



# MNLICA

# NEWS

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Tyler Ukkelberg  
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Page 13

**SOUTHWEST MINNESOTA FARM WATER MANAGEMENT and COVER CROP FIELD DAY**  
**AUGUST 13, (6 miles north) CANBY, MN.**

Learn about soil pit, controlled drainage, sub-irrigation, Cover crops and pollinators (bees). There will be demonstrations, a forum on “ the future of farm drainage” and booths of various kinds.

Page 6

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**RED ALERT!**  
**CORP OF ENGINEERS, EPA**  
**EXTENDED COMMENT TIME TO OCTOBER 20**

Pages 6, 7, 16



## GREETINGS From Your PRESIDENT

Greetings to all,

As I write this newsletter, some are looking for moisture and some are looking for sunshine and dry weather. At Nicollet, I have received only ½ inch of rain on the weekend of June 28-29. So far I have dodged the excess rain. We do have drowned out spots in the fields but not a total loss so far. The rains have taxed the drainage systems to the limit and cleaned out most anything in the tile lines.

The EPA and U S Army Corp of Engineers are still trying to end run their jurisdiction in the Clean Water Act. As I stated in a previous article, any water puddle would fall under their jurisdiction. The comment period has been extended to October 20, 2014. At least they have given us, who are busy in the spring, more time to make a comment on the proposed rule. Make sure that you make known your position on the proposed rule to the EPA, Army Corp of Engineers and your legislators that represent you in Washington, D.C. MAKE YOUR VOICE HEARD! We need to remember that those who show up get to make up the rules.

One of our fellow MnLICA members and board director is having a Controlled Drainage Open house on August 13, 2014. This is a field day with emphasis on new technology for controlled drainage, cover crop seeding and many other pertinent topics. Look for more information on this open house in the newsletter.

We are coming to that time of year for our scholarship fundraiser. This year we are having a sporting clay shoot at the River Ridge Gun Club at Courtland, MN. The more that participate, the more scholarship dollars we have to distribute.

I hope that you have work and a safe summer. Hope to see at a MnLICA function soon.

Karlen Nelson-MnLICA President

  
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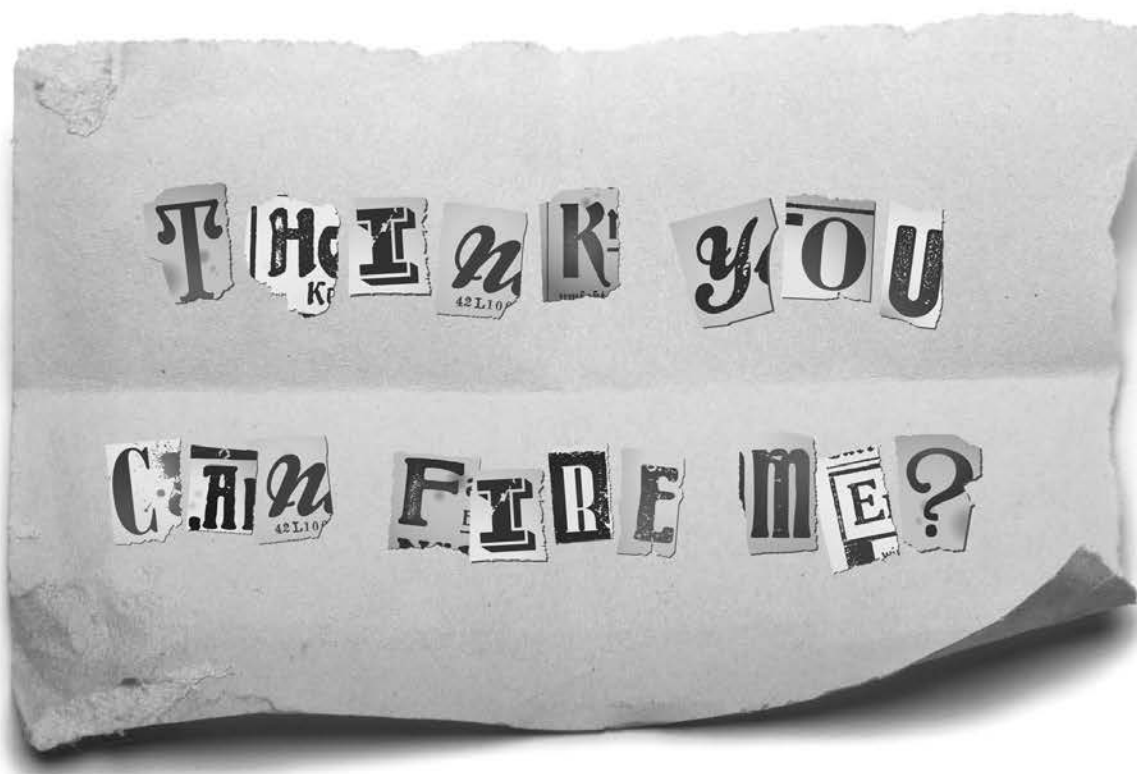
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## BUY - RENT - LEASE

