#### February 2025/ March 2025

2570 130th St. Dawson, MN 56232 www.mnlica.org mnlica2@gmail.com

# MINNESOTA LICA NEVOS LAND IMPROVEMENT CONTRACTORS OF AMERICA • MINNESOTA CHAPTER

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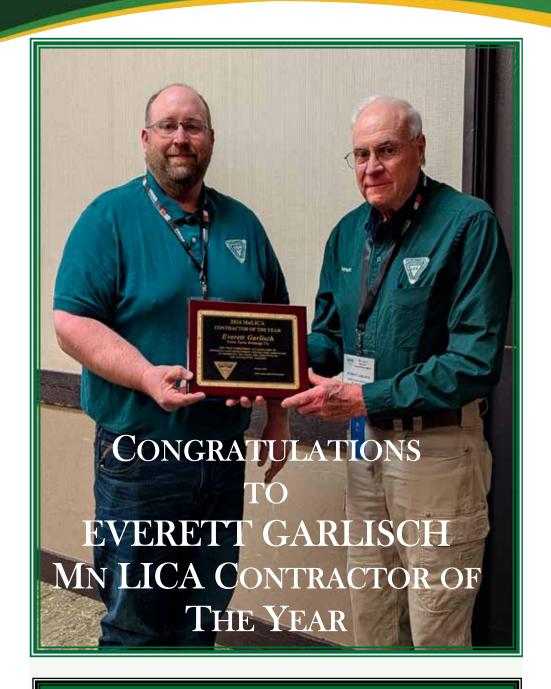
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Welcome New Member
Heimer Drainage
Dillion Heimer, Elkton, MN



# GREETINGS From Your PRESIDENT

Have you ever heard; If you don't like the weather, just wait a few minutes? Going from 40 degree highs to negative degree lows in the same day. I finally took some time and money this year to get our snowmobile ready to go out and be trustworthy this winter....no snow! Still trying to figure if it is a blessing or a curse on my behalf?

A quick shout out to all the Associates who came to the MnLICA Convention and Annual meeting in New Ulm in January. We value your support!!! It is always good to get together with some familiar faces and awesome to see new members and associates take time to join together in building new relationships.

It is our goal to get up to the Minnesota capital this early spring. For anyone wanting to come along, please reach out to Jenny or any board member as we are prepping now to set up meetings with our representatives.

The National LICA summer meeting is in Duluth this summer, July 8-12, 2025. Please consider coming to these meetings. A strong presence from the MnLICA chapter would be great! After all, it's Duluth in July! A good time to be had for sure.

Best Regards, Dallas Loken, MN LICA President



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#### **ATTENTION**

High School Seniors it's time to send in the MN LICA Scholarship Application!

Deadline is

March 1, 2025.

Find out more information and the application at www.mnlica.org or find the application in this issue. (Pages 6 & 7)

Also, apply for the
National LICA Scholarship!
High School Seniors & 1st year College
Students can apply
Deadline for that application is
March 15, 2025.

Applications can be found at www.licanational.com, click on the About tab, to find the scholarship application.



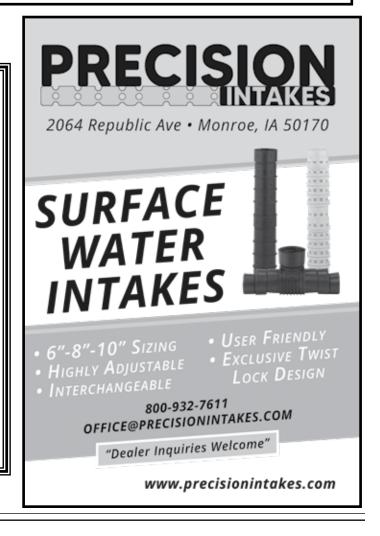
MN LICA BOARD MEETING

WILL BE HELD

MARCH 20, 2025, 5:00 PM

BEST WESTERN PLUS

NEW ULM, MN



## THANK YOU TO THE FOLLOWING ASSOCIATES FOR SPONSORING PORTIONS OF THE CONVENTION

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RFW BRON PRECISION INTAKES

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ALSO, A THANK YOU GOES TO ALL THE ASSOCIATES AND MEMBERS WHO CONTRIBUTED ITEMS TO THE SCHOLARSHIP FUND & LEGISLATIVE ACTIVITIES FUND AUCTION! IT WAS A HUGE SUCCESS!!!





