



October 2013 - November 2013

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NEWS

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MNLICA SCHOLARSHIP GOLF

See page 5 for more facts and pictures!



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GREETINGS From Your PRESIDENT

Greetings all,

I hope the summer has been good to everyone and you all have been busy. We sure have with all the prevented planting in my area. Farmers will always seek to improve their land when opportunity presents itself.

The summer LICA convention was good in Ohio. It's always fun to meet up with fellow contractors and get to know how they operate. It is also important we keep up with the regulations and politics. John Peterson is a valuable asset to this organization and also a good friend. Thank you John for all you do.

On the same note regarding regulations, I will report on a meeting we had on July 30, at Chuck Wingert's office in Mankato. Chuck scheduled a meeting with NRCS, area farmers with determination issues and also several other people involved in drainage and agriculture. The date and time were directly picked by Don Baloun, our State NRCS Chief so he could attend. He did not show up, or even contact us he was not coming so the date could be changed. Paul Flynn, the regional NRCS wetland coordinator, and Lewis Brochette, an NRCS Wetlands Specialist from the Marshall office attended instead. There were 14 people in all.

The meeting was prompted by land owners having inaccurate and wrong determinations done causing Federal Farm Program violations. Pending Lawsuits against NRCS and landowner outrage has finally come to the surface. We are now told that if a determination was done after November 28, 1990, that this is a valid determination. The new determination can be deleted. We are waiting for the written documents to come to verify this decision. We will keep the pressure on until we have fixed this issue.

In a final note on this subject, I feel we need to set up a trip to Washington D.C. to meet with the NRCS there and express our concerns on this problem. We consider this a major land-taking problem here because of all the mistakes made and the methods used. Please contact us if you have an interest in going with.

To end my report, I would like to thank all those who took the time and attended our annual Scholarship Golf Day. All the profits from this are used for our scholarship fund. Our youth are very important for our future.

Have a safe fall,

MNLICA President; Mark Morreim

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MNLICA SCHOLARSHIP GOLF

The winning teams with a score of 37 were Prins Insurance and United Fire Group. They decided to flip a coin to see who was first and second place. United Fire Group won the toss. Dustin Krick, Justin Wildfeuer, Mike Landgren, (not pictured Rick Miller of United Fire Group).



Karlen Nelson wins the golf bag for the longest putt on Hole # 4 from Brian Zins of Federated Insurance .



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MNLICA Board at work for YOU!



Twelve MNLICA Board Members attended the August 23rd meeting at St. James Golf Course and made decisions for your January 15-17, 2014 State Convention topics and a Membership Drive to be held January 13-15, 2014. Also discussed was what topics and where to host Out-State Winter trainings.

If you were not able to attend the Scholarship Golf Outing, but would be willing to show some support for it, PLEASE mail your donation to Jeanie Bakken at 9600 South Dennison Blvd, Northfield, MN 55057. THANK YOU!!!

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For more information contact:

Matthew Breen

Phone: 407-833-0300

E-MAIL: mattb@breenragland.com

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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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BALANCING A HEAVY LOAD

Keep equipment as level as possible to prevent rollovers. The center of gravity is higher when the bucket is in an elevated position. Combining the bucket position and a faster speed can cause a machine to turn over.

Each year, an average of 132 workers are crushed to death from overturns. Most of these could be prevented if the operators had followed the proper safety practice listed below:

Equip all equipment with ROPS and seat belts.

Develop, implement and enforce a safety program that trains employees on all equipment used.

Reduce speed before turning. If you turn while going fast, the equipment will attempt to go straight, instead of turning. Also, lower speeds when using attachments. If on a steep incline, back down slowly and apply the brakes lightly when needed.

Keep the bucket as close to the ground as possible. The center of gravity is affected if the bucket is too high.

Watch for rocks, holes or ditches, which can cause an overturn.

Lower and raise attachments slowly.

For some attachments, counterweights may be necessary for stability.

NRCS Certified Wetland Determinations: Things You Should Know

By John C. Kolb, Attorney, and Kale R. Van Bruggen, Associate Attorney
Rinke Noonan Law Firm, Ltd., Saint Cloud, Minnesota
September 4, 2013

Participants in the USDA's farm program should complete form AD-1026 at their local Farm Service Agency (FSA) office before clearing or draining agricultural land. Completing an AD-1026 triggers a technical determination from the Natural Resources Conservation Service (NRCS, formerly known as the SCS) as to whether the proposed clearing or drainage activity will violate the wetland conservation compliance provisions of the Food Security Act of 1985 as amended, commonly referred to as "Swampbuster."