FEATURES	
Presidents Report	2
Northern Long-Eared Bat is it Endangered?	5
Field Day planned for Aug. 13, Canby MN	6
Another EPA Power Grab-J. Peterson	7
MNLICA Board at work	8
Free Nitrate Screening at Farm Fest	11
One-Call System Numbers	
Drainage work group 2013 Bills for House & Senate	
EPA---the God Over Waters	12
Safety: Dehydration and Heat Stroke	13
Directors Report	14
Safety: Gravity Shifts; Accident	
Membership Application	15
Membership Benefits	
Recipe: Roasted Red Potato with Bacon	16
Water Policy: Corp of Engineers article	
Scholarship Winner	17
LIVER TRANSPLANT DONOR NEEDED!	
New Membership Cards are here!	
MNLICA upcoming Events	19



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June 19, 2014

The Honorable Sally Jewell  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

The Honorable Dan Ashe, Director  
Director  
U.S. Fish & Wildlife Service  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Jewell and Director Ashe:

I am writing in response to the notice published by the U.S. Fish and Wildlife Service (FWS) in the October 2, 2013 Federal Register (78 Fed. Reg. 61046), in which the Service proposed to list the Northern Long-Eared (NLE) bat as an endangered species due to White Nose Syndrome (WNS).

While I support the protection of truly endangered species, I am concerned that the NLE bat does not warrant that classification due to WNS. As you know, the Endangered Species Act (ESA) requires all listing decisions be made based on the best-available science. Given my office's conversations with local stakeholders and members of the scientific community, it is clear that there is significant disagreement over the NLE bat's population levels and the actual effects of WNS on the species. As a number of commenters on the proposed listing have demonstrated, the available information does not sufficiently support listing the species as endangered.

Furthermore, adding the NLE bat to the endangered species list would have significant negative impacts on many key job-creating industries in my district. In order to avoid causing economic harm to the people of Western North Carolina, I urge the Fish and Wildlife Service to comply with its statutory mandate to evaluate the best available data and consider the information that affected stakeholders have provided in comments. To that end, I ask that the Service obtain a six-month extension for making a final listing decision for the species so that it may fully evaluate this information.

If, after the extended review, the FWS still believes the proposed listing is warranted, it should consider listing the NLE bat species as threatened rather than endangered. Such a listing would provide ample protections for the bat and allow the Service to promulgate a special §4(d) rule that addresses the threats of WNS, while allowing activities that have minimal impacts on the bat to continue.

Thank you for your consideration of this request and I look forward to your prompt response.

Sincerely,



Mark Meadows  
Member of Congress

---

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## Southwest Minnesota Farm Water Management and Cover Crop Field Day

A field day is planned for August 13<sup>th</sup>, 6 miles north of Canby, Minnesota.

It will feature "learning stations" staffed by government and private individuals. Stations include a soil pit, controlled drainage, subirrigation, cover crops and pollinators (bees). Weather permitting, there will be a demonstration of seeding cover crops with an airplane in standing sunflowers. There is also a forum on "the future of farm drainage" planned, featuring government officials and private industry representatives. Various suppliers will have booths.

The field day takes place on a farm of 480 acres that has 13 controlled zones, which was designed by Mike Lehmann of Air-Row Survey, LLC.