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# SCHOLARSHIP APPLICATION

MNLICA 2570 130<sup>th</sup> Str. Dawson, MN 56232 320-226-6398

A scholarship opportunity for MNLICA members/employees' families in their high school senior year.

MNLICA offers a scholarship for advanced education to a qualified high school senior. Candidates will be considered and the recipients selected based on applicants' ability to achieve their highest aspirations' through personal advancement, education and philanthropic service.

MNLICA Scholarship Application Form: Must be Post Marked by March 1st

#### **Applicant Information**

Applicant name:				
Home Address: _				
	State			
Home phone	Email			
Parents				
	· Sponsor			
	Education & Accomplishments			
High School				
Address				
City	State	Zip		
Graduation Date				
Organization, Clubs and Special Activities				
Honors, Recogni	ition and Awards			
Cumulative GPA				
College/Technica	al School Planning to Attend			
Address				
	State			
Expected Gradua	ation Date			

(SCHOLARSHIP APPLICATION CONTI.)

#### Instruction:

- 1. Write an essay (300 words or less) describing you're academic, vocational goals and objectives and why you should receive this scholarship.
- 2. List your major course of study include high school transcripts.
- 3. Include 3 (three) letters of recommendation from your community, school or other adult non-relative.
- 4. Include a wallet size picture (2"x3" or equivalent), with the understanding that award recipients will be featured in the MNLICA newsletter.
- 5. Application must be completed and mailed to MNLICA office no later than March 1st.

Incomplete applications and ineligible students are automatically disregarded.

Applicants Signature_	Date	



#### **Changes to Minnesota's Wetland Conservation Act Exemptions**

By: Hannah J. Schacherl Jansen

In Minnesota, the Wetland Conservation Act ("WCA") prohibits the draining or filling of wetlands without a permit and approved replacement plan of wetlands of equal or greater value. However, the Minnesota Legislature has approved certain exemptions to the general prohibition. During the 2024 legislative session, the Legislature modified what type of work is exempted from requiring a replacement plan for draining or filling wetlands.

Prior to the 2024 legislative session, exemptions to WCA were generally guided by wetland type classified according to Wetlands of the United States, United States Fish and Wildlife Service Circular 39. Now, wetland exemptions are solely classified by the impacting activity and size of the impact, rather than considering the type of wetland.

Pursuant to Minnesota Statute, section 103G.2241, subdivision 1, a replacement plan is not required for the draining or filling of wetlands that result from certain agricultural activities. The 2024 legislative session eliminated the exemption from WCA replacement requirements for activities that impact wetlands on agricultural land that is cropped 8 of the last 10 years, and on pastureland meeting certain wetland type and acreage requirements. The statutory amendment established an exemption for impacts to prior converted cropland as labeled by the U.S. Department of Agriculture Natural Resources Conservation Service ("NRCS") and for impacts resulting from drainage maintenance activities on areas labeled by the NRCS as farmed wetland, farmed-wetland pasture, and wetland. Therefore, an agricultural exemption now may only be obtained for land that is enrolled in the Farm Program and land for which a valid, final certified wetland determination exists.

