

The MLICA Scoop



Summer 2015



From the Lead Plow Ben Foster, MLICA President

I hope everyone had a good Spring season and will continue through the late Summer and the Fall. From what I hear, it has certainly been a varied 2015 across the country and in Michigan with very wet weather in many areas and less in others.

Some of you may have heard, we will not be having a Field Day in 2015 due to logistical problems. I am sure most, if not all, of you are aware of the problems with algae blooms in Lake Erie affecting the Toledo and Cleveland water supplies. The bad press it has generated is certainly impacting the farm community. With that in mind, we are presently exploring the possibility of partnering with MSU to put on a Field Day/Demonstration in 2016 addressing one or more possible remediation practices directed at Phosphorus management. As the governor has committed Michigan to a 40% reduction, this seemed like a good place to focus our energies. We have had a preliminary meeting with Dr. Safferman of MSU Extension/Ag Engineering to review possible methods of managing Phosphorus runoff and areas we might be able to demonstrate. We are very early in this effort and if anyone has any suggestions, please let me know.

The EPA rules covering the “Waters of the United States” have been finalized and litigation has started. Depending on interpretation, this could impact all of us significantly. If anyone hears about any MDEQ or EPA actions in this area, please let Scott Everett, Sarah Cook or myself know. We are monitoring the situation and would appreciate any information.

I hope everyone has a great fall season and look forward to seeing everyone at the winter meeting.

Ben Foster
Foster Trenching, Inc.
President MLICA



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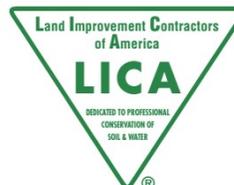


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Letter from the Executive Director

First of all, I want to thank those of you that have, and currently are, serving on our board. We wouldn't be the great organization that we are today without those of you that have volunteered your time and efforts to be part of our board! As I adjust to my role as Executive Director, I'm learning more and more how great it is to be part of this organization.

I'm so grateful that I recently had the opportunity to attend our National Summer Meeting that was held in Little Rock, Arkansas. At this meeting, not only did I build friendships, but I also got to learn so much from other executive directors and members from all around the country!

While I was there, I learned of legislation that is in the works in Ohio, where contractors will have to pay an annual fee for MISS DIG, and that in Pennsylvania they have ALWAYS had to pay! Luckily for us here in Michigan, we have a government relations director, Scott Everett. He is now on watch for any legislation that may get started in Michigan that would require contractors to pay for MISS DIG...and I know for a fact, he will be diligent in trying to get an exemption or discount for MLICA members, if legislation goes through!

Also, one of my goals coming away from the National Summer Meeting, is to help you all understand our member benefits... I hope to highlight a benefit in each newsletter, so that you all can receive the most from your membership with MLICA.

My first member benefit highlight is on Petrocon. Petrocon is a national program, designed to help you save money in several different areas, including oil, tires and rubber tracks, chemicals, and waste management. Being a LICA member, enrollment is free. I encourage you to check out the different ways that you might be able to save by checking out the Petrocon ad on the previous page and going online to www.petrocon.org. Help us keep this National LICA benefit by taking advantage and using it!

I'd also like to thank our associates. Many of you have provided new advertisements for our newsletter, helping the organization to cover the cost of putting out a newsletter, and I want everyone to know your companies are greatly appreciated!

Sincerely,

Sarah Cook, MLICA Executive Director



- MLICA Board Meeting
Sat., Aug. 22, 2015
AIS Lansing Facility
10am
- MLICA Summer Picnic
AIS Lansing Facility
Sat., Aug. 22, 2015
11am—4pm



Do we have your email address?

Are you connected?

Sometimes, the "snail mail" just can't get a notice to our members fast enough.

Have you updated your email address? If we don't have your most current email address, please contact Sarah, MLICA Executive Director 517-282-1083 or scook@michiganlica.org



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Funding Michigan Roads

“...keep an eye out for increased registration fees for heavy trucks and reducing maximum truck weights in Michigan to 80,000. Both ideas are in play...”

The Michigan road funding issue continues to dominate the legislative news in Michigan. Of Interest to MLICA Members is to keep an eye out for increased registration fees for heavy trucks and reducing maximum truck weights in Michigan to 80,000. Both ideas are in play but don't seem to be at the top of serious discussions, for now. Never-the-less, MLICA will continue to closely monitor these two areas.