Mark Dittrich of the Department of Ag, Yellow Medicine County SWCD, Lac Qui Parle Yellow Bank Watershed Board, and others are involved with the day, with Stu Frazier being the lead organizer.

For more info or to participate, contact Stu Frazier at 507-828-2219 or e-mail at: [frazier5@frontiernet.net](mailto:frazier5@frontiernet.net).

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To get more information on agriculture's issues. MNLICA seems to be on the same page on most issues. MNLICA members need to contact their Senators and Representatives in Washington DC on the EPA and Corp of Engineers water rights issue.



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**John Kolb**  
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**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.

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## Another EPA Power Grab By John Peterson. LICA Director of Government Relations. 09 JUL

The Environmental protection Agency (EPA) has quietly floated another new rule claiming authority to bypass the courts and unilaterally garnish paychecks of those accused of violating its rules, a power currently used by agencies such as the Internal Revenue Service (IRS). The EPA has a history of overreaching its authority, and this is but the latest example. The EPA announced the plan last week in a notice in the Federal Register, saying federal law allows it "to garnish non-federal wages to collect delinquent non-tax debts owed the US without first obtaining a court order." The agency cited authority under the Debt Collection Improvement Act of 1996.

The rule would give EPA sweeping authority to dictate how and whether Americans could dispute fines and penalties. Putting their collection powers on a fast track, EPA announced it in the Federal Register as a "direct final rule" that would take effect automatically on 2 SEP 2014, unless they receive adverse public comments by 1 AUG. EPA also said the action is "not a significant regulatory action" and therefore is not subject to review. I have written about that tactic before.

Negative reactions have begun almost immediately. Many fault the rule as giving the government "unbridled discretion" in controlling the process for challenging fines and wage garnishment, such as dictating the site of a hearing without consideration of the time and expense placed on the accused debtor. The rule allows EPA to decide whether a debtor gets a chance to present a defense, and then it picks whomever it chooses to serve as a hearing officer, even someone not trained as an administrative law judge. It also puts the burden of proof on the debtor, not the EPA.

EPA has been a magnet for criticism over new rules on things such as wood-burning stoves and small streams or ponds on private land. EPA has a habit of inventing outrageous interpretations of federal laws. Anyone who exhales is a polluter given the agency's classification of carbon dioxide as a pollutant. Those who cannot afford the high cost of justice in the courts are stuck with the EPA's administrative hearings, where the EPA administrative judge holds all the cards. Fair play and due process would normally place the burden on the government to prove its case, but this administration regards itself above constitutional inconvenience. Under EPA Administrator Gina McCarthy, EPA has been collecting many more fines for violating environmental rules. Total fines have gone from \$110 million in 2010 to \$252 million in 2012.

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### MNLICA BOARD at WORK

**June 14, 2014**

**Holiday Inn, New Ulm**

Thank you to all the MNLICA Board members that give of their time to attend and make the decisions and do the work that make your organization the success that it is! Please join them for the January 2015 Convention at the New Ulm location.







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## Drainage 2013 Bills and Information about Pertinente Bills

by Al Kean, Chief Engineer

Bills carrying the Drainage Workshop Group (DWG) 2013 consensus recommendations:

### HF-2571

3-3-14 Upon introduction and first reading, referred to House Environment and Natural Resources Policy committee (ENRP)  
3-11-14 Heard by HNRP committee, passed and sent to House Floor for General register.

### SF-2221

3-3-14 Upon introduction and first reading, referred to Senate Environment and Energy committee.  
3-6-14 Heard by Senate Environment and Energy committee, passed, and re-referred to Senate Jobs, Agriculture and Rural Development (JARD) committee.  
3-10-14 Heard by Senate JARD committee, passed and referred to the Senate Floor for General Orders.  
When Senator Sparks and Eken and I (AL Kean) presented for **SF-2221** in the Senate hearings, there were several questions that I could directly answer (with Greg Knopff's assistance for one).