Under the NRCS Farm Program, if an area is listed as non-wetland or as prior-converted, there are no restrictions as what type of work may be completed to construct, improve, or repair any drainage systems on that parcel. For a farmed wetland or farmed wetland pasture, a land-owner may repair and maintain any existing drainage systems on their property but cannot improve or construct a drainage system without needing to replace the impacted wetlands. Under the new WCA agricultural exemption, landowners would not need a replacement plan to construct, improve, repair, or maintain a drainage system that impacts an area labelled non-wetland or prior-converted and would not need a replacement plan to repair or maintain a drainage system that impacts an area labelled farmed wetland or farmed wetland pasture. The exemption is only applicable to land that has a valid, final certified wetland determination from NRCS. Ongoing federal litigation regarding what constitutes a "valid, final certified wetland determination" makes it difficult to ascertain whether a landowner qualifies for an agricultural exemption under WCA.

The Legislature modified what type of work qualifies for an exemption when work on a drainage system would result in filling or draining a wetland. Subdivision 2 of Minnesota Statutes, section 103G.2241 now grants an exemption for the drainage of wetlands that have existed for 25 years or less resulting from maintenance and repair of existing drainage systems, including public drainage systems. The amended exemption eliminates wetland type as a consideration for eligibility and applies to both public and private drainage systems. Paragraph (b) clarifies that certain activities associated with repairs completed by public drainage authorities only apply to public drainage systems as defined under Minnesota Statutes, section 103E.005, subdivision 12 – this information was previously located in the now deleted paragraph (a). The exemption may put landowners at risk for draining certain types or sizes of wetlands if the draining is the result of repairing or improving their drainage systems that outlet into a public drainage system. Further, the amendment potentially limits Drainage Authorities from maintaining or repairing a drainage system as required under Minnesota Statutes, section 103E.701, if the repair would result in draining or filling wetlands.

(Conti.)

Public utilities, defined as a sanitary sewer, storm sewer, potable water distribution, and transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications, are also impacted from the 2024 legislative session. The 2024 statutory amendment eliminated the acreage-based condition of the utilities exemption, and now subjects the exemption to a requirement that the wetland impacts be authorized by and conducted in accordance with a U.S. Army Corps of Engineers Section 404 permit. A local government unit can no longer issue a seasonal or annual exemption for a public utility as the exemption is now dependent on a Corps permit.

Finally, Minnesota Statutes, section 103G.2241, subdivision 9, amended what qualifies for a de minimis exemption. The thresholds based on wetland type (Circular 39) and thresholds specific to the 11-country metro area have been eliminated from the de minimis exemption. Thresholds are now based on pre-settlement area (<50, 50-80, >80), shoreland zone, shoreland building setback zone, and permanently/semi-permanently flooded water regimes. Statute now clarifies that if project wetland impacts exceed the applicable de minimis threshold, all wetland impacts require replacement. The exemption restrictions related to the landowner's portion of the wetland and the cumulative area drained/filled since 1992 have been eliminated. Additional restrictions have been added to statute to prevent increasing de minimis amounts by dividing property. The statute now refers to all wetland impacts as opposed to just impacts caused by draining and filling. The amendment likely makes it easier for a landowner to qualify for this exemption because it encompasses all wetland types.

The 2024 statutory amendments to the WCA exemptions have changed the landscape with regards to what type of work may qualify for an exemption. In some cases, like removing wetland type as a consideration for whether an exemption applies, likely makes it easier for a landowner to qualify for an exemption. However, in some cases, like the agricultural exemption, the 2024 amendments have made it more challenging for landowners to qualify for an exemption because it requires participation in a separate program. In 2025, the Board of Water and Soil Resources will be amending the Minnesota Rules regarding WCA to better administer the WCA program because of the 2024 statutory amendments. As a result of the ongoing changes, it is of the utmost im-portance for landowners and contractors to engage with WCA experts to determine whether their pro-posed project would implicate WCA and need a replacement plan.

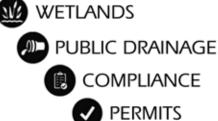
#### LETS GO TO THE CAPITOL!!!

IF YOU ARE INTERESTED IN GOING TO TALK WITH YOUR LEGISLATORS WITH THE GROUP FROM MnLICA, PLEASE CONTACT THE EXECUTIVE DIRECTOR AT 320-226-6398. APPOINTMENTS NEED TO BE MADE AHEAD OF THE VISIT. PLANS ARE TO ATTEND IN FEBRUARY.



