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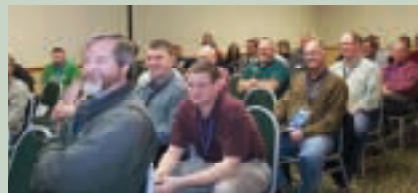
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MNLICA STATE CONVENTION

January 15-17, 2014 Kahler Grand Hotel, Rochester, MN



See pages 9 & 16

WELCOME NEW MEMBERS

Designing Nature, Inc.

Jeff Norman, Steve Leuer
Hamel, MN

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North Branch, MN

Forsberg Drainage & Excavation

Taylor & Stacie Forsberg
Hamel, MN



GREETINGS From Your PRESIDENT

Greetings all,

This year has seemed to fly by even faster than normal. I don't know if it was the busy summer we had, or that I am getting older-maybe a combination of both. Hope everyone had a busy summer and also had a chance to enjoy friends and family.

An update on the on-going NRCS problem. We finally had a last minute meeting with Don Baloun, Paul Flynn, Lewis Brochette and an FSA representative in the state office in St. Paul on October 22 at 10 AM. Chuck Wingert, John Kolb, Kent Rodelius and I attended and had some heated discussions about wetland determinations and the need for these agencies to correct their tactics. We were told that Minnesota has not been in compliance and all other states are in compliance. Don also stated that nothing will be in writing because he was fearful other agencies would get upset and cause problems. I told him he should be more afraid of landowner and farmer outrage. Typical government mentality. Don seems to have the idea that the majority of farmers just want to plow up all wetlands and plant crops. We disagreed and I am concerned our State NRCS Director has an agenda that doesn't consider landowner rights - farmers are great land stewards. We will continue to work on this problem and hope to get it resolved soon.

This will be one of the last of my letters as your President. It has been an honor to serve this organization for two years. I have met many fine people and am glad we have a very good person coming in as your new President. Karlen Nelson will do a great job for you and I look forward to seeing many of you in January, at our State MNLICA Convention.

MNLICA President, Mark Morreim

**MNLICA Web-Site; www.mnllica.org
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SUMMONS

State

County

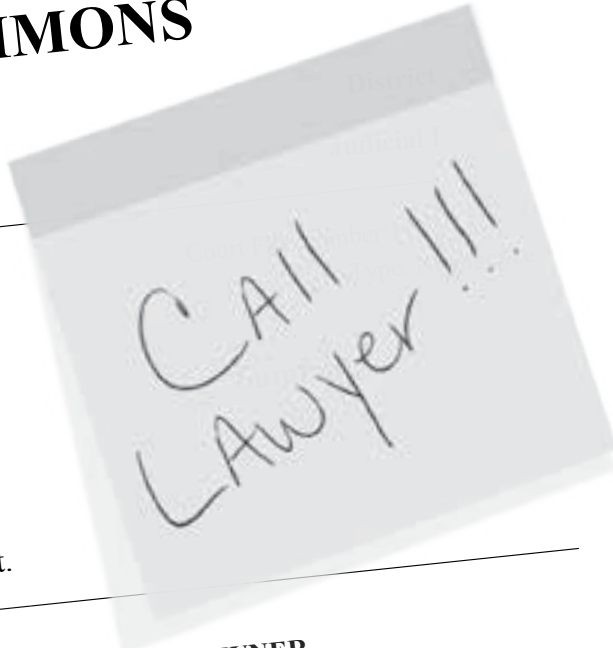
Employee,

Plaintiff,

vs.

Your Company,

Defendant.



THIS SUMMONS IS DIRECTED TO THE BUSINESS OWNER.

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The Clean Water Act and Wetlands: Expansion of Federal Jurisdiction

By Kale R. Van Bruggen and John C. Kolb
Rinke Noonan Law Firm, Ltd., Saint Cloud, Minnesota
November 18, 2013

In 1948, Congress passed the Federal Water Pollution Control Act, the first piece of comprehensive federal law to address water pollution. Despite its efforts, the country's polluted water problems persisted and in 1969, the Cuyahoga River, a tributary of Lake Erie in Northeast Ohio, even caught fire. In 1972, Congress passed a number of amendments to the Act which, for the first time, gave the government and Environmental Protection Agency ("EPA") real "teeth" in combating water pollution. These amendments are commonly referred to as the "Clean Water Act" ("CWA"). The CWA's objective is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The provision most commonly encountered by Minnesotans is Section 404, which requires a permit from the Army Corps of Engineers to discharge dredged or fill material into navigable waters.

