



Cattle Call

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R-CALF Issues Statement Regarding USDA Investigation after Tyson Fire For Immediate Release: August 29, 2019

Contact: R-CALF USA CEO Bill Bullard

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Billings, Mont. Today, R-CALF USA CEO Bill Bullard issued the following statement regarding Wednesday s announcement by the U.S. Department of Agriculture USDA that it would investigate beef pricing margins in the aftermath of the August 9 fire that shut down the Tyson beef packing plant Holcomb, Kansas.

Like others in the industry, R-CALF USA has been very concerned by the packers market activity following the fire at Tyson s Holcomb, Kan. plant, and the impact that activity has had on cattle producers across the country. It therefore welcomes the USDA s announcement that it is investigating the packers conduct in the aftermath of the fire. While the industry awaits the outcome of that investigation, R-CALF USA will continue to fight alongside producers to ensure a competitive American cattle market.

In April, R-CALF USA and four cattle-feeding ranches from Iowa, Neb., Kan., and Wyo. filed a historic lawsuit alleging the four largest beef packers, Tyson, JBS, Cargill and National Beef Marfrig violated U.S. antitrust laws, the Packers and Stockyard Act of 1921, and the Commodity Exchange Act to unlawfully depress prices paid to American cattle producers since January 2015.

That case is pending before the federal district court in Minnesota.

-Andee Leininger, Editor

State Land Board Changes Application and Permit Fees for 2019

As of May 13, 2019, the CO State Land Board (SLB) has updated their Fees & Payment Considerations page on the official website www.colorado.gov/statelandboard.

It is important to note that all uses are subject to separate fees. For example, if you own the grazing lease, that does not automatically mean that you own the recreation lease or an oil & gas lease, you have to purchase those separately. State Lands are not open for hunting unless they are listed in the Colorado Parks & Wildlife hunting atlas.

It's also important to note that if a person from the general public does NOT own any kind of access/recreation/hunting/etc. lease for the State Sections you graze, you do NOT have to allow them access to your State Land because it's technically not considered public land (State Land Board).

Please visit the Colorado State Land Board website for more information. -*Andee Leininger, Editor*

R-CALF USA MAKES PROGRESS WITH LAWSUIT AGAINST "BIG FOUR"

For Immediate Release: Contact: R-CALF USA CEO Bill Bullard Phone: 406-252-2516; r-calfusa@r-calfusa.com.

Billings, Mont. – USDA recently admitted it is keeping Montana producers' beef checkoff money—a federal tax on cattle producers that must be used to promote beef—from being put to use. For years the National Cattlemen's Beef Association (NCBA) has claimed the Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America's (R-CALF USA's) constitutional challenge to the checkoff would reduce funding for beef promotion. As part of this publicity campaign, on April 25, 2019, the editor of the Western Ag Reporter, Kayla Sargent, started her checkoff story, "Making Money Count in Montana" by stating R-CALF USA's checkoff lawsuit "has a large portion of Montana's contributions tied up in a frozen account until the case is settled."

USDA has now admitted it is the one draining the checkoff of money, in the hopes of protecting the private Montana Beef Council. In 2016, in response to R-CALF USA's suit, a federal district court held the Montana Beef Council could only use checkoff payments if payers consented to it doing so, because the council is a private entity and uses the money to fund its private speech. If payers don't consent, the First Amendment requires all of the money to go to the Cattlemen's Beef Board (CBB), because it uses the government-mandated tax to fund government speech.

USDA has now informed R-CALF USA that while the Montana Beef Council is technically sending more money to the CBB, USDA is allowing CBB to keep the money in a special account so it will not be used at all, in hopes they will eventually be able to overturn the court's ruling and put the money back under the private council's control.

"While the Government and Montana Beef Council are not violating the specific words in the court's order—as it only required that the money go to the CBB unless producers consent to the money staying with the Montana Beef Council—they are clearly ignoring its spirit. The point of requiring checkoff money to go to the CBB is that is the only way it could be constitutionally expended, so there is no basis to keep the money locked away; everyone thought USDA and the CBB would use the money as required under the Beef Act," said David Muraskin, a Public Justice Food Project attorney and lead counsel in R-CALF USA's beef checkoff litigation from which the ruling stems.