One idea coming out of virtually no where, is another ballot proposal, not initiated by the legislature. Ballot language asking to hike the state's corporate income tax (CIT) has been approved by the Michigan Board of State Canvassers (BSC).

The union-backed group “Citizens for Fair Taxes” will begin circulating petitions for their legislative initiative, which would hike the CIT rate from 6 to 11 percent.

If the group garners enough signatures before the deadline next June and gets another sign-off from the BSC, the proposal would first go to the Legislature. If it's not approved, the proposal would automatically be placed on the November 2016 ballot. The group contends the proposal, which they would put \$900 million toward roads. A poll taken by the group shows 69% support for this proposal. The business lobby is heavily opposed to the measure, and rhetoric flung toward the proposal has been fierce as the various business groups said the tax hike could hurt the state's economy. Governor Snyder expressed the same sentiment.

Distracted Driving

By Sarah Cook, Source CNA's Driver Distractions PDF as presented in Little Rock, Arkansas, July 2015

How many things can your brain focus on at one time?

If you caught on to the key word “focus,” maybe you got the answer right... ONE!

In the time that it took you to read the above text, you could have caused an accident.

The issue of distracted driving has been brought to the forefront, mainly due to cell phone use while driving. Along with cell phones, adjusting the radio or CD player, talking to other occupants, adjusting climate controls, eating or drinking, smoking, and distractions outside the vehicle have all been listed as factors contributing to accidents. While using a cell phone isn't the only thing that commonly distracts us from our driving, **more than 80% of the nation's 94 million cell phone users use them while driving.**

So, why does this matter? In the past few years, cell phone usage has been an issue in several lawsuits, **and employers are being held responsible if a worker causes an accident while talking on the phone.** But why are employers wor-



(Continued from page 4)

ried? **Cell phone records can be subpoenaed to prove the employee was on the phone!** There have been liability cases against employers from cell phone use by employees. Other distractions cannot be identified to a specific time, and many drivers don't want to say they were distracted and not driving safely.

So what can employers do?

While there is no guaranteed defense to liability, developing appropriate policies, training, and enforcement mechanisms can help limit potential liability and increase public safety. Some companies prohibit employees from using cell phones while driving on company time, while other companies adopt cell phone safety guidelines and focus on training and enforcement. **Every company should determine whether the benefits of employee cell phone use outweigh the risks.**

MENTAL DISTRACTION RATING SYSTEM

Even with your eyes on the road and your hands on the wheel, mental distractions dangerously affect drivers behind the wheel.

Mild Danger	Moderate Danger	High Danger
Example: Listening to the radio or an audio book	Example: Talking on a hand-held phone or a hands-free phone	Example: Using voice-activated texting or email feature

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Lake Erie Toxic Algae Bloom Predicted To Be Worse Than '14

The toxic microcystin produced by the blue-green algal bloom in Lake Erie that kept Toledo residents from drinking their public water supply for two days in 2014 is back. This time, according to the City of Toledo, the water is still safe to drink.

In an online public advisory, the city said the toxin was discovered in the city's water intake crib in Lake Erie while testing water samples.

Stephen STEWART, a senior educator with the Michigan Sea Grant Extension, said it likely wouldn't impact Michigan.

"The short answer is probably not, and reasons for that are largely based on the direction of water flows," Stewart said. "Most of the nutrient loading from the Western Basin of Lake Erie comes from the Maumee River," and he said that drains a "tremendous" amount of farm runoff into the lake.

He said lake currents typically prevent the toxic algae from poisoning the portion of Lake Erie that touches Michigan coastline.

"For better or worse, it's much more an Ohio issue than it is a Michigan issue," Stewart said.

The toxins haven't made their way into Toledo's drinking water, the city stressed.

Meanwhile, the National Oceanic and Atmospheric Administration (NOAA) predicts another harmful algal bloom this summer, which it says might be even worse than the 2014 bloom that made for two days of undrinkable water for 400,000 people, including some southeastern Michigan residents.

According to the Ohio Sea Grant, the NOAA rated the 2014 bloom as a 6.5 in severity. The 2015 bloom is expected to be an 8.7, even worse than the 2013 bloom, rated an 8 on the severity index.

