

Agencies reach for more jurisdiction on water, land

Water.

This simple, five-letter word has more resembled “fighting words” across the state of Texas in recent years. Now, water jurisdiction is quite the hot-button issue on a national scale, in large part thanks to the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers.

These agencies have released a proposed rule to revise the definition of “waters of the United States” (WOTUS) for all Clean Water Act programs. According to the EPA and the Corps, the purpose of the rule is to “clarify protection under the CWA for streams and wetlands” and that it “will benefit businesses by increasing efficiency in determining coverage of the CWA.”

However, despite these agencies’ stance on the matter, there is a grave concern that the definitional changes contained in the proposed WOTUS rule would significantly expand federal control of land

and water resources across the nation, triggering substantial additional permitting and regulatory requirements.

As presented, the proposal provides essentially no limit to CWA federal jurisdiction. It establishes broader definitions of existing regulatory categories such as tributaries, and regulates new areas that are not jurisdictional under current regulations such as ditches, adjacent non-wetlands, riparian areas, floodplains, and other waters.

Additionally, the proposed rule directly contradicts prior U.S. Supreme Court decisions, which imposed limits on the extent of CWA jurisdiction.

Perhaps the most alarming aspect of the proposal is that the agencies assert that the rule is based on the EPA’s draft study, “Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of Scientific Evidence.” Yet, the study was submitted for peer review

continued on p. 3

From the Texas Corn Producers Board
and the Corn Producers Association of Texas
July 2014

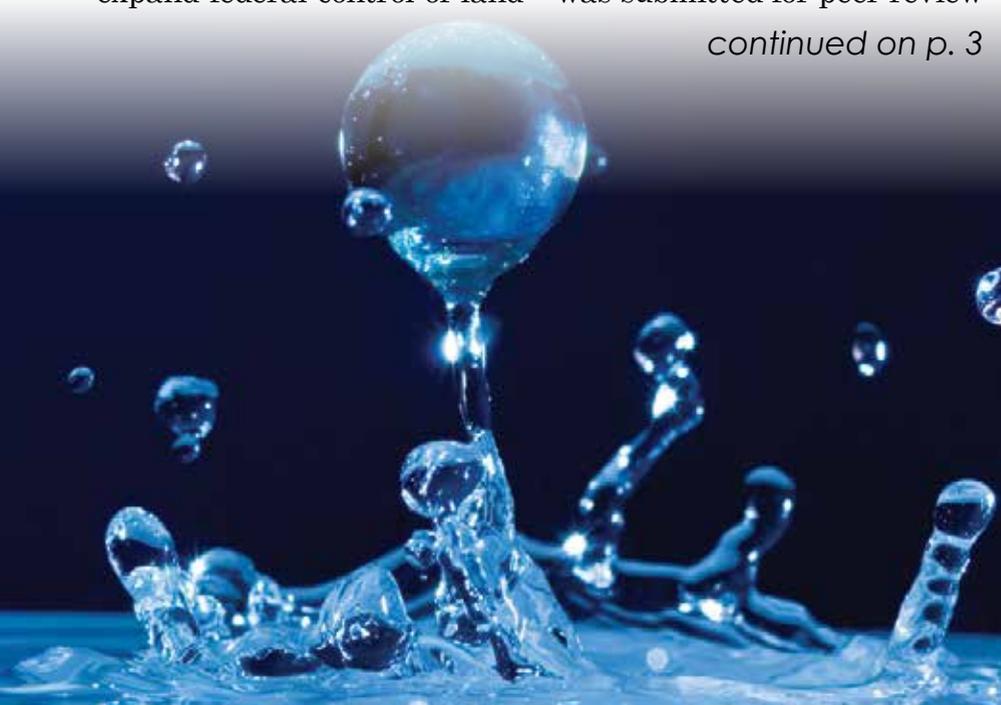
the kernel



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CORNer Comments



David Gibson
TCPB Executive Director
CPAT Exec. Vice President

This year is rapidly moving along with half the year already behind us and the first of the 2014 corn crop will be harvested in the next few days. It appears that many sections of central and southern Texas

will have an average or above yield for 2014 crop, which for some of these producers will be the first crop they have harvested in 3 years or more due to the prolonged drought.