"The council and government's conduct highlights why the suit is so important. By allowing the private councils to have so much control over the checkoff, their concerns, not those of producers determine how the money is spent (or here stashed away). This is why the First Amendment prohibits them from taking money without the payers' consent," continued Muraskin.

Attorneys for R-CALF USA include lead counsel David Muraskin, a Food Project Attorney at Public Justice, J. Dudley Butler of Butler Farm and Ranch Law Group, PLLC, and Bill Rossbach of Rossbach Law, P.C. in Missoula, Montana.

-*Reprinted with permission from R-Calf USA. To read Bill Bullard's comments, please visit www.r-calfusa.com*

Revisions to Packers and Stockyards Act Regulations to be Issued by USDA

According to an article published on the Organization for Competitive Markets website, on May 22, 2019, the United States Department of Agriculture (USDA), in compliance with a 2008 congressional mandate by the Bush administration, is going to be inviting the public to comment on new proposed revisions that will be applied to the existing regulations under the Packers & Stockyards Act.

The revisions come in response to 2018 litigation against Secretary Sonny Perdue and USDA for having illegally withdrawn two of the Farmer Fair Practices Rules which safeguarded producers and allied farm organizations against unfair/illegal market practices.

The USDA announcement states: "This action would invite comments on proposed revisions to regulations issued under the Packers and Stockyards Act (P&S Act). The revisions would specify criteria the Secretary could consider in determining whether conduct or action by packers, swine contractors, or live poultry dealers constitutes an undue or unreasonable preference or advantage and a violation of the P&S Act."

The Organization for Competitive Markets (OCM) issued a statement in response: "The fate of America's family farmers is now in the hands of Secretary Perdue. Whether he will side with large transnational corporate monopolies like JBS and Tyson or stand up for America's independent family farmers is yet to be seen. We have legitimate concerns about the Secretary's motivation in light of his statement when withdrawing the previous protections that the abusive practices by these large corporations were moral actions that neither litigation nor regulation could solve. Perdue later eliminated the standalone Grain Inspection, Packers, and Stockyards Administration (GIPSA) agency which was charged with enforcing the Packers & Stockyards Act, and transferred its delegation to the historically big agribusiness-friendly Agricultural Marketing Service (AMS).

Abusive market practices not only bankrupt family farmers but they destroy rural communities, local businesses and banks while denying consumers healthy and safe food choices at their grocery stores. All of us must be prepared to accept the Secretary's invitation and issue our comments about the exceptional need for market protections."

The following is the link to view the rule:

<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201904&RIN=0581-AD81>

-Andee Leininger, Editor



CICA is excited to announce Shanan Davey as the 2019 Joel Franz Memorial Summer Intern!

Shanan is from Olathe, CO and is currently enrolled at the University of Wyoming, majoring in Ag Business and Farm & Ranch Management. She previously received her Associates Degree from Casper College in Animal Science and Ag Business. After college, Shanan hopes (to) pursue a Master's Degree in Genetics and Reproduction and to own her own business specializing in AI of large animals. She is excited for this opportunity with CICA and hopes to learn a lot about cattle and ag business.

Through her time with CICA, Shanan will help with the planning and execution of the annual convention and other membership and administration duties. *-Sarah Bledsoe, CICA Media Coordinator.*

Photo courtesy of Shanan Davey.

Calendar and Events Page

- SAVE THE DATE

-2019 Annual Convention to be held July 19th-20th in Cortez, CO

-July 19th

- Ranch tour will be at Ute Mountain Farm & Ranch Enterprise, tour leaves at 12:30 PM from the Elks Lodge
<http://www.utemountainfarmandranch.com/>
- Dinner will be held at 5:30 PM at the Elks Lodge
- R-Calf Speaker will present at 8:00 PM at the Elks Lodge

-July 20th - All Events Held at the Elks Lodge

- Norman MacLeod - Wolf Re-introduction
- Tom DeWeese - American Policy Center

-The Hotel is North Hampton Inn Mesa Verde/Cortez, 2244 E Hawkins Street, Cortez. Please contact the hotel via phone 970-564-5924 and mention that you are with the CattleGrowers Convention for a discount. Other hotels are available if this one fills up. Please visit the Events/Convention page on the website for more information.

