



# TEXAS CATTLE FEEDERS ASSOCIATION

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# NEWSLETTER

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## **Federal Court Stops WOTUS Rule Implementation**

The U.S. Court of Appeals for the Sixth Circuit on Friday issued a nationwide order to temporarily halt implementation and enforcement of the Waters of the U.S. (WOTUS) rule until it determines whether it has jurisdiction to consider the merits of the lawsuit. The majority of the three-judge panel concluded there was a substantial possibility of the petitioners' success on both the merits and procedural grounds, stating that "the rulemaking process by which the distance limitations were adopted is facially suspect."

A stay has the same practical effect as an injunction. The Court's order reads, "A stay allows for a more deliberate determination whether this exercise of Executive power, enabled by Congress and explicated by the Supreme Court, is proper under the dictates of federal law. A stay temporarily silences the whirlwind of confusion that springs from uncertainty about the requirements of the new Rule and whether they will survive legal testing. A stay honors the policy of cooperative federalism that informs the Clean Water Act and must attend the shared responsibility for safeguarding the nation's waters."

"This is a great win for cattle producers and other land owners," said TCFA Chairman Tom McDonald. "The WOTUS rule is a blatant attempt by EPA and the Corps to exert federal control over private property, and I am encouraged by the Court's order and acknowledgment that the rule is flawed. I am optimistic about the success of the legal challenge."

The majority opinion acknowledged the jurisdictional confusion and the need for rulemaking to clarify federal jurisdiction over certain waters. "Yet, the sheer breadth of the ripple effects caused by the Rule's definitional changes counsels strongly in favor of maintaining the status quo for the time being."

As a result of the Court's stay, pre-WOTUS Rule regulations and guidance are in effect. You can read the Court's order at <http://tinyurl.com/WOTUS-10-9-15>.

The Sixth Circuit is expected to make a determination in November as to whether it or the various U.S. District Courts have jurisdiction to hear challenges to the WOTUS rule. NCBA, on behalf of itself and its affiliates, is a party to one of the 12 different appeals court lawsuits that have been consolidated in the Sixth Circuit. NCBA has also filed a lawsuit challenging the rule in the U.S. District Court in Galveston.

As the legal process continues, TCFA and NCBA will continue to work with Congress on legislative efforts to repeal and/or delay implementation of the rule.

## **Sustainability Not To Be Used in Final Dietary Guidelines**

The USDA released a blog post this week in which Agriculture Secretary Tom Vilsack and Health and Human Services Secretary Sylvia Burwell announced that sustainability would not be used in determining the final 2015 Dietary Guidelines for Americans. TCFA and NCBA have strongly advocated for this action since the release of the recommendations early in the year, because the issue of sustainability does not affect nutrition and is far outside the boundaries of the advisory committee members' areas of expertise.

The blog post states, "In terms of the 2015 Dietary Guidelines for Americans (DGAs), we will remain within the scope of our mandate in the 1990 National Nutrition Monitoring and Related Research Act, which is to provide 'nutritional and dietary information and guidelines'... based on the preponderance of the scientific and medical knowledge. The final 2015 Guidelines are still being drafted, but because this is a matter of scope, we do not believe that the 2015 DGAs are the appropriate vehicle for this important policy conversation about sustainability."

To read the full blog post from USDA, visit <http://tinyurl.com/USDA-10-9-15>.

**Also this week, the House Agriculture Committee held a public hearing** over the Guidelines.

Secretaries Vilsack and Burwell were both present at the hearing and answered questions posed by committee members on the process used in developing the Dietary Guidelines for Americans. This was the first time both Secretaries have commented together on the process.

To view a video of the hearing, visit <http://tinyurl.com/DGA-10-9-15>.