Swampbuster conditions the receipt of farm program benefits on compliance with two key provisions: First, a participant is ineligible for program benefits in any year in which he or she produces an agricultural commodity on a wetland converted after December 23, 1985; Second, a participant who converts a wetland after November 28, 1990 to make production of an agricultural commodity possible is ineligible in that crop year and all subsequent crop years until the participant takes further action to come back into compliance.

In Minnesota, NRCS has taken the position that when a participant completes an AD-1026, the NRCS may issue a new certified wetland determination on any tract which has not previously received a certified wetland determination issued after July 3, 1996. This raises two important questions for farmers: First, does NRCS automatically have the authority to issue a new certified wetland determination for your tract? Second, how do you know if your tract already has a previously certified wetland determination that you may rely upon?

The simple answer to the first question is "No." Once the NRCS has made a certified wetland determination, it remains binding unless a person affected by the certification requests a review by completing form CPA-038 or the tract is no longer used for agricultural production. An affected person may request a review of a certified wetland determination only if a natural event alters the topography or the hydrology of the tract to the extent that the certified determination is no longer a reliable indicator of site conditions or if the NRCS concurs that an error exists in the current wetland determination. Therefore, a producer should determine whether a previously certified wetland determination exists on each tract before completing an AD-1026. Previously issued certified wetland determinations are typically more reliable evidence of the actual site conditions present on December 23, 1985, the date Swampbuster became federal law.

Each landowner or operator has the right to request their agency file from the NRCS and FSA for any tract of land they own or operate within the farm program. Landowners and operators should request from NRCS a copy of all historical records, letters, forms, maps and other documents in the agency file related to wetland determinations, wetland conservation compliance, and any appeals. By requesting the agency's complete record, a landowner or operator can determine if a certified wetland determination was previously issued to them or to a prior landowner of that tract.

There are three key time periods to keep in mind when reviewing an agency record to determine if a certified wetland determination already exists. The most recent time period is for determinations made after July 3, 1996. These are automatically considered to be certified wetland determinations. If there is truly no previously certified wetland determination on record at the time an AD-1026 is completed, then the NRCS will issue a preliminary technical determination which the producer may appeal within 30 days of receiving. Once the producer has exhausted all appeal procedures or does not appeal the determination within the allotted time frame, the determination becomes a final, certified technical determination.

You may have heard your District Conservationist or another producer tell you, "Determinations issued before 1996 are not certified," but as discussed below, that is not a legally supported conclusion. On September 6, 1996, the USDA amended its federal regulations in order to address the certification process for wetland determinations. The comments to the amendment reiterate that "If NRCS certified a wetland determination prior to July 3, 1996, the certification will remain valid." A certified wetland determination means that the determination is of "sufficient quality to make a determination of ineligibility for program benefits under these regulations." See 61 Fed. Reg. 47019 (Sept. 6, 1996). The NRCS policy book, known as the National Food Security Act Manual, states that determinations made prior to July 3, 1996, are considered certified if they met the procedural (appeal rights) and quality mandates as provided in 7 CFR Section 12.

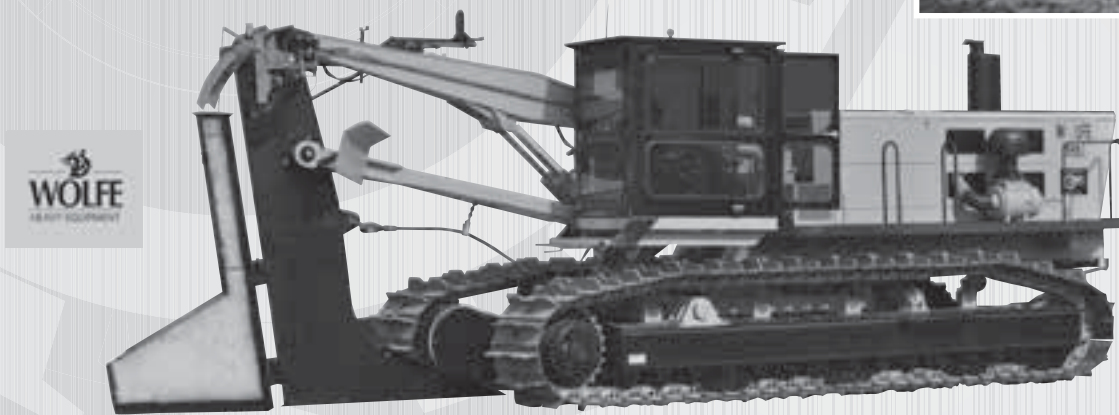
Therefore, the second key period for determining whether a certified wetland determination exists is for determinations made between November 28, 1990 and July 3, 1996. There are three requirements necessary for a determination made during this period to be certified: the participant at that time must have received (1) a CPA-026 or notification of the wetland determination, (2) a map delineating the wetland location and size, and (3) a letter providing appeal rights. Even if the participant did not appeal the wetland determination, a producer can rely upon a determination meeting these three requirements as a certified wetland determination.