"We're potentially looking at the second-worst bloom after 2011," said Richard STUMPF in a statement to the Ohio Sea Grant. Stumpf is an oceanographer at the NOAA's National Centers for Coastal Ocean Science.

Stumpf added that "most of the lake will be fine most of the time."

Toledo will keep conducting water-quality tests in the lake, and touts a new early warning system to avoid a repeat of the 2014 'do not drink' warnings.

After the summer of 2014, Toledo installed mechanisms called buoys and sondes that test for microcystin before it reaches its water treatment plant.

The city said that the Ohio Environmental Protection Agency, the Great Lakes Observing System and various university research teams are all keeping an eye on lake conditions to detect algae-produced toxins before they're sucked into the drinking water.

"The quality of water at Toledo's intake crib is monitored 24 hours a day every 10 minutes through sondes," a city's statement said. "Intake water samples are taken at least once a day, with testing of all daily samples timed according to the characteristics of the water."



Image of 2014 toxic algae bloom retrieved from <http://guardianlv.com/wp-content/uploads/2014/03/algae-bloom.jpg>

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Des Moines Partnership Hopes to Broker Water Agreement

A Des Moines business group is offering to help broker a deal to settle a highly contentious water-quality lawsuit against three rural Iowa counties that has the potential to affect farming across the nation.

In March, Des Moines Water Works sued Calhoun, Buena Vista and Sac counties, claiming drainage districts there act as conduits that move nitrates from farm fields into the Raccoon River, one of two sources of drinking water for 500,000 residents in the Des Moines metro area. As a result, Water Works says it has had to spend hundreds of thousands of dollars to reduce nitrates to levels the federal government deems safe.

A federal judge plans to hear the lawsuit next summer. The outcome could impact farmers across the country if farm runoff becomes regulated by the federal government.

Bill Stowe, CEO of Des Moines Water Works, said any possible solutions need to significantly improve water quality in Iowa. "We would be delighted to reach a settlement that better protects the waters of this state," he said. "But it has to be substantive, it has to be resourced, it has to be enforceable, it has to be monitored, the data has to be public."



Calhoun, Buena Vista, and Sac counties.

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"We believe that collaboration can deliver stronger and more effective long-term solutions, rather than working separately or in conflict," said Sean McMahon, executive director of the Iowa Agriculture Water Alliance

So far, he said, discussions haven't "matured to a point that it looks as if it will occur within a reasonable time frame." The lawsuit has deeply divided Iowa, where about 25 percent of the state's \$171 billion economy is tied to agriculture. Some farm groups say they're willing to come to the table to discuss solutions. "We believe that collaboration can deliver stronger and more effective long-term solutions, rather than working separately or in conflict," said Sean McMahon, executive director of the Iowa Agriculture Water Alliance, a group supported by the Iowa Corn Growers Association, Iowa Soybean Association and Iowa Pork Producers Association.

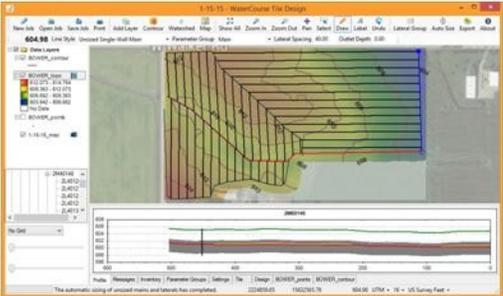
The Des Moines utility, concerned high nitrate levels will overwhelm its aging denitrification plant, wants Iowa's drainage districts, and indirectly farmers, to be required to meet federal water requirements to lower nitrate levels. But farm groups say regulations provide no assurance water quality would improve. They say water quality is affected by the weather and naturally occurring nitrogen in Iowa's rich soil. The Iowa Farm Bureau declined to comment Monday on the Partnership's initiative, given the pending litigation.

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Member Highlights

Braje Tile Drainage, Inc

2015 marks a commemorative year for Chuck and Bonnie Braje. After 50 years in business, they are retiring. In 1964, Chuck thought he could do a better job than someone he had hired, so he decided to get into the business. That year, Chuck and his wife Bonnie also decided to join MLICA, after they had been invited to convention and had enjoyed the friendliness of everyone and the knowledge that was shared.