When Representative Hansen and I presented **HF-2571** at the House ENRP committee hearing, there were no questions from the committee (which has a number of members familiar with the DWG and prior DWG consensus recommendations.)  
Thanks to DWG members who attended the Senate and House hearings to show support, if needed! It appears that the DWG bills are on their way, again reflecting the value of the DWG time spent reaching consensus, I believe.

Another set of bills of interest to the DWG are **HF-2311/ SF-2185**. These bills amend **Section 103E.065** Drainage Inspectors, by adding a sentence to prohibit county commissioners from serving as drainage inspectors. **HF-2311** had a hearing in the House Government Operations committee on 3-11-14, where it was adopted and re-referred to the ENRP committee.

The only other bill at the Legislature involving drainage that I am aware of is **HF-2322** which would exempt private agricultural tile from sales tax (but not public, **Chapter 103E** tile). On 2-25-14 **HF-2322** was introduced and referred to the Taxes committee, which currently has 351 bills referred to it.

Al Kean, PE  
Chief Engineer  
MN. Board of Water and Soil Resources

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### MAWRC offers free confidential Nitrate screening at Farm Fest

Attention farmers and ranchers. Ever wondered what the nitrate levels are in your farm well, tile water, ditches or streams? In order to help farmers better understand nitrates in water, your friends at the Minnesota Agricultural Water Resource Center (and its member organizations) are offering free, confidential nitrate screening at Farm Fest.

It's simple. Use clean plastic bags or bottles to take samples from each source you want tested. For tile water, you might want to take multiple samples a few weeks apart. Label each sample with date and source, and freeze samples taken in advance until Farm Fest. Samples taken and brought to Farm Fest the same day do not need to be frozen.

Bring your samples to the MAWRC booth at Farm Fest (in the AURI tent across from the forum tent). Contact Warren Formo for more information ([warren@mawrc.org](mailto:warren@mawrc.org) or 952-237-9822).

Warren Formo, Executive Director  
MN Ag Water Resource Center  
3080 Eagandale Place  
Eagan, MN 55121  
Phone 952-237-9822



## EPA--The God Over Water

By Michael S. Coffman, Ph.D.

In it's lust to become god among men, the EPA is rewriting the Clean Water Act to technically give itself jurisdiction over every drop of water in America--and every citizen.

The magnitude of impacts created by the EPA's new clean-air regulations pale in comparison to its quantum leap in its seizing of total power using the Clean Water Act (CWA). In tandem with the U.S. Army Corps of Engineers (Corps), EPA administrator Gina McCarthy is launching what can only be described as a diabolical expansion of its regulatory authority that would technically put every American under its direct authority. All without any congressional action. The original intent of the CWA was to control discharge into the "navigable waters of the United States." The EPA's jurisdiction ended if the water couldn't float a boat or was not directly connected to a river that flowed into an ocean. The Supreme Court muddied the term "navigable" in *Rapanos vs United States* (2006). The EPA had assumed jurisdiction of John Rapanos' disconnected or isolated wetlands in the Upper Peninsula of Michigan not far from Lake Michigan. Rapanos claimed that since there was no connection to navigable water, the EPA and Corps had no jurisdiction. The case went to the Supreme Court, which ruled that only waters with a "significant nexus" to "navigable waters" are covered by the Clean Water Act. But what does "significant" mean? The EPA wants it to mean anything it wants.

Specifically, the purpose to the CWA in Section 101 is to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." The EPA, reveals in the Federal Register that it wants its new regulations to re-define "waters of the United States" to include tributaries, regardless of size and continuity of flow, and all lakes, ponds and wetlands, including "ephemeral" (disconnected) waters. Other bodies of water or wet areas like isolated wetlands or temporary standing water (this technically could include mud puddles) would be examined on a case-by-case basis. Rep. Lamar Smith (R-TX) warns: "The EPA's draft water rule is a massive power grab of private property across the United States. This could be the largest expansion of EPA regulatory authority ever. If the draft rule is approved (by the EPA), it would allow the EPA to regulate virtually every body of water in the United States, including private and public lakes, streams and ponds." Although the EPA adamantly denies this, every action it has taken since 1990's suggests that this massive extension of authority is exactly what the agency intends to do. Water is one of the key factors for life on earth, not only for the corps necessary to feed people, but for the people themselves. Humans can live for about three days without water. Whoever controls the water controls life itself. The EPA's previous administration of the CWA is littered with the bones of people and businesses that ran afoul of it ruthless power. In *Sackett vs EPA* (2012), the court issued a very rare unanimous ruling against the EPA in which every justice admonished the agency for its overreach. The EPA had arbitrarily declared the Sackett's building lot a wetlands and threatened a fine of up to \$75,000.00 per day if they didn't return the lot to pristine condition, even though it was surrounded by houses. The Sacketts weren't even given a right of appeal. The EPA's attack occurred even through its jurisdiction was still restricted by the CWA.