As harvest is nearing in South Texas, the Panhandle crop is still in early development stages and won't be harvested till September or October. Rainfall in the Panhandle area has been variable, but most producers are still in better shape moisture-wise than they have been since 2010.

I want to encourage all growers, as harvest is about to begin, to be making contact with their grain buyers. There is a chance that grain storage space could be short in some areas due to above-average crops. It will be important to have made prior arrangements with the grain

buyers to ensure the ability to get the crop all harvested and into storage.

In recent conversations with the Texas Department of Agriculture, I was encouraged to remind growers that the Texas Grain Warehouse Law only covers producers' stored grain, not grain that has been contracted or sold and not paid for. There has been some confusion over this in the past and they have had some growers contacting them recently with questions.

TCPB has information available on Texas Grain Warehouse Laws on its website, www.TexasCorn.org, at our office, or available upon request by calling 800.647.CORN (2676).

I hope everyone has safe and bountiful harvest this year. 🌽

While Farm Bill implementation seems to be a cumbersome task, the good news is that farmers will have more time to determine which Commodity Title program (ARC or PLC w/ SCO) will be best suited for each of their individual farms and crops. I have read reports where sign up may not begin until after the first of the year. Since initial payments, if any, won't be issued until after Oct. 1, 2015, the more time to decide the better.

All the growers I have visited with from South Texas to the Blackland Prairie have re-

ported excellent yields on their wheat crop. The Blackland Prairie, as well as other areas of the state, have received beneficial precipitation and should be in good shape for their spring-planted crops. Hopefully those areas still in need of rain will receive it in a timely fashion.

Texas Corn Producers Board encourages growers to contact us about issues you think need to be addressed, as well as become involved with associations that represent your interest. The Corn Producers Association of Texas is a good choice, no bias here. Stay Safe! 🌽



Scott Averhoff
TCPB Chairman
Waxahachie, Texas

Waters of the U.S. proposed rule, *continued*

by the EPA's Scientific Advisory Board on the same day the proposed rule was sent to the Office of Management and Budget for interagency review - essentially prejudging the science, which the agencies claim the rule is based.

A bipartisan letter, which was signed by 231 legislators, was sent to EPA Administrator Gina McCarthy and Army Secretary John McHugh on May 1 expressing great concern over the proposed rule, and encouraging the agencies to return the rule to the agencies to "address the legal, economic and scientific deficiencies of the proposal."

Congressman Roger Williams (TX-25) was among the 29 Texas representatives to sign on to the letter. When asked about the matter, the Congressman echoes the letter's assertion of the agencies' grab for jurisdiction it does not have.

"The EPA is the most egregious agency when it comes to overreaching its authority," Rep. Williams states. "The EPA's proposed rule that would expand federal authority of water currently not under jurisdiction of the Clean Water Act is a prime example. This misguided rule does the opposite of what the CWA should accomplish - it expands the CWA's authority, and it places more regulations on farmers and subjects them to further bureaucracy. Our federal policies should be helping, not hurting, the hard-

working farmers whose tireless work puts food on our tables and clothes on our back."

Congressman Blake Farenthold (TX-27), who also signed on to the letter, expressed similar sentiments noting the rule is harmful to the farming community and agricultural activities in Texas as a whole.

Beyond the actions of these Congressmen, Rep. Glenn 'GT' Thompson (PA-05), Chairman of the House Agriculture Committee's Subcommittee on Conservation, Energy, and Forestry, also held a public hearing last month to review the interpretive rule regarding the applicability of CWA agricultural exemptions, beginning the conversation on Capitol Hill regarding the proposed rule. The corn industry's voice was not absent from the hearing, as National Corn Growers Association First Vice President Chip Bowling gave testimony.