Farmers, landowners, and land improvement contractors are becoming increasingly aware of the legal and permitting challenges created by wetlands, drainage, and conservation compliance.

Working with a team of attorneys experienced in navigating the DNR, NRCS, Corps of Engineers, EPA, U.S. FWS, and county and local governments regulations adds value to the success of your project.



#### **Executive Director's Report**

I want to start off by saying THANK YOU, to everyone that helped with the Convention, the Women's Activity and the great Sponsors and Trade Show Attendees. But most of all, THANK YOU, to the great MN LICA Board of Directors!

Now on to the next Convention. Yes, planning begins. Suggestions and ideas for the Convention are always welcome. I have had good input already and will work on those ideas for next year.

The MSHA Class was held January 28th in Owatonna. Again we had a great turnout for this class. We have also talked that if there is a great need for this training to other members who feel Owatonna is too far to travel, we want to make every effort to help with this, so if you have a need for this certification and would like to see another class in a different area of the state, please contact me.

I will be attending the National LICA Convention in Jacksonville, FL in February. I will also be attending the National LICA Summer Meeting in Duluth in July. As President Loken said in his report, we would like to see a good turnout of MnLICA members at this meeting. This is your chance to meet other members from around the United States. I have attended many of these National Events before and now as an Executive Director. These are very informative and a great way to network with other LICA members from other states.

I would like to have an OSHA 10 class yet this year before Spring work starts. I will get the word out about a class as soon as plans are confirmed. Be watching the mail and check out Facebook and the web site.

Jennifer Breberg, Executive Director

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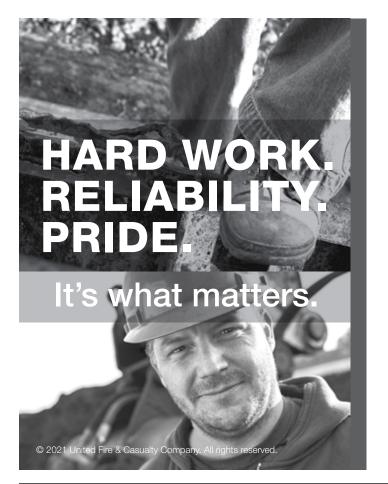
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#### **Speakers at MnLICA Convention**

Dave Gustafson, U of M, SSTS Class
Derek Butler, United Fire Group
Keegan Kult, ADMC
Terry Ragan & Mark Yrjo, BWSR
Kelly Connolly, Gopher State One Call
Patrick Donovan, Pipeline Safety
John Kolb, Atty., Rinke Noonan Law Firm
Officer Patrick Fay, State Patrol, DOT

Thank you!



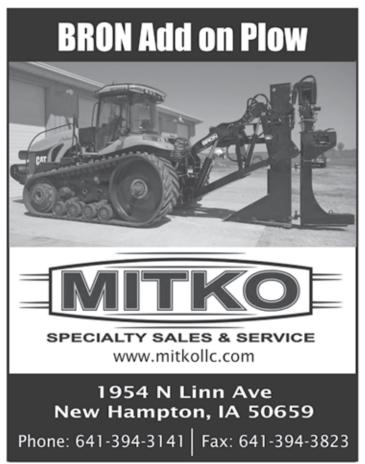




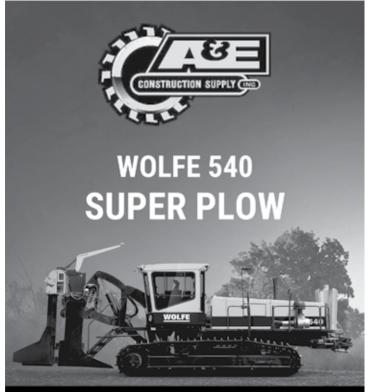
#### **BEAN BAG TOURNAMENT WINNERS!**

1ST Place: Kari Van Es & KC Newby 2nd Place: Dallas Loken & Lance Loverink 3rd Place: Sarah James & Jesse James

A BIG THANK YOU GOES TO MARK MORREIM FOR SETTING THIS UP AND KEEPING SCORE!