Monthly Board Meetings

-Board meetings are held the 3rd Tuesday of every month. If any of our members have issues or concerns that they want to be addressed, they should contact their District Representative. The DR will be more than happy to discuss these concerns at the next board meeting.

In an effort to keep in touch with our members as well as educate the public and our policymakers, we recently renovated and expanded our web site. The address is the same: www.colorado.com . CICA is also on Facebook at www.facebook.com/colorado . AND we are excited about a totally new and improved email system which we just implemented. If you would like to receive our email communications and they aren't currently making it to your inbox, contact Sarah at sarahbledsoe@gmail.com. If you are not getting a hard copy of the newsletter and would like one, just call or text Andee at 719-469-1552. Having just listed our latest communication efforts all involving technology, just know that we still prefer sitting down over a cup of coffee with our members, discussing issues, proposing solutions and just getting to know one another.

PRESIDENT'S LETTER



June 2019

Hello Members,

The CICA 14th annual convention is quickly approaching and will be held on July 19 and 20 in Cortez, Colorado. This year's tour will be at the Ute Mountain Ute Tribe Farm and Ranch Enterprise. Norman MacLeod with Gaelic Wolf Consulting, Tom DeWeese with American Policy Center and R-CALF are slated as Speakers this year. Convention is also where we work on new proposed policy that will go out to a vote of the membership. If you have something you would like to be discussed please get it to a board member. Check out our website or Facebook page for all information regarding convention. Please invite family, friends and neighbors so they can learn what CICA is about.

I am pleased to announce Shanan Davey as our Joel Franz Memorial Intern. This internship is a great opportunity for our intern to learn about our organization and the issues we fight for every day so we can be Independent Cattlegrowers. The intern is an important part of our convention as they work with the convention committee getting the invitations out and anything else convention related. To learn more about the Joel Franz Memorial Internship please go to our website at coloica.com and think about someone who would be interested in applying in 2020.

I would like to congratulate past CICA president Gerald Schreiber for becoming president of R-CALF USA. Gerald has a lot on his plate as R-CALF filed a class action lawsuit in April against the big 4 packers for depressing cattle prices since 2015. R-CALF is also working on Checkoff reform, Animal ID, trucking issues and private property. CICA has been affiliated with R-CALF for many years.

I hope everyone has received some kind of moisture this winter/spring and keep getting some through the summer. Hope to see you at convention.

Cody Jolly, CICA President

Short List

National Register Bill Enacted Into Law

According to an article on brianallmerradionetwork.wordpress.com, on May 20, 2019, Governor Polis signed into law House Bill HB19-1078. The bill states: "Prior to taking any action to approve a multiple property documentation form (MPDF) or to request the approval of the keeper of the National Register of an executed form, the bill requires the state historical society to require the applicant to obtain the consent, evidenced by a signature, of each owner of the land and property included within the region of lands described in the form who provided any information or granted access to their land or property."

Wolf Re-Introduction on Ballot

The Colorado Springs Independent published an article on Wednesday May 1, 2019 reporting that "Supporters of reintroducing the endangered gray wolf in Colorado submitted a ballot proposal to the secretary of state April 19". The ballot proposal is labeled Initiative 79 and would allow voters to decide whether or not the Canadian Grey Wolf (which is not native to the Lower 48 Rocky Mountain States) should be introduced into Colorado. Environmental groups, like the Sierra Club, are in favor of the introduction and state that wolves are essential to keeping Colorado's ecosystems in balance (Sierra Club website). Colorado Parks & Wildlife, however, is already on the record as being against the introduction of wolves for ecological and economical issues. The Rocky Mountain Wolf Project and Rocky Mountain Wolf Action Fund are major backers of the ballot initiative (Colorado Springs Independent). The ballot title was determined and set on May 1, however, after looking at the Colorado Secretary of State website, it appears that the issue has not been approved for circulation as the initial hearing is set for June 5. Stay tuned, and please attend our annual convention to hear further information on this topic. -*Andee Leininger, Editor*

CICA is searching for a new lobbyist. If you have suggestions, please contact your District Representative. CICA would like to commend Travis Stovall for the work he did during the last legislative session, it is greatly appreciated.

If any of our members have suggestions for article topics, or suggestions about the newsletter as a whole, please contact the Newsletter Editor. Thank you!

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