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GREETINGS From Your PRESIDENT

A cool and refreshing greeting to all contractors.

We finally have had some what I would call more comfortable weather to work in. Fall looks like it will be here soon with the crisp air and colorful leaves. It is one of my favorite times of the year.

We have been busy in the state organization with the many items that affect our contractor members. We have been watching the buffer issue to see how it may affect how and where we do work in the state of Minnesota. The issue probably will end up in court to determine what the law really says. On the issue of water, it was brought to my attention by Mark Morreim that a new wetland map has been released by the Minnesota Department of Natural Resources. If you go to the DNR web site you can find the map and pull it up. Mark has stated that there have been many new wetland areas added to the map. Take a look before you do some work this fall.

We have some events coming up that I would encourage you to attend. Our state MnLICA convention will be held January 6-8, 2016 at the Best Western in New Ulm, MN. The continuing education classes for SSTS will be on January 6th and the convention following on January 7th and 8th. Make sure that you come for information and to meet and share camaraderie with other contractors and our associate members. Fun will be had by those that attend. Along the lines of conventions, the National LICA convention will be in San Antonio, TX on February 29 to March 6, 2016 at the Drury Plaza Hotel on the famous San Antonio Riverwalk. Keep your eyes open for registration to the state and national conventions and get registered for them.

I hope you have a safe and productive fall. I will see you at a MnLICA event soon.

Karlen Nelson MNLICA President



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NYOMING

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Agency ordered him in 2014 to restore the area

BY VALERIE RICHARDSON

THE WASHINGTON TIMES

Farmer Andy Johnson hasn't sent millions of gallons of gold-mine wastewater down any rivers, but he's facing more than \$16 million in fines from the Environmental Protection Agency for running afoul the Clean Water Act.

His violation? In 2012, Mr. Johnson built a stock pond for his horses and cattle on his 8-acre property in Fort Bridger, Wyoming.

Even though the Clean Water Act exempts stock ponds, and Mr. Johnson had obtained the necessary state permits, the EPA ordered him in January 2014 to restore the area to its original condition or accumulate fines of \$37,500 a day. Instead, Mr. Johnson hired a lawver.

"The EPA is out to expand its power, and I'm a test case," said Mr. Johnson in a statement. "We're going to fight them all the way."

Last week, his attorneys — including the Pacific Legal Foundation and the Budd-Falen law firm in Cheyenne — filed a lawsuit against the agency to stop it from enforcing the compliance order.

"The EPA's double standard is mind-blowing," said PLF staff attorney Jonathan Wood in a statement after the motion was filed Thursday in U.S. District Court in Wyoming.

He referred to the torrent of wastewater accidentally released Aug. 5 by an EPA-led team from the Gold King Mine near Silverton, Colorado, which contaminated water supplies along the Animas River in Colorado and New Mexico's San Juan River.

"This is the same agency that just created a toxic mess in Colorado's Animas River, with no accountability for the blundering bureaucracy," said Mr. Wood. "But here they are, threatening Andy

Johnson with astronomical fines, for building an environmentally beneficial stock pond that actually purifies the water that runs through it."

Although stock ponds are specifically excluded from the Clean Water Act, the EPA argued that Mr. Johnson had violated federal law by constructing a dam on Six Mile Creek, which runs through his property, in order to fill the stock pond.

The creek is a tributary of the Green River, which is a "navigable, interstate water of the United States," according to the EPA order.

As a result, the U.S. Army Corps of Engineers concluded that Mr. Johnson needed a "standard, project-specific CWA permit," and not just the permits issued by Wyoming, which he had obtained.

The EPA also described the sand, gravel, clay and concrete blocks used by Mr. Johnson to construct the dam as "dredged material" and "pollutants" as described under the Clean Water Act.

"Six Mile Creek filled and disturbed by Respondent's unauthorized activities provided various functions and values, including: wildlife habitat for birds, mammals, fish, reptiles and amphibians, water quality enhancement; flood attenuation; and/or aesthetics," said the EPA complaint.