"There is growing concern the newly proposed rule released by the Environmental Protection Agency and the U.S. Army Corps poses a grave threat to the economic vitality and ecological health of our farming communities," said Chairman Thompson. "The Administration has argued this rule is intended to eliminate ambiguity and offer greater protections for producers and landowners, when in fact it will create new regulatory burdens, more ambiguity, and less certainty."

According to Rep. Williams' office, should the committee choose to put forth legislation to prevent the overreach of these agencies he plans to lend his support.

The public has the opportunity to weigh in on the matter as well. **Comments on the proposed rule can be submitted to the EPA until Oct. 20.** For additional information about the proposed rule and to submit comments, visit www2.epa.gov/uswaters. The Corn Producers Association of Texas has further details and key points for farmers available on its website, www.TexasCorn.org, as well.

"I constantly hear from members of the farming community throughout Texas about the burdens they face from unnecessary government regulations and restrictions," Rep. Farenthold concludes. "We need a federal agency and laws that are committed to protecting the environment by partnering with state and local governments and the business community. One-size-fits-all mandates out of Washington don't work, and federal agencies like the EPA must stay within the laws passed by Congress. The EPA cannot extend CWA authority with a pen and phone."

CPAT encourages its members and the state's farmers to stay abreast of this issue, and make their voice heard by submitting comments. 🍯

THE VOICE: Association News

A note from the President...

I think all farmers are in favor of *clean water*, however, the EPA's latest proposed definition of what constitutes *water*, should have farmers calling their Congressman and commenting to the EPA!

The U.S. Army Corps of Engineers and the EPA have proposed rules that would give the EPA broad and expansive powers under the Clean Water Act, by redefining "what are the waters of the United States."

A key problem for agriculture with this new rule is that it defines (and brings under the jurisdiction of EPA and the Army Corps of Engineers) many parts of farms and ranches that are typically not considered waterways. An example of some of the problem areas for farmers:

- All impoundments of a traditional navigable water, interstate water, the territorial seas or a tributary
- All tributaries of a traditional navigable water, interstate water, the territorial seas or impoundment
- All waters, including wetlands, adjacent to a

traditional navigable water, interstate water, the territorial seas, impoundment or tributary

Of course the definition of a "tributary" will be the key issue. It is broadly defined as any feature with a bed and bank that provides flow to downstream waters... duration and volume of flow are not important factors to defining a tributary or other connection between a wetland and other waters. Thus, pretty much any part of your farm could possibly qualify under the new proposed rule. If so, you will likely have to get permits to perform many of the tasks you have previously done without giving it a second thought. Being a good steward of the land will now require a permit!

According to the EPA, the proposed rule preserves the CWA exemptions and exclusions for agriculture... Don't bet the farm on it! Instead, you should comment to the EPA, as well as notify your legislators that you are opposed to this redefined rule.



Jimmy Wedel
CPAT President
Muleshoe, Texas

The comment period is set to end Oct. 20, so there is still time to rally the troops, and try to slow this freight train down!

On a more positive note: Although technically Texas is still in a drought, most producers across the state have now received more "normal" rainfall, and have at least been able to establish a corn crop. Hopefully you are experiencing great weather and will harvest a bumper crop! 🌽

Scholarships available through CPAT

It's not too late for CPAT youth members to apply for one of two \$1,000 college scholarships!

Each year CPAT awards a scholarship in each of the following categories:

- High School junior or senior as of Aug. 1, 2014
- College undergraduate student as of Aug. 1, 2014

Applicants are eligible for the scholarship if they are a youth member of CPAT and

attend/plan to attend a Texas college or university full time.

The deadline to submit applications is 5 p.m. Nov. 30.

Application details, form and further information is available at TexasCorn.org. 🌽

Tee off with the 3rd Annual Corn Cob Classic

The Corn Producers Association of Texas is once again holding the Annual Corn Cob Classic golf tournament to raise funding for the Texas CornPAC*.

This year's event will be held Aug. 16 at the Dalhart Country Club at 3139 Highway 54 West, Dalhart, Texas.

Join fellow Texas corn industry supporters on this course in the midst of Texas corn country, which features an 18-hole course 6,539 yards of golf from the longest tees for a par of 72.