The EPA and Corps are justifying their jurisdiction expansion on the basis of "Connectivity of Streams and Wetlands to Downstream Waters". That is the name of an EPA report which allegedly provides the science to justify this enormous landgrab. What good is it if the streams and seeps draining into them are already polluted? Although noble sounding, states already have laws that effectively regulate this kind of pollution. So why is it necessary for the EPA to expand its jurisdiction, if not to expand its control over state sovereignty? According to the environment law firm of Van Ness-Feldman, "The (Connectivity) Draft Study reaches three initial conclusions, all of which imply that the agencies' proposed rule will expand the scope of CWA jurisdiction." The Draft Study concludes: (1) "(s) streams, regardless of their size or how frequently they flow, are connected to and have important effects on downstream waters"; (2) "wetlands and open waters in floodplains of streams and rivers and in riparian areas are integrated with streams and rivers"; (3) "there is insufficient information to determine the role isolated wetlands and open waters play in the connectivity of downstream waters."

The "insufficient information" only means the EPA has not yet decided whether to expand its jurisdiction or to "take a more nuanced case-by-case approach to regulation." Not much solace to property owners. The "no-risk" precautionary principal used by EPA's administrator Gina McCarthy does not bode well for any American.

continued

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Not to worry says the EPA, there is a ensure the continuing production of food, fiber and fuel to the benefit of all Americans. The CWA calls these exclusions "non-point" sources, which are not under the jurisdiction of the EPA---yet. The agency has pushed hard since the law was passed to get nonpoint sources like agriculture, forestry, lawns and similar activities also included in the CWQ and under the EPA jurisdiction.

It's already happening. The EPA threatened Lois Alt, a West Virginia chicken farmer, with a \$37,500.00 fine every time it rained. The EPA used the CWA as its authority because storm water near Alt's farm "could" come into contact with the high nitrogen in the chicken's waste, which would threaten the downstream water supply. Alt sued the EPA saying she was exempt under the nonpoint exemption. She won!

Not satisfied with the outcome, the EPA is appealing the case in an attempt to overcome the nonpoint exemption by stealth. Fortunately, Alt is getting help from the American Farm Bureau because it "has obvious importance to thousands of livestock and poultry farmers nationwide."

If eventually successful, the EPA would evolve from being the high priest of America to a godlike beast of biblical proportions with absolute power over everyone and everything. The United Nations agenda 21 would be fully entrenched in the United States. No agency or branch of government should have that kind of power.

### NOW THAT I'VE GOTTEN OLDER HERE IS WHAT I'VE DISCOVERED

1. I started out with nothing, and I still have most of it.
2. I finally got my head together, and now my body is falling apart.
3. It was a whole lot easier to get older than to get wiser.
4. Some days, you're the top dog, some days you're the hydrant.
5. Kids in the back seat cause accidents.
6. Accidents in the backseat causes kids.
7. It's hard to make a comeback when you haven't been anywhere yet.
8. If God wanted me to touch my toes, he'd have put them on my knees.
9. It's not hard to meet expenses, they're everywhere.
10. The only differences between a rut and a grave is the depth.
11. These days, I spend a lot of time thinking about the hereafter, I go somewhere to get something, and wonder .....what am I here after?