His tab now exceeds \$16 million, but EPA spokeswoman Julia P. Valentine told the Casper Star Tribune that the agency has made no final determination regarding financial penalties.

Mr. Johnson said he filed the lawsuit after months of negotiations with federal officials ran aground.

"My family depends on me, and when the EPA came into my life, they didn't just attack me, they attacked our family and our home," Mr. Johnson said at a press conference Thursday as reported by the Tribune. "We've told them time and time and time again that it's exempt, here's the facts, and they've



Attorneys for Andy Johnson, a Wyoming farmer facing massive fines over a pond, filed a lawsuit against the EPA to stop it from enforcing the compilance order.

basically ignored it."

Mr. Johnson also argues that the stock pond actually benefits the environment by providing water for eagles, heron, moose and other wildlife.

He hired a specialist, former U.S. Army Corps of Engineers enforcement officer Ray L. Kagel Jr., who concluded that the pond offered "quite a few environmental benefits."

"It had the added benefit of creating quite a bit of nice habitat for fisheries, wildlife, waterfowl, and wetlands in general that were created because of this pond," said Mr. Kagel, who heads Kagel Environmental LLC in Rigby, Idaho, in a PLF video.

He said the water flowing out of the pond is three times cleaning than the water entering it, citing independent lab testing, because the pond provides a place for sediment to settle.

Top Wyoming lawmakers have rallied around Mr.
Johnson and his wife Katie, who have four children.

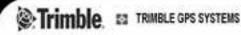
Republican Gov. Matt Mead said in a statement that the pond was permitted and constructed in compliance with state law, adding that, "The actions of the EPA in regard to Mr. Johnson have been heavy-handed."

"This is federal overreach in the most egregiously ugly way," said Rep. Cynthia Lunmis, Wyoming Republican, in the PLF video. "I'm proud that Andy and Katie are standing up for their rights, because when they stand up for their rights, they stand up for all of our rights under state water law."



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Region IV Report

I enjoyed seeing people from Region IV at the NLICA summer meeting in Little Rock, AK. The tours were very interesting and the ladies made a big hit with Dillard's. The meetings had excellent information to take back to use in your business.

The Roaring 20's night was a lot of fun and the costumes were great! The duck races were lots of fun too except for that wild duck that jumped the rope from another region, right Donna! I attended the Field Day in Melbourne, IA the end of July and plan to do the golf outings in Illinois and Wisconsin in September. I am looking forward to seeing many of you at these outings.

I am looking forward to seeing many of you at the NLICA winter convention in San Antonio, TX. It will be on the beautiful river-walk. There will be many interesting tours and the trainings should be of interest to all. Knowledge is the key to a better run business. We are never too old to learn new, more efficient ways to work.

EXECUTIVE DIRECTORS REPORT

Membership/Associate Dues have been sent out. Invoices have been paid.

We have been working on organizing and promoting the sporting clay shoot. It was held on September 15th at the River Ridge Gun Club by Courtland. What a beautiful setting and nice course. A big thank you to our associates/members that supported this event and for taking time out of their busy day to participate. The proceeds from the trap shoot go to the MNLICA Scholarship Fund to help with post education for graduating seniors.

Also we've been planning some great events for this years winter convention, January 6th—8th, 2016 at the Best Western in New Ulm. (Remember fall is the time to fix those broken windows and doors on the equipment before it gets cold.) Be there alo-

Kevin, Jeanie and Nordis

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2015 Scholarship Sporting Clay Shoot

Here is what you missed out on if you didn't attend!





See page 13 for additional pictures of this event!

INVOICE

MNLICA 9600 South Dennison Boulevard Northfield, Minnesota 55057-4547

Phone: 507-645-6905 Fax: 507-645-1654

ENVIRONMENTAL MINNESOTA CHAPTER LICA LICA

Dear Member:

CONTRACTOR

Your dues for Minnesota Land Improvement Contractors of America are currently due, please remit by December 15, 2015 for your 2016 dues. Please remit the appropriate amount to MNLICA, 9600 Dennison Boulevard South, Northfield, Minnesota 55057-4547.