Continues on page 11

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Continued from page 9:

NRCS Wetland Determinations

The third and final key period applies to determinations made before November 28, 1990. Determinations received during this period must include all three requirements noted in the second key period above, but in addition, the participant must have actually appealed the determination in order for a certified wetland determination to exist. The result or outcome of such an appeal is a certified wetland determination to which a producer today can rely upon.

In summary, the NRCS does not have the authority to issue a new certified wetland determination where a previously issued certified wetland determination already exists, unless a participant affected by the certification requests it be reviewed by completing form CPA-038 and such review is necessary due to a natural, topography or hydrology altering event or NRCS's concurrence that an error exists in the current determination. Farm program landowners and operators should request a copy of their agency file before completing form AD-1026 to determine whether a certified wetland determination already exists. Depending on the period of time in which prior SCS or NRCS determinations were made, a tract may already have a certified wetland determination that may be relied upon for clearing or drainage projects.

More to come in future newsletters.

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The Sunshine Act A provision of the Affordable Care Act

Doctors will soon have to disclose gifts & payments they receive from pharmaceutical companies. Under the Sunshine Act, a provision of the affordable care act, pharmaceutical & medical-device companies will have to record nearly every financial interaction they have with doctors, whether it's paying them for research consultation, paying them for speeches, or sending a pizza to their office. That information will then be published on a searchable, public website from September 2014 onward. Many physicians make considerable income from consulting and speaking fees they receive from drug companies; last year alone the biggest drug maker, Pfizer, paid \$173.2 million to health-care professionals.

TIP OF THE MONTH

Remove scuff marks. Rub a tennis ball on the floor or the edge of a tennis shoe to erase the marks. Almost magic!

HMMMMMMMM

Why is the third hand on a watch called a second hand?

Why are they called “stands” when they are made for sitting?

Why is it called “after dark” when it is really” after light”?

If love is blind, why is lingerie so popular?

How come abbreviated is such a long word?

Doesn't “expecting the unexpected” make the unexpected expected?



Marketplace Notification

C.O. Brown Insurance CO.

Our Health Care Reform legal consultant, Hitesman & Wold, has put together a form document to be used by employers to satisfy the requirement under Health Care Reform (HCR) to provide all employees with a Marketplace Notification by October 1, 2013.

The modified version of the Notice provides more accurate and more complete information than the model notice made available by the Department of Labor (DOL).

In addition to the information required to be reflected in the Notice, a number of elements have been added, including the following:

- A description of the individual mandate and how it relates to the Marketplace.
- A better description of subsidy eligibility (and loss of eligibility).
- A better description of the relationship between employer sponsored coverage and subsidy eligibility.
- A description of the potential impact of employer sponsored coverage on family members.
- A better description of what happens to otherwise available employer contributions if the individual goes to the Marketplace instead.
- A description of what happens if the employee changes his/her mind.
- Clear and repeated warnings regarding the timing of the information and the likelihood for significant changes for 2015.
- Special language for non-calendar plan years.

In addition to the content enhancements, the information itself is provided in a more user friendly and understandable manner. Much of the information appears in a Question and Answer format.

MONTHLY TIPS

Protect your outdoor padlocks

Keep a lock from rusting from exposure to rain or snow. Cut a tennis ball and slipping it over the top of the lock.

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Nordis Estrem

1-package wild rice	1-pound bacon
1-large onion	1/4 cup butter
1-large green pepper	6-8 oz. mushrooms
4-6 cups chicken broth	

Wash and cook wild rice until the water becomes almost clear. Change water when it becomes cloudy, (takes 45 minutes to 1-hour for rice to cook). Drain.