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#### MEMBERSHIP APPLICATION

Please enroll me as a Member of the Minnesota Land Improvement Contractors Association. I understand that I will receive all member benefits, and that they will begin as soon as my application is approved and my dues are received in the State Office. My membership fee includes membership in the National Land Improvement Contractors of America. (Members Only)

Name:
Spouse:
Company:
Address:
City, State, Zip:
Phone:
Cell:
Email:
Type of Business:

Please enclose check payable in the appropriate amount as indicated below and mail this form to:

MNLICA 2570 130th Str Dawson, MN 56232

<b>Contractor Member</b>	\$350.00
<b>Associate Member</b>	\$200.00
<b>Retired Member</b>	\$ 50.00

#### **LICA AND MNLICA BENEFITS**

- National & State Conventions
- ♦ State & National Scholarship Awards
- Newsletter Communication
- ♦ Legislative Representation
- Exchange of Ideas
- Advertising
- ♦ Friendship
- Pride of Excellence
- State and National Directories
- U of M Accredited Trainings
- MSHA & OSHA Accredited Trainings
- ♦ Accredited First Aid & Adult CPR Trainings
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- Access to a Wide variety of Associate Members for Equipment Supplies & Advice in all Areas of Business
- Representation on the USDA'S State Technical Committees
- Representation on the Environmental Issues
   Council Which Works to bring Common Sense
   into Government Actions in the Name of the Envi ronment
- National LICA Contractor Magazine
- LICA Contractor Safety Management Plan (A Comprehensive Safety Program & Up-To-Date Information on OSHA Regulations)
- Caterpillar Extended Powertrain Protection Program
- The LICA Portal
- Sunbelt Rentals Discount
- ♦ Petrocon Commodities Program
- ♦ Petrocon Cat Replacement Parts Program
- Petrocon Piston & Piston Kits
- Cooper Tire Program
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- ♦ LICA Discount for 2026 CONEXPO Education Sessions
- MASA Medical Transport Solutions
- Health Insurance Plan World Insurance
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#### **Fatality Alert**

MINE FATALITY – On August 22, 2024, a contractor was installing a material feeder when they fell approximately 21 feet through an opening in the walkway platform. The contractor died from his injuries on September 6, 2024.



**Best Practices** 

- Conduct workplace examinations to identify conditions that may adversely affect the safety or health of miners.
- Provide and maintain safe access to all working places. Use personnel lifts or ladders to access elevated workplaces safely.
- Provide and ensure proper use of fall protection where there is a danger of falling.
   Ensure fall protection has a suitable fall arrest connection and secure anchorage system.
- Identify risks and eliminate or control hazards before beginning maintenance activities.
- Train miners to perform tasks safely and use tools and personal protective equipment properly.

This is the 18th fatality reported in 2024, and the second classified as "Slip or Fall of Person."

The information provided in this notice is based on preliminary information only and does not represent final determinations regarding the nature of the accident or conclusions regarding the cause of the fatality.

Report accidents and hazardous conditions: 1-800-746-1553

## CHECK OUT THE BENEFITS AVAILABLE WITH YOUR MEMBERSHIP!

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#### **National LICA Benefits**

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As a business owner, being a part of LICA conveys to your clients your dedication to land improvement and conservation, which is a trending topic that is growing in importance. By demonstrating to your clients that you are a LICA member, your business will become associated with a higher standard in the industry. The LICA logo and the mission behind our association lends credibility to your company.



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Email: Tim.Kipper@bigiron.com



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Email: albert.osche@lancastersafety.com



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#### 401k Employee Program

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#### Ladies on the tour included:

Deb Olsen, Nordis Estrem, Amy Herickhoff, Sherry Gysbers and Dee Ann Larson.