Chuck and Bonnie did not have it easy...they raised 7 daughters, all while running a business. Insurance rates were too high, so for the most part, it was just Chuck and Bonnie working together. Bonnie started working with Chuck about 20 years ago, when their oldest daughters were in high school and could look after the younger ones. Bonnie always put dinner in the crock pot before leaving in the morning, so they came home to a hot dinner. The only bad part, from Bonnie's perspective, was that she could never call in sick, because Chuck knew if she was sick or not. Along with their 7 daughters, Chuck and Bonnie also have 14 grandkids, and 8 great grandkids.

Some proud moments for Braje Tile Drainage are earning the 1999 Conservation of the Year Award and then selling their business to their grandson, Nathan Payne, in 2015. MLICA also awarded Chuck and Bonnie honorary lifetime membership in 2015, after 50 years as members.

Chuck and Bonnie's advice is to take everything a day at a time...and never work on Sunday (even if you're not religious) because it helps separate the weeks.

Payne Farm Drainage

Nathan Payne is carrying on a family tradition, after helping his grandfather, Chuck Braje, off and on since he was little. In October 2014, Nathan bought his own 7160 Speicher wheel trencher. He has always enjoyed digging in the dirt, and although he has worked in different industries, he has always come back to digging dirt. It took some time for him to decide whether to buy his grandfather's machine, or buy one of his own and take over, but in the end, he is honored to take over for Chuck and carry on a family business.

Nathan's parents are Brian and Lori (Braje) Payne and he is the youngest of 3 kids.

Nathan joined MLICA at our 2015 winter convention, to learn as much as he can and meet new people with the same interests.



**MLICA 2015
Winter Convention**
Chuck and Bonnie receive an honorary lifetime membership and clock, after 50 years as members.



Image obtained from
<http://www.mccormickequipment.com/wp-content/>



Owosso Manufacturing Facility



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New Buffer Law in Minnesota

A new law signed by the Governor of Minnesota, makes landowners responsible for installing a 16.5-foot perennial cover along public ditches by November 2018 and requires an average of a 50-foot buffer — with a 30-foot minimum — along—ublic waters by November 2017.

The current state law allows public systems to compensate affected landowners for the cost of installing buffers. Those costs can be assessed to all of those benefiting by the system. The costs could be considerable. Placing a buffer on both sides of a ditch for one mile requires about 14 acres of land.

As a result, Kurt Deter, a well know Minnesota drainage attorney said he expects that many owners of private ditches will initiate petitions to make their branches public so that all of those benefiting share in the costs.

Deter said he also believes the law will significantly increase the amount of new tile lines that will be installed in coming years. To avoid the costs of the buffer requirement, he noted that many in the upper portions of a private ditch could replace the open ditch with underground tile.

The law is likely to bring about lots of other changes as well, including a redistribution of property taxes in counties most affected by the law. Statewide, it is estimated that from 110,000 to as many as 250,000 acres will be placed in buffers as a result of the law, he said.

Much of the litigation he expects will address issues not fully delineated by a law drafted in the final hours of the session. One example he cited is the landowner's responsibility to keep all "invasive and noxious weeds" from the buffers. When does a violation occur? Who determines and enforces it? These are among the types of issues yet to be answered, he said.

As do many others, he also expects that there will be litigation challenging the law as an "illegal taking" of property. He cautioned that there is a very high burden to meet to make that case. If science shows there are water quality benefits from a buffer, it would not be an illegal taking, he explained.

Jaschke agreed that there are many elements of the overall law that are yet to be worked out. But he emphasized that the law is aimed at improving water quality.

Classifieds

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- Price & Location
- Contact Info including Name & Phone Number

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Sarah Cook, Executive Director
scook@michiganlica.org
517-282-1083

4372 S. Wright Road
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Mike Cook, Secretary/Treasurer
517-282-9801

MLICA Lansing Office
318 West Ottawa St.
Lansing, MI 48933

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The MLICA Scoop welcomes letters, subject to editing for accuracy and brevity. **The MLICA Scoop** also welcomes articles relevant to the land improvement industry. All letters and articles can be emailed to scook@michiganlica.org. Please include your name and phone number for verification purposes.