Registration for the two-person scramble is \$150 per team. To sign up for this fun-filled event and make



cart reservations, contact the Dalhart Country Club at 806.244.5597.

The event features cash prizes for winning teams, as well as golf drivers for the longest drives and putters for the longest putt and closest to the hole. Additionally, registration will include an evening meal.

Companies or individuals wishing to support the cause can contact the CPAT office for sponsorship opportunities.

Additional information on the Corn Cob Classic is available on the CPAT website, www.TexasCorn.org.

**According to FEC rules, corporate account contributions cannot be accepted.*

Texas Corn PAC contributions must be paid for with a personal check. Voluntary contributions may be accepted from any U.S. citizen. However, solicitation for contributions is limited to Corn Producers Association of Texas Memberships.

CPAT launches video contest

The Corn Producers Association of Texas is launching its first video contest!

College students can enter a short video and have a chance to win one of **THREE CASH PRIZES!**

College and university professors with one or more students submitting a video will also receive a cash gift for their department to be used as they deem necessary.

To participate in this contest, students must submit a video that is no longer than two minutes, and promotes

CPAT membership.

Details on how to submit a video entry are available on the CPAT website, www.TexasCorn.org.

Entries may be submitted beginning Sept. 1. The deadline for submissions is 5 p.m. Friday, Nov. 14.

A panel of agricultural professionals will judge the entries and announce the finalists. A sample judging rubric is also available on the CPAT website.

Depending on number of entries, the top 3-5 videos will

be posted on Texas Corn Producers Facebook page. First, second and third places will be rewarded based on number of likes each video receives in a given time period. Contestants will be notified via email if their video makes it to the finals and is posted on social media.

We look forward to seeing the young video talent of the great state of Texas!

For complete contest rules and details, please visit the CPAT website, www.TexasCorn.org.

Texas corn farmer appointed to Grain Inspection Advisory Committee

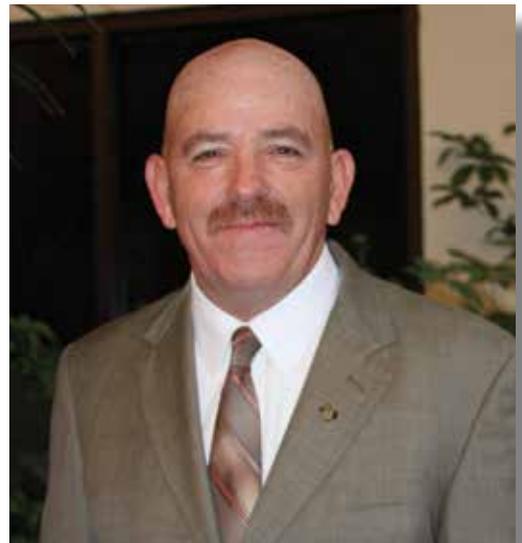
Last month, Texas Corn Producers Board Chairman Scott Averhoff, a Waxahachie farmer was named to the United States Department of Agriculture's Grain Inspection Advisory Committee by Agriculture Secretary Tom Vilsack. Averhoff, and the other six appointees will serve a 3-year term.

"I am pleased that these individuals have agreed to serve on the Grain Inspection Advisory Committee," said Vilsack. "They bring a great deal of knowledge and experience to this committee."

The new members are: **Scott E. Averhoff**, owner/operator, Scott Averhoff dba SARA Farms, Waxahachie, Texas; **Marvin R. Paulsen**, professor emeritus, University of Illinois, Urbana, Illinois; **Timothy D. Pau-**

rus, vice president terminal operations, CHS Inc., Inver Grove Heights, Minn.; **Cesar Ramirez**, manager, Gaviolon Grain LLC, Progreso, Texas; **Todd E. Russom**, manager, Anheuser-Busch InBev, St. Louis, Missouri; **Jessica L. Wilcox**, farmer/crop insurance agent, Wilcox Farms/CGB Diversified Services, Fairview, Oklahoma; and **Steven Wirsching**, vice president and director, U.S. Wheat Associates, Portland, Oregon.