Lakota Made is an Indigenous woman-owned company celebrated for its eco-friendly, plant-based products. Lakota Made products help people connect with the Earth while respecting natural resources, and supporting sustainable, eco-friendly practices.

# WOMEN'S ACTIVITY DURING THE CONVENTION

On Thursday, the ladies went on a tour at Lakota Made. The ladies were given a tour and background on the purpose of this store. The ladies each made salve made from natural ingredients that they were able to take home. They then were treated to a lunch. Thanks goes to Dee Ann and Nordis for setting up the tour and lunch and hosting this event. Thank you Ladies!







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# MINING SAFETY & HEALTH ADMINISTRATION CERTIFICATION CLASS



Class this year was held in Owatonna at the VFW.

Attendees spent the day obtaining their certification to work in the mining industry. This training is offered each year for members of MN LICA!

MSHA Part 46 applies to very specific surface mines, such as sand, gravel, surface stone, surface clay, surface limestone, colloidal phosphate, or shell dredging operations. This certification is mandatory.

This years class was attended by 59 attendees from several MNLICA member businesses.

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# **Updates from the Agricultural Drainage Management Coalition**

#### **Keegan Kult, Executive Director**

The Agricultural Drainage Management Coalition (ADMC) is pleased to share the latest updates and initiatives with the Minnesota Land Improvement Contractors Association (LICA). As ADMC embarks on an updated strategic vision, our focus will be on education, growth, and policy. Our mission is to expand beyond conservation drainage practices as we aim to unite the industry and its stakeholders to be the leading advocate for water management.

To aid in updating ADMC's strategic vision, ADMC conducted a "Pulse of the Industry" survey for contractors to identify areas of need for education as well as what support they could use from drainage specific industry organization. The three biggest takeaways from the survey were:

- 1. Contractors were concerned about how commodity prices and policy changes will affect their business.
- 2. Advanced installation techniques and navigating financial assistance programs were the areas with the highest interest for education.
- 3. Increasing education directly to landowners on water management was seen as a way for ADMC to provide the most benefit to contractors.

These takeaways will be a focus for ADMC moving forward.

Shifting gears to what is happening directly for Minnesota contractors. Although Minnesota is seeing policy challenges regarding drainage, there are some great opportunities available. A recent NRCS Regional Conservation Partnership Program grant acquired by the Board of Soil and Water Resources will nearly double the amount of funding available for the state's water storage programs and it will additionally pay for turn-key edge of field practices. The water storage program is crucial as it helps offset increases in peak flows, allowing for necessary drainage improvements to take place at the judicial ditch scale. This will be essential for the process to upgrade the older mains with limited drainage coefficients.

The turn-key portion of the grant will remove many barriers at delivering conservation drainage practices. Included in the turn-key portion of the grant is the automated drainage water management practice. Farmers should want to take advantage of this as the automation allows farmers to choose when their field drains, which means they can store water to potentially be available when corn and soybeans are operating at moisture deficit in the summer months. Automated drainage water management can provide a 5-15% yield increase while reducing the amount of nitrogen that leaves the field.

These initiatives highlight the importance of innovative solutions in managing water resources effectively and sustainably. ADMC will continue to develop programs that work best for contractors and their customers.

Finally, ADMC values the support of Minnesota LICA. As part of our commitment to collaboration, ADMC offers a benefit to <u>LICA contractor members</u> who join ADMC for the first time. These new members will receive a 50% discounted membership at the <u>ADMC Bronze or Associate levels</u>. We look forward to a future of growth, innovation, and shared success. Together, with the support of Minnesota LICA, ADMC aims to lead the drainage industry towards the implementation and progression of agricultural drainage water management to improve agronomic, economic, and environmental outcomes.

# Northland Trenching Equipment, LLC

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Inter-Drain Plows & Trenchers





The Inter-Drain plow, three types, double link, single cantilever, or single link, each in three sizes. Cat, Cummins or Volvo power. Offset available.



