership Application Form**

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<th>Email ________________________________</th>
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<tr>
<td>(Select the appropriate classification and add to MN State Cattlemen dues)</td>
<td></td>
<td>Questions Call:  (612) 618-6619  or email: <a href="mailto:mmsca@mnsca.org">mmsca@mnsca.org</a></td>
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#### MINNESOTA STATE CATTLEMEN’S ASSOCIATION DUES ….. $50

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<td>501-750 - $650</td>
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