Your MEMBERSHIP dues are \$350.00, which includes MNLICA and National dues. One owner will receive the Accidental Death and Dismemberment insurance up to age 75, One National and State newsletter and the Land and Water Magazine. Additional AD&D insurance may be obtained for partners/employees in your company or your spouse for an additional \$20.00 per person, if the additional \$20.00 per person isn't received only one owner, will be covered.

Please put name, address and birthdate of owner below. List your Phone Number, E-mail, Fax #, Cell Phone if you wish to have them listed in the directory. Write legibly please.

SECONDARY MEMBERSHIP – mailing has been made available to a paid membership you may have the newsletter and other MNLICA mailing sent out to someone else in the company for a fee of \$50.00 a year for this Secondary Membership. (Reason for the charge is the increase of printing and postage.)

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Judge halts WOTUS rules. John Peterson, LICA Director of Government Relations. 29 AUG 2015/jwp

EPA's push to extend its authority over ditches and small streams to enforce the Clean Water Act was blocked Thursday, August 27th, by a federal judge who said the administration had overstepped its bounds in trying yet another end run around Congress. Judge Ralph R. Erickson called the EPA's attempt "inexplicable, arbitrary, and devoid of a reasoned process," and issued an injunction preventing EPA and the U.S. Army Corps of Engineers (USACE) from claiming oversight of millions of acres of land that contain small bodies of water.

However, EPA said it will only honor the injunction in the 13 states that had sued, and will move forward with enforcing the new rule in the rest of the country. "In all other respects, the rule is effective on August 28th," the agency said in a statement. "The agencies are evaluating these orders and considering the next steps in the litigation." For the life of me, I don't know how EPA gets away with things like this, ignoring a court order. The 13 states that were part of the suit and where EPA says it won't follow through on the new rules, at least for now, are: AL, AZ, AK, CO, ID, MO, MT, NE, NV, NM, ND, SD & WY.

The redefinition of Waters of the United States (WOTUS) proposed by EPA and the USACE have been controversial from the start. LICA and many other organizations asked EPA to withdraw the rule and go back to the drawing board. The new definition of WOTUS would have subjected all waters within 4000' of a navigable water to EPA review and control. Judge Erickson, who sits in federal district court in ND, said he looked at all the evidence he could, and could not see how EPA justified the 4000' standard. "The rule asserts jurisdiction over waters that are remote and intermittent waters. No evidence actually points to how these intermittent and remote wetlands have any nexus to a navigable-in-fact water," he wrote.

"The Waters of the United States rule is unlawful and an abuse of executive power," said Julia Slingsby, spokeswoman for the House Natural resources Committee. "The judge's decision to block the rule, which was challenged by 13 states, is encouraging, especially as EPA's credibility has been questioned in the past month. The EPA needs to be stopped before it does any more damage to our nation's precious water resources." Slingsby's reference to EPA's credibility is because EPA is still dealing with an embarrassing spill from the Gold King Mine, which was an EPA project near Silverton, CO. Millions of gallons of toxic water poured into the Animas River and other downstream waters.

When Judge Ralph Erickson of the North Dakota District Court granted the injunction, he did so in the expectation that the argument by these states has a substantial chance of prevailing at trial. Congress intended the federal government to have authority over "navigable" waters. And the definition of "navigable" has never been agreed on. My dictionary says it means "a body of water suitable for ships to sail in." And I have seen other definitions where "ships" are canoes or other small draft boats. EPA's rule would enable it to grab control over virtually any water through a scheme that makes a mockery of congressional intent. Any water with a "nexus," that might conceivably flow into navigable water, will be EPA's to rule.