The Inter-Drain chain trencher. Four size choices, mechanical or hydraulic chain drive, vertical and offset available. Cummins, Volvo or Cat power.

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Eastern Division - Indiana 3578 North State Road 59 Brazil, IN 47834 Phone: (812) 835-2900 Fax: (812) 835-2535

Email: nte@hickorytech.net www.northlandtrenching.com



#### **OUR MISSION**

To train military veterans to become highly-skilled heavy equipment operators and assist them in finding employment opportunities throughout the U.S.

#### 2025 Board Member Meeting Attendance

A = Absent P = Present C = Cancelled **Board Member** Mar June Aug Nov Jan Pres Dallas Loken **VP Jesse James Tres Mark Olsen** Chrmn Stu Frazeur Mark Morreim Karlen Nelson **Everett Garlisch Brad Herickhoff** Mike Lehmann **Doug Breberg** Dee Ann Larson Debra Olsen Don Loken Assoc. Mike Kluck Ex Dir Jenny Breberg P

#### **OFFICERS**

#### PRESIDENT Dallas Loken

Loken Excavating & Drainage 3695 Hoffman Dr. NW Owatonna, MN 55060

#### VICE PRESIDENT Jesse James

Steve James Excavating 3835 Park Dr. NW Owatonna, MN 55060

#### TREASURER Mark Olsen

Big Woods Excavating LLC 12825 190th Street East Nerstrand, MN 55053

#### CHAIRMAN of the Board Stuart Frazeur

Stu Frazeur Tiling Canby, MN 56220

### MNLICA Executive Director Jennifer Breberg

2570 130th Str Dawson, MN 56232 mnlica2@gmail.com Phone: 320-226-6398

#### STATE DIRECTORS

#### **Mark Morreim**

Morreim Drainage Inc. 71610 263rd Street Albert Lea, MN

#### **Everett Garlisch**

Eiden Farm Drainage 35127 746th Avenue St. James, MN

#### **DeeAnn Larson**

Landscape Gal LLC 3343 Union Lake Trail Northfield, MN 55057

#### **Doug Breberg**

Larson Tiling, Inc 812 Oak Street Dawson, MN 56232

#### Retired:

Don Loken Loken Excavating & Drainage 3695 Hoffman Drive NW Owatonna, MN 55060

#### Karlen Nelson

Nelson Brothers Tiling LLC 43480 County Road 4 Nicollet, MN 56074

#### **Brad Herickhoff**

Ag Tech Drainage, LLC 40536 US HWY 71 Sauk Center, MN 56378

#### **Michael Lehmann**

Air-Row Surveying LLC. 19184 State Hwy 22 Mankato, MN 56001

#### **Deb Olsen**

Big Woods Excavating, LLC 12825 190th Street Nerstrand, MN 55053

#### **Associates**

Mike Kluck - USI

#### **NATIONAL LICA**

3080 Ogden Avenue Suite 300 Lisle, IL. 60532 Phone: 630-548-1984

#### 2025 UPCOMING EVENTS Web-site: www.mnlica.org

February 11th - 15th, 2025, National LICA Winter Convention

Jacksonville, FL

March 1, 2025, MN LICA Scholarship Application due to MN LICA!

March 15, 2025, National LICA Scholarship Applications are due!

March 20, 2025, MN LICA Board Meeting, 5:00 PM

Best Western Plus, New Ulm, MN

June 2025, MN LICA Board Meeting, TBD

July 8th - 12th, 2025, National Summer Meeting

Duluth, MN

September 2025, Annual Sporting Clays & Golf Day, TBD



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# THE LICA CREED

Land, the foundation of the nation,
the basis of all wealth,
the heritage of the wise, the thrifty and prudent,
the poor man's joy and comfort,
the silent partner of man,
the producer of food, fiber and fuel,
the basis of factories,
the foundation of banks.

All that man builds is from the land.

We often take it for granted, or even abuse it,
and yet many unthinkingly and unknowingly pass the land by.

What man finally does with the land
will be the deciding factor in his survival.