But what are "navigable waters"? You might have heard someone say, "If you can float a canoe, it's navigable." That simplistic of a test would certainly help, but like many legal issues, the answer is far more complex. "Navigable waters" are defined as "waters of the United States." Environmental groups sued the Corps in 1975, claiming it was shirking its responsibilities by adopting too narrow of a definition. The Corps was forced to issue a new regulation which swept in a broad range of wetlands. Since that time, the U.S. Supreme Court has issued three decisions on whether wetlands are properly covered by the CWA's jurisdiction.

The most recent decision came in 2006 in the case *Rapanos v. U.S.* The issue before the Court was whether wetlands connected to navigable waters by a series of drainage tiles and manmade ditches were "isolated" and therefore not covered, or were "adjacent" and therefore subject to the Corps' permitting authority. No opinion garnered the support of at least five justices, which is required to set binding precedence. Three justices agreed with an opinion authored by Justice Scalia, which became known as the "plurality opinion," while Justice Kennedy concurred with the plurality, but authored his own standard. Justice Scalia held that federal jurisdiction requires the wetland to have a continuous surface connection to a channel with a relatively permanent body of water connected to traditional interstate navigable waters. Justice Kennedy held that federal jurisdiction exists if there is a "significant nexus" between the wetlands in question and navigable waters in the traditional sense. He wrote that "wetlands possess the requisite nexus . . . if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemistry, physical, and biological integrity of other covered waters more readily understood as 'navigable.'" In *U.S. v. Bailey*, the Eighth Circuit Court of Appeals, which sets binding precedence in Minnesota, held that federal jurisdiction exists if either Scalia's or Kennedy's tests are met.

Rapanos left the regulated community struggling to determine when a wetland is covered by the CWA. This issue is very significant. In Minnesota, for example, the Corps office out of St. Paul has determined in more recent years that certain methods of drain tile installation result in a discharge of dredged or fill material which, if the wetland is covered by either Scalia or Kennedy's test, would require a Section 404 permit.

Since *Rapanos*, the EPA and Corps have only issued guidance documents on how to apply the Court's decision for making jurisdictional determinations. This past September, however, the agencies sent a draft rule to the Office of Management and Budget for review. The rule has not yet been released or noticed for public comment. At the end of September, the EPA released a report titled *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence* for public review and comment. The Scientific Advisory Board, an independent panel within the EPA, will review the public comments and the report in public meeting this December.

The report will serve as the scientific support for the EPA and Corps' new rule defining "waters of the U.S." The report has many concerned that the agencies' new rule will greatly expand federal jurisdiction to include all areas of a state that are "wet." It states that all streams and manmade drainage systems, regardless of their size or frequency of flow, are connected to downstream waters. It also states that all wetlands and open waters in floodplains of streams or in riparian areas are integrated with streams and rivers. It holds that very few wetlands are truly "isolated," which will likely lead the Corps to requiring Section 404 permits for even more wetlands in the state. While clarification from either Congress or the agencies on these issues is fundamentally necessary, the report does little to provide a clear understanding of what wetlands have a "significant nexus" to covered waters. The reaction from Congress to the report has been less than positive, and many speculate the agencies will issue a broad rule in 2014.

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POEM FOR THE HOLIDAY'S

'Twas the night before Christmas, he lived all alone,
In a one bedroom house made of plaster and stone.
I had come down the chimney with presents to give,
And to see just who in this home did live.

I looked all about, a strange sight I did see,
No tinsel, no presents, not even a tree.
No stocking by the mantle, just boots filled with sand,
On the wall hung pictures of far distant lands,
With medals and badges, awards of all kinds,
A sober thought came through my mind.