## Register Today for 2015 TCFA Annual Convention – Hotel Deadline Extended

The **deadline to book your hotel** in the discounted TCFA room block has been **extended to Thursday, Oct. 15!** Register today for TCFA's 2015 Annual Convention in San Antonio, Nov 1-3! Visit [www.tcfa.org](http://www.tcfa.org) and click on the Convention banner at the top of the page for full details on registration and reserving your hotel room. **TCFA cannot guarantee available rooms after the Oct. 15 deadline.**

Congratulations to our final drawing winners! **Karli Schilling** of **Friona Industries** is the winner of a \$100 beef gift certificate. **Shelby Horn** of **Great Plains Cattle Feeders** will receive free 2015 Convention registration and **Matt McLennan** of **Palo Duro Feeders** will receive free 2016 Convention registration.

Congratulations also to our previous winners. **Brad Lubbers** of **JBS Five Rivers** won the \$500 Cabela's gift card, and **Frank Junfin**, owner of **Kunafin "The Insectary,"** was the winner of a YETI® Roadie Cooler.

The Grand Hyatt San Antonio will be our meeting and lodging venue this year. Situated on the famous Riverwalk, the Grand Hyatt is a prime location to stay while enjoying all that San Antonio has to offer. You don't want to miss this year's Annual Convention! Visit [www.tcfa.org](http://www.tcfa.org) to register TODAY!

Monday morning speakers include Cornerstone Church Executive Pastor [Matthew Hagee](#); [Jason Dorsey](#); also known as The Gen Y Guy®; Farmland Reserve Inc. Past President [Paul Genho](#); TCFA Chairman [Tom McDonald](#) and NCBA President [Philip Ellis](#).

The awards luncheon will honor individuals and their achievements in TCFA programs throughout the year and feature [Miss Texas Shannon Sanderford](#). Following the luncheon are some incredible tour opportunities from which to choose. Molly McAdams will present "Beef Case of the Future" as you tour local meat markets. Enjoy local art and history by touring [The Alamo](#) and [Institute of Texan Cultures](#). Be part of a rewarding experience new this year by volunteering at the San Antonio branch of Snack Pak 4 Kids. TCFA and its members partner with [Snack Pak 4 Kids](#) in the Beef 4 Kids initiative, ensuring that children across the Panhandle and San Antonio have nutritious beef in their weekend diets. End the evening with a toe-tapping good time at the Cattle Feeders Get Together and BEEF-PAC Auction featuring [Mario Flores and The Soda Creek Band](#).

Tuesday morning's speakers include CattleFax CEO [Randy Blach](#), The Center for Food Integrity CEO [Charlie Arnot](#) and NCBA's Executive Director of Human Nutrition Research [Shalene McNeill](#). Conclude your time at Convention by enjoying a round of golf, sporting clays or exploring historic San Antonio! Visit [www.tcfa.org](http://www.tcfa.org) to register **TODAY!**

**Notice of Annual Meeting.** TCFA's Annual Business Meeting will be held Tuesday, Nov. 3, during the TCFA Annual Convention Closing General Session. All members are encouraged to attend.

### Convention Speaker Spotlight: Randy Blach

Randy Blach is CEO of CattleFax, an organization focused on helping member cattle producers make more profitable marketing and management decisions. CattleFax is the cattle and beef industry leader on timely market information, analyses and research.

Blach came to CattleFax in 1981 and served as director of market analysis for 15 years and accepted his current role in 2001. During this time, he has spoken at hundreds of cattle and beef industry conventions, meetings and seminars.

A Colorado native, Blach and his family remain actively involved in cattle ranching with cow/calf, stocker and finished cattle. He was raised on his family's ranch in Yuma, Colo., and graduated from Colorado State University with a degree in animal science. Blach received the Honor Alumni award from its College of Agricultural Sciences in 2004 and the Livestock Leader Award in 2011.



### TPP Negotiations Successfully Conclude

The U.S. cattle industry took a major step forward this Wednesday with the conclusion of the Trans-Pacific Partnership (TPP) negotiations. U.S. beef producers are considered a major winner in the TPP final agreement which will boost U.S. exports and eliminate trade barriers. Immediate tariff reductions will level the playing field for U.S. beef exports in foreign markets while continuing to stimulate the U.S. economy and support U.S. jobs and investments in agriculture and technology.

