



# KLICA News & Information

Kansas Land Improvement Contractors Association

## Meet KLICA

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## President's Message: Clem Karlin, KLICA President



### HIDEE HO PEOPLES

We're in the Fall of the year already.

The weather has been a hindering factor to dirt work but beneficial to the farmers. The Fall crops look good and let's hope the prices cooperate. When the farmers profit, the rest of our economy does too.

Many of our cities are in turmoil with rioting and protests. Look what this is doing to not only the city's economies, it has also ruined independent business lives. There are proposals for four trillion to assist these cities with the damages caused by the fires and destruction and plans to spend six trillion in the budget. These are dollars our country cannot afford to spend for those who disrespect the property of others in their protests.

The fires burning out on the coast and the floods ravaging the country are sad to see. We can work with Mother Nature but we

can't control her. The control comes from a higher source that needs to be shown more respect.

The schools aren't having the Homecoming festivities that we grew up with. I always enjoyed these reunions and am able to see if my old friends are as fat and bald as I am.

We must keep the schools open as the kids are able to learn about our history and life as a whole. They are the future. Remember to keep the kids in schools and vote for a leader who is capable, not for his personality. Let the record speak for itself.

Let's remember Paul Hettenbach and his family in our prayers. He's having a really tough time with cancer.

God Bless everyone and Becca says "Arf".

Clem Karlin

## January Annual Convention/Members Meeting Postponed

It is with much regret the decision has been made to postpone the Annual Meeting and Convention this coming January. Without knowing what the regulations regarding masks and group numbers might be the current situation with the pandemic has made planning difficult. It is assumed our attendance numbers would be down and we do not wish to put our members and partners at risk. We apologize for any inconvenience this causes and hope to see you at future events. The board will have a quarterly meeting and as always members are welcome at these meetings.

## LICA Member Benefits

### News and Happenings

Although there may still be changes it appears a Continuing Resolution will be passed to fund the government through December 11. Of note for members in this continuing resolution:

- The Fixing America's Surface Transportation (FAST) Act will be extended for one year through 2021 and will add \$13.6B to the Highway Trust Fund. This will provide stability to the transportation construction sector.
- Will also allow replenishment of the Agriculture Departments' Commodity Credit Corp. (CCC) account. The CCC is a revolving fund USDA uses to disburse farm program payments and provide marketing loans to farmers and provide special assistance programs. This funding was not in the original bill until an agreement was reached to prohibit CCC payments to oil companies and extend \$8B in pandemic related nutrition assistance for schoolchildren and families.

Since many KLICA members work in the agriculture and road construction sectors these provisions will provide continued revenues benefitting our members and their businesses.

USDA Published Final Rule on Highly Erodible Land and Wetlands August 28, 2020

USDA's Natural Resources Conservation Service has finalized some changes to how it determines whether land is highly erodible or a wetland, in the process "clarifying how wetland hydrology is identified for farmed wetlands and farmed wetland pasture," the service reported recently. A [final rule](#) published in the Federal Register includes new language to clarify how NRCS considers the "best-drained condition for wetland hydrology in keeping with the definition of prior converted cropland." The rule also adds a requirement from the 2018 farm bill that USDA "make a reasonable effort" to include the affected farmer or landowner when investigating on-site whether a wetland determination was violated. Responding to criticism of maps used between 1990 and 1996, NRCS said determinations made after Nov. 28, 1990, and before July 3, 1996, "are certified wetland determinations" if they were made using one of two separate forms, "the person was notified that the determination had been certified, and the map document was of sufficient quality to determine ineligibility for program benefits."

### New Members

The Kansas Land Improvement Contractors Association welcomes the following new members to the KLICA family. If you know these companies please extend a big welcome to them and share your favorite benefits of membership.

- Feldkamp Construction, LLC      Seneca, KS      Shawn & Jenna Kramer
- Dick Cook Septic Systems      Silver Lake, KS      Brian & Josie Hanson
- Lubbers Excavating, Inc.      Mt. Hope, KS      Timothy & Lynne Lubbers

## Rambling Thoughts of an Executive Director

As some of you are aware I made a run at getting into politics this summer, filing for state representative for the 106th District in Kansas. I was defeated in the primary by six votes so while it was a busy summer it was a short lived political career. I did meet a lot of great people, so it was a good experience and life goes on.

Hopefully after the pandemic runs its course we can get some things going again and maybe try some new things with KLICA. I understand KLICA used to have summer picnics etc., I'd like to get some of those things going again and try a few things to get more activities and events for members and even member families.

We're kind of late getting this newsletter and the renewal notices out this year. The questions around the pandemic and Annual Convention delayed some of our decision making and left it difficult to know how to proceed.

On page 4 of this newsletter is some very brief information regarding the final Waters of the United States (WOTUS) rule. Based on what I have read I do believe it will go a long ways to clarifying when the jurisdictional regulations of WOTUS are applicable.

Finally, a personal thought about 2020 and beyond. This has been an extremely difficult year for our country/society. Businesses have suffered and many families have experienced pain and sadness associated with financial and personal losses and isolation. I have a family member who was unable to have personal visits with their spouse and immediate family until recently. For most of us no matter our circumstances, there are those who are facing greater challenges and difficulties. Please keep this in mind as we close out this year and move forward. Shop and support local. Do a kindness for your neighbor and remember difficult decisions are being made by our elected officials and others - we don't have to agree but we can disagree with respect and civility.