For this house was different, it was dark and dreary,
I found the home of an soldier, once I could see clearly.
The soldier lay sleeping, silent, alone,
Curled up on the floor in this one bedroom home.
The face was so gentle, the room in such disorder,
Not how I pictured a United States Soldier.

Was this the hero of whom I'd just read,
Curled up on a poncho, the floor for a bed?
I realized the families that I saw this night,
Owed their lives to these soldiers who were willing to fight.
Soon around the world, the children would play,
And grownups would celebrate a bright Christmas Day.
They all enjoyed freedom each month of the year,
Because of the soldiers, like the one lying here.

I couldn't help wonder how many lay alone,
On a cold Christmas Eve in a land far from home.
The very thought brought a tear to my eye,
I dropped to my knees and started to cry.
The soldier awakened and I heard a rough voice,
"Santa don't cry, this life is my choice;
I fight for freedom, I don't ask for more,
My life is My God, My Country, My Corps."

The soldier rolled over and drifted to sleep,
I couldn't control it, I continued to weep.
I kept watch for hours, so silent and still,
And we both shivered from the cold night's chill.
I didn't want to leave on that cold, dark night,
This guardian of honor so willing to fight.

Then the soldier rolled over, with a voice soft and pure,
Whispered, "Carry on Santa, it's Christmas Day, all is secure."
One look at my watch and I knew he was right,
Merry Christmas my friend and to all a good night!

(Author Unknown)



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DANGER in the TRENCHES

Digging a trench using a hydraulic-excavator, equipped with a quick-disconnect bucket-coupler. A worker enters the trench to measure the depth, while the excavator operator switches from a narrow bucket to a larger one and then raises the bucket to work on an adjacent trench. The bucket suddenly disconnects from the bucket arm, falls to the edge of the trench and rolls into the trench where the worker is measuring. The operator calls 911 and puts a chain on the bucket arm to pull the bucket away from the victim.

THE BOTTOM LINE;

Workers should never enter the swing area of hydraulic excavators until they signal the operator to shut down the machine and receive acknowledgment from the operator. To make sure workers stay out of this area, mark it with a rope, tape or other barriers.

There are two common causes for excavator accidents, according to the National Institute for Occupational Safety and Health: being struck by the moving machine, swinging boom or other machine component and being struck by quick-disconnect excavator buckets that unexpectedly detach from the excavator stick.

Here are some safety practices workers on the ground and operators should follow when working with excavators.

- Install and maintain positive locks on quick-disconnect equipment according to the manufacturer's specifications.
- Operators should conduct visual and operational checks, including a series of bucket maneuvers, after changing attachments.
- Adding a retrofit kit to the coupler can prevent the locking lever from opening when the bucket is being used.
- Lower the boom to a safe position with the bucket on the ground, and turn off the machine before stepping out for any reason.
- Use spotters or signal people around operating equipment when necessary.

Mention Wetlands, Drainage, or Permits and Someone will Mention



RINKE NOONAN
attorneys at law



Kurt Deter
kdeter@rinkenoonan.com



John Kolb
jkolb@rinkenoonan.com



Gary Leistico
gleistico@rinkenoonan.com

Landowners are becoming increasingly aware of the difficulties in dealing with wetlands, drainage, and acquiring permits. The DNR, NRCS, Corps of Engineers, county and local governments all may have interests that must be addressed.

Our work involves wetlands, drainage, and other water related issues, permits - areas of law that are constantly changing and becoming more specialized.

If you're facing a challenge in any of these areas, or are wondering if you could benefit from legal help, call Kurt, John, or Gary at (320) 251-6700 or (888) 899-6700

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MNLICA OUTLINE FOR THE CONVENTION

Kahler Grand Hotel, 20 SW 2nd Avenue, Rochester, MN

800-533-1655



Wednesday, January 15:
8:30-3:30pm
SSTS (6 hour accredited)

Thursday, January 16:
8:00-9:00am *What's New in Business*
Ins along with Pipeline Safety
9:00-10:00am is *How's Your*
Hearing? HUH??