Under our Constitution, Congress makes the law. When federal bureaucrats forget that, it is up the courts to restrain them. And Judge Erickson did, for now. Is the tide turning?





More Map Overlays for Google Earth!

by Mike Lehmann

http://www.mgmaps.com/kml/

A developer put together a KML file that overlays maps from Google, Yahoo, Windows Live (MSN), Open Street and other sources in Google Earth.

Many may find it useful to show street maps (even from Google) in Google Earth for areas that are not covered well by default.

This includes rural streets and avenue labels as well as other aerial imagery.

Multiple map sources can be viewed in Google Earth simultaneously and turned on and off as needed.

Procedure:

- 1. Open website http://www.mgmaps.com/kml/
- Select Source Options include Google, Yahoo, Windows Live-MSN and Open Street)
- 3. Optional select transparency and offset
- 4. Click Button OPEN IN GOOGLE EARTH
- 5. Click Button OK to open file in Google Earth (ex. map msn sat.kml)

Note: The map displayed when you are zoomed out will not match exactly the country borders displayed by Google Earth. This happens because the maps from Yahoo and MSN use a projection different from what Google Earth expects. As you zoom in the maps will be more and more "accurate".

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SECOND PLACE: Dan Wiese



FIRST PLACE: Braedy Lueth



THIRD PLACE: Adam Van Meeteren



Freezer Spaghetti Sauce

1/2 c. salad oil, 3 onions, 3 carrots, 2 green peppers, 2 med garlic cloves, 14 c chopped tomatoes, 12 oz. tomato paste, 1/4 c brown sugar, 1/4 c white sugar, 2 tsp oregano, 2 tbsp. salt, 1 1/2 tsp basil, 1/2 tsp pepper

Chop onions, carrots, green pepper and garlic cloves in grinder. Saute in oil until tender. Place tomatoes in blender and chop fine. Add rest of ingredients and bring all to boil in a 6 quart kettle. Boil 2 minutes, then simmer 2 hours Stir often. Cool and freeze in portions for spaghetti.



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CTIC—Conservation Technology Information Center

A tour was held on August 12th, 2015, one of the stops on the tour was at the David Legvold Farm by Northfield, MN.

This tour drew people from all over the country to see first hand what people in Minnesota are doing to reduce erosion, nitrates and other sediments that is being sent downstream from large rainfall and other events. If we all work together maybe we can solve some of these problems.

Kevin Ellingson and crew along with Mark Dittrich, Ag Marketing & Development Division with Minnesota Department of Agriculture, installed a buffer on David Legvold's farm.

Legvold was honored as state water quality certified farm at the tour.

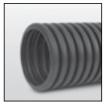
Their were numerous speakers from various agencies and several other farms were toured that day. Approximately 250 people were in attendance.











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NOTICE: ANNUAL MEETING WILL BE HELD ON JANUARY 8TH, 2016 AT 9:00 A.M. AT THE BEST WEST-ERN HOTEL IN NEW ULM, MN



MNLICA WEB--www.mnlica.org

Check out the MNLICA web-site:

Membership: Benefits: Applications: Directory &

Map

Scholarship Application: Ladies Activities
Newsletter Archive: Contact Information
Calendar of Events: Legislative Issues: National LICA

To add content or suggest changes for the website Contact Mike Lehmann--507-381-9791 Or e-mail him at air-row@charter.net











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2015 UPCOMING EVENTS

MNLICA Web-site:www.mnlica.org

2015

September 15 Scholarship Sporting Clay Shoot Courtland
December 11 MNLICA Board Meeting New Ulm, B W

2016

January 6, 2016MNLICA SSTS ClassNew Ulm, B WJanuary 7-8 2016MNLICA State ConventionNew Ulm, B W

Feb 29th—March 6th, 2016

February 2016

NLICA Winter Convention San Antonio, Texas

Day on the Hill to be announced MSHA Class Dennison

February 15, 2016 MSHA Class Dennison

March MNLICA Board Meeting to be determined





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