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- |                                    |                         |                      |
|------------------------------------|-------------------------|----------------------|
| Thirst                             | Fatigue                 | Dry skin             |
| Light headedness                   | Less frequent urination |                      |
| Confusion                          | Dizziness               | Dry mouth, membranes |
| Increased heart rate and breathing |                         |                      |

**Prevention:**

Drink plenty of water, take in more than you are losing  
 Drink appropriate drinks to maintain electrolyte balance

**Common symptoms of heat stroke:**

- |  |                       |         |
|--|-----------------------|---------|
| Headache                                     | Dizziness             | Fatigue |
| Disorientation, agitation or confusion       |                       | Seizure |
| Loss of consciousness                        | High body temperature |         |
| Rapid heart rate                             | Hallucinations        |         |
| Hot dry skin that is flushed by not sweating |                       |         |

**Treatment:**

Get person indoors      Apply ice packs to groin, armpits  
 Remove clothing and gently apply cool water to skin by fanning to stimulate sweating  
 Lie person down in a cool area with feet slightly elevated

**CONGRATULATIONS SCHOLARSHIP WINNERS**

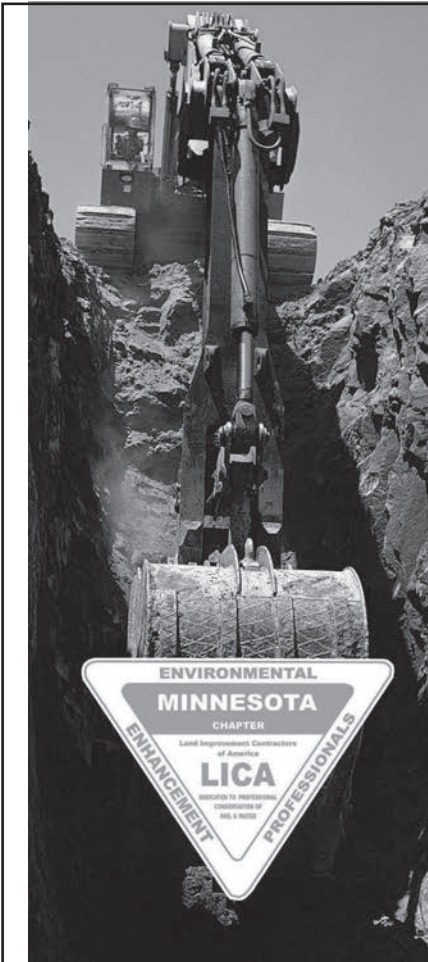
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### DIRECTORS REPORT

If you have a local contractor to contact for membership and want help with this, just call Nordis, Karlen or Mark.

The MNLICA Board meeting was held on June 14th at the Holiday Inn, New Ulm. We toured the construction on the hotel where by this fall will be completed. I am excited to go there for our Tradeshow and State Convention on January 14-16, 2015. Some changes are being made in the way we will schedule meetings. So look for your NEW CONVENTION OUTLINE in the September-October Newsletter. Plan to attend as it will be fun-filled as well as educational.

I will be attending the National LICA Convention in Indianapolis, ID from July 14-20th. I will be going to the August 13th Field-Drainage Day at Canby, MN. MNLICA will be having a booth there for more people and especially farmers to get to know who we are and what we are doing.

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<b>Contractor Member</b>	<b>\$350.00</b>
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## MEMBER BENEFITS

- National & State Conventions
- State & National Scholarship Awards
- Newsletter Communication
- Legislative Representation
- Exchange of Ideas
- Advertising
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- Pride of Excellence
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- 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 Environment
- Land and Water Magazine
- 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
- Petrocon (Reduce costs of Tires, Lubricants, Grease, Antifreeze, with No Extra Fee to join, a \$2500.00 value)
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### ROASTED RED POTATOES with BACON and CHEESE

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- 1/2 cup shredded Italian style 5 cheese blend
- 1/4 cup Bacon Bits
- 2 pounds, small red potatoes, quartered  
(about 6-cups)
- 1-Tablespoon fresh chopped Parsley
- Pre-heat oven to 350 degrees
- Mix ranch dressing, Cheese & Bacon in large bowl, add potatoes & toss lightly.
- Spoon into greased 9"x13" pan, cover with foil.
- Bake 40 minutes, remove foil and bake additional 15 minutes. Sprinkle with Parsley.