Under the provisions of Trade Promotion Authority, which was signed into law in late June, the agreement will be made available for the American people to review for at least 60 days before receiving a vote in Congress. Once the review period is complete, the next step is for the President to present the agreement to Congress for an up or down vote on the total agreement, without amendment.

To see how each state will benefit from the TPP, visit <http://tinyurl.com/TPP-10-15>. To see how beef will specifically be impacted by TPP, visit <http://tinyurl.com/BEEF-10-9-15>.

## Let Your Voice be Heard – Don't Forget to Vote

On Nov. 3, 2015, voters will have a chance to consider [seven constitutional amendments](#) approved by the 84<sup>th</sup> Texas Legislature. A summary of the proposed amendments is below:

- **Proposition 1, Residence Homestead Exemption**  
Changes the homestead exemption amount for school district property taxes from \$15,000 to \$25,000.
- **Proposition 2, Property Tax Repeal**  
Exempts property from taxation for surviving spouses of totally disabled veterans.
- **Proposition 3, State Executive Residence**  
Repeals the requirement for statewide elected officials to reside in Austin.
- **Proposition 4, Charitable Gambling**  
Allows professional sports teams to conduct raffles for charitable foundations.
- **Proposition 5, Transportation Authorization**  
Allows counties with 7,500 people or less to perform private road construction and maintenance.
- **Proposition 6, Hunting & Fishing Rights**  
Adds to the Texas Constitution the right to hunt, fish and harvest wildlife.
- **Proposition 7, Highway Funding**  
Allocates a portion of revenues from the state sales and use tax, and the tax imposed on the sale, use or rental of a motor vehicle to the state highway fund through 2032.

TCFA urges members to vote. Early voting runs Oct. 19-30. For additional information on the seven proposed constitutional runs amendments on the ballot, please visit <http://tinyurl.com/TX-10-9-15>.

## Texas Ag Sales Tax Exemption Registration Expires Dec. 31

It's time to renew your agriculture sales tax registration! A valid Agricultural and Timber Registration Number is required under Texas Law to claim a sales tax exemption on products that are used to produce agricultural or timber products for sale. Agricultural and Timber Producers are also required by law to renew their registration number every four years.

The Texas Comptroller of Public Accounts will be mailing letters for Ag/Timber Registration Number holders starting the first week of October to the address on file for the Registration Number. The letter will include instructions for renewing your registration number either online, by phone or by mail.

The expiration date occurs uniformly across the state for all Ag/Timber Registration Number holders and will next occur Dec. 31, 2015. Visit <http://comptroller.texas.gov/taxinfo/agriculture/> to receive more information on how to renew your registration.

## Imports of Australian Beef Should Moderate in Coming Months

Derrell Peel, Oklahoma State University Extension Livestock Marketing Specialist, published a new report this week on how factors in the U.S. beef market and foreign markets impact our import and export status. The 2014 beef import total was the highest it has been since 2007, and with 2015 beef imports up 31 percent year-over-year of 2014, this could be a new record year.

According to Peel, the import levels were expected to be higher for a number of factors, including record high U.S. beef prices, declining U.S. beef production and a strong U.S. dollar. A large part of the increased imports between 2014 and 2015 have been from Australia. Due to severe droughts across Australia, cattle slaughter has increased and so have their exports. Because of this, their 2016 cattle inventory could be at its lowest since 1995. Therefore, their exports should decrease over the end of 2015 and throughout 2016.

To read Peel's full report, visit <http://tinyurl.com/OSU-10-9-15>.

## Feeders and Feedyards in the News

The New Mexico Land Conservancy (NMLC) has awarded **Greg Moore** with its Petchesky Conservation Award for his innovation and stewardship in recognizing "the threat of subdivision and development facing agricultural communities across the West." He worked with NMLC to place his 23,000 acre Wagon Mound Ranch, located in northeastern New Mexico, under conservation easements.

Learn more about Moore's award from NMLC at <http://tinyurl.com/Moore-Greg>.

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