Friday, January 17: 8:00-3:30pm
Wetland Determinations (How they are Made)
Round table Issues & Discussion
MN. State Highway Patrol: Over-weight; Over-Width (new rules and regulations)
LIDAR Terrain Analysis & Topography (How it works for your company)

Tradeshow: 10:00-4:30

Ladies: 9:00-11:30am

Get pampered by having a manicure and your hair styled for the convention .
You need to SIGN up ahead of time. (this is included in your convention cost).

AWARDS LUNCHEON: 12:00-2:00pm

AUCTION to be held after Awards

Increase Productivity with GPS: 4:30-5:30pm

ANNUAL MEETING: 5:45-6:30pm

Dinner: 6:30-7:30pm

Bean Bag Tournament: 7:30

Hospitality Room after tournament is over



MNLICA CONVENTION REGISTRATION
THE KAHLER GRAND HOTEL (DOWNTOWN)
 20 Southwest 2nd Avenue, Rochester, MN 55902
 January 16th – 17th, 2014 Phone: 800-533-1655

Contact Name: _____

Company: _____

Address: _____

Phone Day: (____) _____ Phone Evening: (____) _____

Discount Registration – Must be Postmarked by Dec 10, 2013 After Dec 10, 2013

Member, Contractors, Associates, Gov't Employees, Consultants	\$195.00	\$250.00
Member Spouse	\$150.00	\$200.00
Non-Member	\$200.00	\$325.00

Members & Associates
 Attending on January 16th – 17th, 2014
 includes the Thursday evening and
 Friday events at the MNLICA Con-
 vention. Members attending the SSTS
 class on January 15, 2014 there will be
 an additional charge, see SSTS form.

Children \$50.00
 Under 2 years old - Free

Print Names for Badges (Please write legibly)	Owner or Employee	Total
	Total Convention Fees	

MNLICA'S Annual Auction will be held on Thursday, January 16th, 2014 to raise money for our Political Action fund and Scholarship Fund, please provide an auction item that has a suggested minimum value of \$25.00 or more or a cash donation.

Hotel reservations must be made for discount by December 15, 2013
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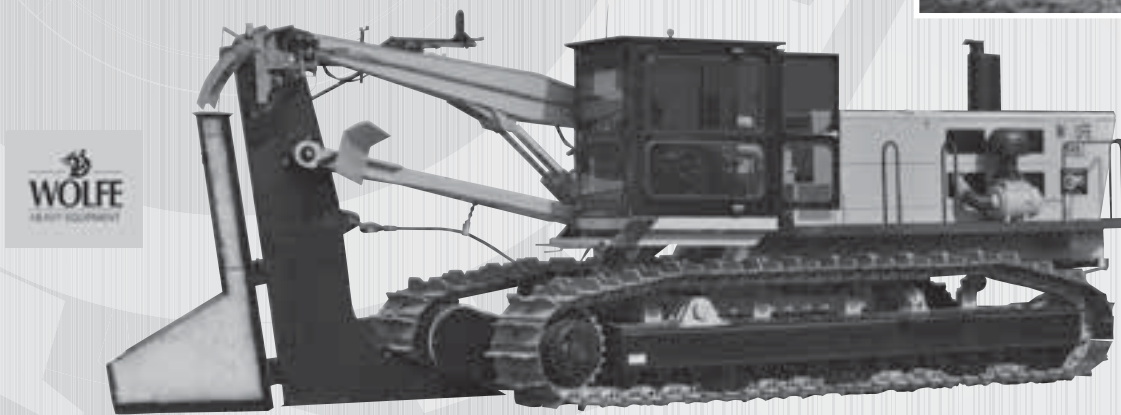
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 E-Mail: bakken4957@gmail.com or nordisestrem@frontier.net

Registration Policy: Only individuals registered and with a badge may attend convention events. The spouse/guest of a registered member need not register to share hotel accommodations, but must register to participate in convention programs or functions. **No registration will be processed without payment.** A \$30.00 processing fee will be incurred on cancellations postmarked before December 31, 2013. Cancellations postmarked after December 31, 2013 will be subject to a 50% reduction in refund. All requests must be in writing. Meals will be on an "availability basis" for on-site registration.