### LICA MISSION STATEMENT

To promote, perpetuate  
and improve

The proper use of our  
renewable natural

Resources for the Benefit of All!

### WATER POLICY

By Tiffany Stecker--Greenwire

(Article Summarized by Meridian Institute)

Both House Republicans and Democrats expressed concern Thursday over an interpretive rule they say is confusing, risky, and lacking in input from the agriculture community. The rule is a complement to a proposed rule put forth by the U.S. Environmental Protection Agency and the Army Corps of Engineers that would expand the definition of waters of the United States." The interpretive rule lists 56 conservation practices that growers and ranchers can undertake to avoid being regulated under Section 404 of the Clean Water Act that requires permits for discharges into streams, rivers and wetlands. Robert Bonnie, the USDA Undersecretary for Natural Resources and Environment, speaking to the House Agriculture Subcommittee on Conservation, Energy and Forestry, said the rule would simply clarify which practices are exempt from permitting and those actions approved by the Natural Resources Conservation Service. "What we try to do is provide clarity that these 56 practices are exempt, so that land-owners can move forward under the Clean Water Act without having to seek a permit," he said. Lawmakers, however, disagreed. The proposal imposes a "new set of government regulatory standards that farmers and ranchers must now meet," said subcommittee Chairman Glenn Thompson (R-PA). Some lawmakers called for the agencies to repeal the rule and start over, this time with more input from growers and ranchers. "We have an old saying in the South, if it ain't broke, don't fix it," said Rep. Mike McIntyre (D-NC). "I would want you to think about withdrawing the interpretive rule, because it's not adding any additional quality, and the requirements can otherwise legally be met."

**MEMBERSHIP CARD**

National LICA sent out LICA Membership Cards in June.

The card gives LICA members access to your Benefits. They are wallet size and made of heavy durable plastic.

Your personal Membership Number is on the Card and good for one-year. As long as you remain a member you will receive a new card on an annual basis and the number will stay the same.

Use Your Benefits or we may lose them. There is a list of all benefits on the NLICA web-site.

Check them out! Some may save you Money!

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**MNLICA WEB--[www.mnllica.org](http://www.mnllica.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**

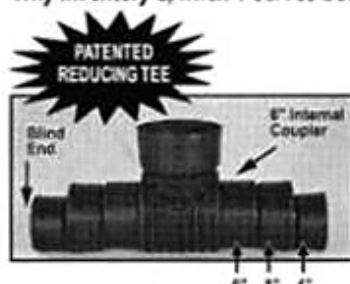
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Mark Morreim  
 Morreim Drainage, Inc.  
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 Albert Lea, MN 55007  
 507-826-3449

**MNLICA Executive Directors**

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 4605 County 49 Blvd.  
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**Cell: 507-649-1771**  
 Phone: 507-789-5725  
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Jeanie Bakken  
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 Northfield, MN. 55057  
**bakken4957@gmail.com**  
**Phone; 507-645-6905**  
 Cell: 651-343-5866  
 Fax: 507-645-1654

**NATIONAL LICA**

3080 Ogden Avenue  
 Suite 300  
 Lisle, IL. 60532  
 Phone: 630-548-1984  
 Fax: 630-548-9189

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 Century Plastics, Inc.  
 Hayfield, MN. 55940

**2014 UPCOMING EVENTS**  
**MNLICA Web-site:www.mnlca.org**

**TRAININGS**

<b>August 13</b>	<b>Field-Drainage &amp; Cover Crop Day</b>	<b>Canby, MN</b>
<b>August 22</b>	<b>Fall MNLICA Board Meeting</b>	<b>Courtland, MN</b>
<b>August 22</b>	<b>Sporting Clays Shoot</b>	<b>Cortland, MN.</b>
<b>December</b>	<b>MNLICA Winter Board Meeting</b>	<b>TBD</b>
<b>2015</b>		
<b>January 14</b>	<b>SSTS 6-hour accredited training</b>	<b>New Ulm</b>
	<b>Opening Reception MNLICA State Convention</b>	
<b>January 15-16</b>	<b>Tradeshow and Accredited Trainings</b>	<b>New Ulm</b>



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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.*