Fry 1 pound bacon until crisp and break into pieces, or cut into pieces and then fry.

In a pan melt 1/4 cup butter, sauté onions, green peppers and mushrooms.

Add Bacon pieces, onion mixture and wild rice to chicken broth.

Cook for at least 1 hour over low heat.

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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 State Convention on January 15-17, 2014 at the Downtown Kahler Hotel. The room rate will be only \$89.00 per night with Free Parking in their ramp.

The hotel also offers YOU as a guest the following items:

Free high speed internet, coffee maker, refrigerator, iron & board, hair dryer, voice mail, alarm clock radio, some micro-waves are available, rooftop pool, whirlpool and sauna, fitness center, connected to The Grand Shops with over 65 stores, boutiques & restaurants. Connected to entire downtown district via pedestrian skyway system.

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 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.

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“Green” politics harvest subsidies, not energy.

John Peterson, LICA Director of Government Relations. 28 AUG 2013

“The green energy twins, wind and solar, are parasitic power producers. They cannot produce continuous, predictable electricity without sucking backup from their hosts – the real power plants using coal, gas, nuclear, hydro, or geothermal energy.

Wind and solar power start their freeloading by attaching themselves to an electricity network built and paid for by their hosts. They seldom contribute to the capital or maintenance cost of the transmission network, and they force consumers to subsidize the feed-in price for their unreliable output.

From Day One, the green energy parasites force their hosts to support them with electricity during the frequent periods when they produce no power. At times, in cold, still weather, wind farms drain power from the network to keep the turbines from freezing.

All green energy plants in a region tend to produce either peak power or zero power at the same times. This surging creates serious network instability and forces fluctuating output in backup facilities. Because of this continuous need for backup, not one unit of real power can be closed. This causes periodic overcapacity on the network. All plants generate lower revenue and profits, and both producers and consumers bear the cost of supporting the parasites.

Problems already loom in Europe, where coal, gas and nuclear plants face closure because their revenue stream is weakened by overcapacity and interrupted by solar/wind surges.

Green energy has a low capacity factor, intermittent operation, more access and transmission costs, and creates operational inefficiencies in backup plants. It is a destructive and stunningly expensive way to achieve a miniscule overall reduction in carbon dioxide emissions, even if that were a sensible aim. It is a system designed by delirious politicians, not prudent power engineers, and its main achievement is to harvest subsidies, not energy.

If all green energy welfare were removed, the parasite power producers would die. Until it is removed the hosts and their customers will continue to be weakened.”

One thing about Forbes, you surely know where he is coming from. I hope people are looking into correcting the problems he describes.

Moussaka Nordis Estrem

1/2 pound Onion Chopped
(heat without browning in butter)
Add 1-1/2 pound hamburger
Salt & pepper to taste
Spray or grease a 3 quart oven dish
Add hamburger mixture and sprinkle with the parsley
1-Tablespoon Parsley-chopped
2-Tablespoons Olive Oil
1-oz. butter
2- medium sized Egg Plants (or Zucchini)
1pound fresh tomatoes
Heat Olive Oil
slice Egg Plant and brown lightly in oil; drain on paper towel
Arrange on top of hamburger mixture
Add tomatoes (cut into small pieces)
Add more salt and pepper to taste

SAUCE:

1-1/2 oz. butter--melt in pan
Add: 3 Tablespoons flour (cook 2 minutes--stirring)
Add: 3/4 pint milk to flour and bring to a boil
Boil---stirring constant for 3 minutes
Add 1 egg --beaten well
Add 1-1/2 oz. grated Cheddar or Colby cheese
Pour over hamburger, egg plant , tomatoes
Cover and bake for 1 hour at 375 degrees; remove lid and
bake uncovered for 1/2 hour more.
Serves 6

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2013-14 UPCOMING EVENTS

MNLICA Web-site: www.mnllica.org

December 14	MNLICA Board Meeting	New Ulm
2014		
January 13-15	MEMBERSHIP DRIVE	ALL STATE
January 15	SSTS 6-Hour Certified Class	Kahler Hotel, Rochester
January 16	MNLICA Convention Trainings	Kahler Hotel, Rochester
January 16	MNLICA Tradeshow	Kahler Hotel, Rochester
January 17	MNLICA Convention Trainings	Kahler Hotel, Rochester
January-February	OUT-STATE SAFETY TRAININGS	areas to be announced



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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.*