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HAZ COM REGULATORY CHANGE

By NLICA

The Globally Harmonized System of Classification and Labeling of Chemicals

Everything you need to know to prepare for the GHS implementation

The United Nations' Globally Harmonized System of Classification and Labeling of Chemicals (GHS) is widely acknowledged to be one of the most significant regulatory changes to affect worldwide workplace health and safety practices in many years. In the United States, OSHA is in the process of incorporating the GHS into its Hazard Communication Standard (HazCom).

Over the next 3 years, the GHS will be phased in to the HazCom standard until it has been fully aligned with HazCom.

- **December 1, 2013** - the first effective date, which requires employees to be trained on the new label elements and safety data sheets
- **June 1, 2015** - the second date, which requires compliance of all modified provisions of the final rule, except for December 1, 2015, which requires the distributor to not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.
- **June 1, 2016** - all requirements of the GHS must be met and included within the HazCom standard. During the transition period, chemical manufacturers, importers, distributors, and employers may comply with either the final standard, the current standard, or both.

DEEPEST SYMPATHY

DAVID CANTRELL

September 29, 2013

Past National LICA President

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CROCK-POT LASAGNA

Lisa Dicke

**10-uncooked lasagna noodles
(or 3 cups uncooked bow-tie pasta)
1# ground beef
1-teaspoon Italian seasoning
28-oz jar spaghetti sauce
1/3 cup water
4-oz can sliced mushrooms
15-oz cottager cheese
2 cups shredded Mozzarella cheese**

**Break noodles, place half in bottom of greased crock-pot (or 1/2 bowtie pasta)
Brown ground beef, add Italian seasoning and spread over the noodles in crock-pot**

Layer half the sauce and half the water and half the mushrooms, half the cottage chees and half the Mozzarella cheese over the beef.

Repeat layer. Cover and cook on low for 4-5 hours or until noodles are tender.

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How far in life you go depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and the strong. Because someday in life, you will have been all of these.

George Washington Carver

Chicken Quesadilla with Bacon

Makes 4 servings

8-slices bacon	1-pound chicken tenders
1-teaspoon course salt	1/2-teaspoon pepper
1-firm, ripe avocado	1-tablespoon lime juice
4-tomatoes, sliced	
1/2 cup each: shredded Swiss and Cheddar cheeses	
8-flour tortillas (8-8-1/2 inches)	
Salsa and sour cream for toppings	

1. In a large nonstick skillet, cook bacon, 5-6 minutes over medium heat or until crisp; drain on paper towels and break pieces in half.
2. Meanwhile, heat a nonstick pan over medium heat. Spray with cooking spray. Season chicken on both sides with salt & pepper. Cook about 4 minutes on each side. Remove from heat; cut into strips.
3. Halve avocado and remove pit. Cut flesh into thin strips, then scoop out of the peel with a spoon. Drizzle lime over avocado slices.
4. Top 4 of the tortillas with chicken, bacon, avocado, tomatoes, and cheeses, dividing evenly. Place remaining tortillas on top.
5. Place 1 quesadilla in a skillet over medium heat, pressing down occasionally until browned on one side, 3-4 minutes. Carefully flip and cook 2nd side until browned and cheese is melted. Keep warm while you repeat the remaining quesadillas. Cut each into wedges, serve with salsa & sour cream.



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750 Double Link Plow



750 RC Link Plow



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DIRECTORS REPORT

If you want a special training in your area during the year, please call Nordis at 507-649-1771 or e-mail: nordisestrem@frontier.com.

MNLICA will be having the MNLICA State Convention from January 15-17, 2014 at the Downtown Kahler Hotel. We **NEED ALL MEMBERS** to attend to make this a big success! Make this a special event for you and your spouse! There will be a special pampered (nails and hair styled) Ladies Program on Thursday during the Tradeshow time. Thursday evening there will be a Bean Bag tournament. You can participate or just have fun watching and cheering on your favorite teams. Come and learn new time and money saving business ideas and meet old friends and make new ones!

MNLICA will be doing a **Membership Drive** in January on the 13th and 14th. If you have a possible member in mind let us know and we will help you to recruit them.