These new members will join the committee, which is comprised of a total of 15 members appointed by the Secretary of Agriculture, who represent all facets of



Scott Averhoff, TCPB Chairman and Waxahachie farmer, named to Grain Advisory Committee

the grain industry. The Grain Advisory Committee meets annually to advise USDA on the establishment of programs and services under the United States Grain Standards Act. ●

County Conservation Partners to Host Local Work Group Meetings

by Quenna Terry, Texas USDA-NRCS Public Affairs Specialist

It's time once again for Local Work Group planning meetings.

The USDA-Natural Resources Conservation Service working through the local Soil and Water Conservation Districts are currently planning LWG meetings.

The purpose of the meetings is to gather information from farmers, ranchers, local agencies, organizations, local agricultural leaders, businesses, and anyone from the public with an interest in conservation issues and natural resource concerns.

Times and locations will be scheduled for August and September. Contact your local USDA-NRCS office or access the information online at www.tx.nrcs.usda.gov. ●

ODDS *AND* ENDS

Corn app offers fun and education from the phone



Millions of Americans now have smartphones, and use them for a lot more than talking... From social media to email to even games, there is a myriad of ways these small portable devices can be used.

The National Corn Growers Association is taking advantage of this opportunity to offer both an entertaining

and educational platform to the masses. In May, NCGA launched KernelQuest, a game for smartphones featuring beloved character Captain Cornelius. KernelQuest is a game of skill, maneuverability and all-around corniness. Join Captain Cornelius, our *maize*-ing superhero in green spandex, as he defies gravity and weaves his way across the Midwest. Just don't get creamed... Beware the mob of cobs! Set a new high score, challenge friends and learn corny facts along the way.

KernelQuest was developed in response to the overwhelming popularity of the 2014 World of Corn comic



book *Captain Cornelius: Corn Day Celebration*. This piece, which was released earlier this spring in *Farm Futures*, reintroduces the Captain and takes readers on an exciting and educational journey to explore a variety of topics including biotechnology, ethanol, livestock feed and sustainability.

The new video game component will introduce a larger audience to Captain Cornelius and, in spreading his popularity, inspire new audiences to find out more about the world of corn.

KernelQuest is now available for free through Google Play and the iTunes store.

Fields-of-Corn Photo Contest

Do you have skills behind a lens? Now is your chance to let your photography talent shine, while telling the story of America's corn farmers.

The National Corn Growers Association is launching its inaugural Fields-of-Corn Photo Contest this year.

Through this contest, NCGA hopes to capture high-resolution photos of corn growth from seed to harvest

and the families that grow it. Interested participants will be able to submit multiple entries until Nov. 30.

Open to all, the Fields-of-Corn photo contest offers a free opportunity for photographers to share their work while competing for a \$500 grand prize. Entries will also be considered for prizes with cash awards for the top three entries in five categories in-

cluding: Farm Family Lifestyle, Farming Challenges, Growing Field Corn, Scenery/Landscape, and Still Life from the Farm.

For further details and complete contest rules, visit www.fields-of-corn.com. We hope to see some Texans' photos featured in this year's contest!

Have you followed us on Twitter? @TexasCorn

We tweet on the latest corn and agricultural industry news daily!

Plus, you'll get a few delicious corn-y recipes (and maybe a joke or two), too!



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Daniel Berglund, *Wharton Co.*

David Ford, *Hartley Co.*

Robert Gordon, *Dallam Co.*

Mark Howard, *Parmer Co.*

Larry Mason, *Dallam Co.*

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Upcoming Events

It's a busy time of year! Visit www.TexasCorn.org for the most up-to-date list of events.

Texas Corn Producers' office will be closed on July 4 and Sept. 1 for federal holidays.

The next TCPB and CPAT board meetings will be held Aug. 25-26 in Lubbock.

Support our Corporate Members



Attebury Grain Great Plains Ag Credit

Learn how you can become a corporate member at www.TexasCorn.org



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