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Cinnamon Ornaments

Makes 12-15 ornaments Prep time 30 minutes
Cook time 2 1/2 hours or 1-2 days drying time

Ingredients:

- 1/4 cup applesauce
- 1-cup, plus 2 tablespoons cinnamon

Supplies needed:

- Cookie cutters
- Drinking straws
- Colorful ribbon

1. Preheat oven to 200 degrees. Mix applesauce and cinnamon in a small bowl until a smooth ball of dough is formed. (You may need to use your hands to incorporate all of the cinnamon). Using about 1/4 of the dough at a time, roll dough to 1/4-inch to 1/3-inch thickness between two sheets of plastic wrap. Peel off top sheet of plastic wrap. Cut dough into desired shapes with 2-3 cookie cutters. Make a hole at top of ornament with drinking straw. Place ornaments on a baking sheet.
2. Bake 2-1/2 hours. Cool ornaments on a wire rack.
3. (Or, to let dry 1-2 days at room temperature, carefully place them on a wire rack. Let stand until thoroughly dry, turning occasionally.)
4. Insert ribbon through holes and tie to hang. Decorate with opaque paint markers, found in art or craft stores, if desired. **DO NOT EAT!**

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.

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Northfield, MN. 55057

Contractor Member	\$350.00
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January 15, 2014

MNLICA will offer a Septic Certification Class at the state convention on Wednesday January 15, 2014 from 8:30 a.m. to 3:30 p.m. The cost of the class will be \$180.00 per person including break and lunch. If you sign up for the convention, the cost will be \$150.00 per person. (Please write legibly.)

Contact Name(s) _____

Company _____

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Names of Attendees: _____

\$180.00 Registration per person \$ _____

\$150.00 Registration per person (with convention registration) \$ _____

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Make checks payable to MNLICA Convention Fund, Mail to:

MNLICA
9600 S. Dennison Blvd.
Northfield, MN 55057-4547
Phone: 507-645-6905

Registration Policy: Only individuals registered and with a badge may attend convention events. No registration will be processed without payment. A \$25.00 processing fee will be incurred on cancellations postmarked before December 30, 2013 Cancellations after December 30, 2013 will be subject to a 50% reduction in refund. All requests must be in writing.

Two new hiring rules for contractors.

By

John Peterson, LICA Director of Government Relations.

Some time ago I wrote an article telling of a Department of Labor (DOL) rule coming that would require contractors to hire people with disabilities even for jobs for which they would not be qualified or shouldn't even do. On 24 SEP 2013, the DOL Office of Federal Contract Compliance Programs (OFCCP) published two new rules in the Federal Register, requiring contractors and subcontractors on federal construction projects to improve the hiring of veterans (glad to see that one, but I suspect most LICA Contractors do that as a matter of course), and individuals with disabilities. Both these two new rules will take effect on 14 MAR 2014.

The first rule just updates the Vietnam Era Veterans Readjustment Act, which prohibits federal contractors and subcontractors from discriminating in employment against protected veterans.

The second rule makes changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973, which prohibits federal contractors from discriminating against individuals with disabilities, and requires federal contractors to take affirmative action to recruit, hire, promote, and retain those disabled individuals. The rule requires contractors to:

Apply a new 7% goal to either their job groups or entire work force, depending on their size.

Collect and analyze data with respect to applicants and hires of individuals with disabilities.

Invite employees to self-identify as an individual with disabilities.

Contractors can invite applicants to self-identify as a person with a disability at the same time the contractor collects other demographic data from job applicants. OFCCP also has prepared numerous resources on compliance with the new 503 rule.

In my earlier article on this subject I talked about some of the absurdities that would result from this second rule, and was not a fan of this self-identification business. And it may be that only a small number of LICA Contractors become federal contractors or subcontractors, but I know that some do. I would be interested in hearing from LICA contractors that have to comply with this disability rule. I am particularly interested in two things. Has compliance, including collecting and analyzing the required data, become difficult and costly? And do you have an instance where someone with a disability was required to be placed in a position where they either could not do the work, or became a safety concern for other employees or your company? Since construction work is strenuous, physical, hard work, it makes absolutely no sense to me to require the hiring of someone who simply cannot do that job. I hope I am misreading the rule.

MNLICA WEB MAIL

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