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## Final Rule: The Navigable Waters Protection Rule

On April 21, 2020, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) published the Navigable Waters Protection Rule in the *Federal Register* to finalize a revised definition of "Waters of the United States" under the Clean Water Act. For the first time, the agencies have streamlined the definition so that it includes four simple categories of jurisdictional waters, provides clear exclusions for many water features that traditionally have not been regulated, and defines terms in the regulatory text that have never been defined before. Congress, in the Clean Water Act, explicitly directed the Agencies to protect "navigable waters." The Navigable Waters Protection Rule regulates the nation's navigable waters and the core tributary systems that provide perennial or intermittent flow into them. This final rule became effective on June 22, 2020. On June 19, 2020, the District Court for the District of Colorado stayed the effective date of the Rule only in the State of Colorado. The rule is being implemented by EPA and the Army in all other states and jurisdictions. The above is copied from the EPA Navigable Waters Protection Rule website.

The rule provides four categories of waters defined as jurisdictional through Waters of the United States (WOTUS).

- 1) Territorial seas and traditional navigable waters
- 2) Tributaries of such waters
- 3) Certain lakes, ponds, and impoundments of jurisdictional waters
- 4) Wetlands adjacent to other jurisdictional waters (other than waters that are themselves wetlands)

The rule also eliminates the case-by-case application of the significant Nexus Test from the 2015 rule.


The rule creates an exclusion for ephemeral features, including ephemeral streams, swales, gullies, rills, and pools, and excludes diffuse stormwater run-off and directional sheet flow over uplands. The rule better defines upland. While ephemeral features are not regulated under WOTUS these tributaries do not lose jurisdictional status if they contribute surface water flow to a downstream jurisdictional water in a typical year through a channelized ephemeral feature, such as an ephemeral stream or gully.

The rule excludes artificially irrigated areas, artificial lakes and ponds including water storage reservoirs and farm, irrigation, and stock watering ponds constructed or excavated in upland or in non-jurisdictional waters.

These are just a few brief excerpts I pulled from the final rule which I thought relevant to much of the work down by KLICA contractors. Please see the EPA website at for the entire rule:

<https://www.epa.gov/nwpr/final-rule-navigable-waters-protection-rule>


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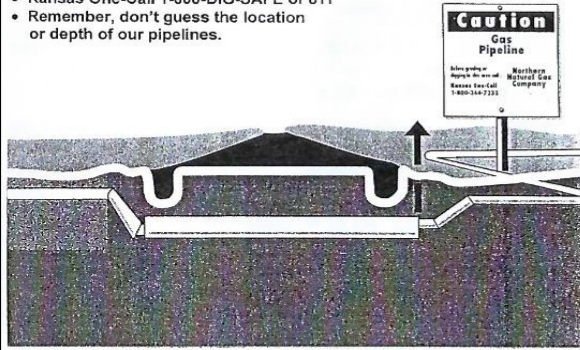


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It was good to have a list of new members in this edition of the newsletter. It would be great to welcome new members in every newsletter.

As always if you know of a contractor/ landscaper who is new to the business or long established who is not a member tell them about us and the many benefits associated with LICA membership. Give them our contact information and we'll get a hold of them to discuss how membership could benefit them and their business.



**Kansas Land Improvement  
Contractors Association  
Membership Application**

Date: \_\_\_\_\_

Company Name: \_\_\_\_\_

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_ Spouse: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address if different: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Business phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_

Fax: \_\_\_\_\_ Home phone: \_\_\_\_\_ Email: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Annual Dues:	Contractor	Associate	Special
Circle Applicable Member Type	\$325	\$250	\$40

Contractor Services Provided:


<input type="checkbox"/> CUI Cable/Utility Line Installation	<input type="checkbox"/> OSW On-Site Waste Treatment
<input type="checkbox"/> DB Directional Boring	<input type="checkbox"/> PD Ponds/Dams
<input type="checkbox"/> DI Drainage or Irrigation	<input type="checkbox"/> R Reclamation
<input type="checkbox"/> EC Erosion Control	<input type="checkbox"/> SEP Septic Systems
<input type="checkbox"/> EXG Excavation or Grading	<input type="checkbox"/> SP Site Preparation/Development
<input type="checkbox"/> GR Gravel/Rock Production	<input type="checkbox"/> SWU Sewer/Water/Underground Utilities
<input type="checkbox"/> LL Land Leveling	<input type="checkbox"/> TH Trucking/Hauling
<input type="checkbox"/> LS Landscaping	<input type="checkbox"/> TW Terraces/Waterways
<input type="checkbox"/> ODW Open Ditch Work Crane Service	<input type="checkbox"/> WM Water Management
<input type="checkbox"/> Dealer/Service Company/Consultant/Insurance/Other	

Annual dues are due and payable on a calendar year basis, prior to January 1 of each year.  
KLICA dues for new contractor members joining after March 1 are paid up for the next full calendar year.

Return Application to: Jon L. Ungerer, Executive Director  
 Kansas Land Improvement Contractors Association  
 850 U.S. Hwy 77  
 Marysville, KS 66508

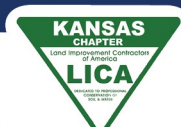
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## On the Other Side of the Dozer Blade

by Margaret Smelser



"Welcome to the real world; it's not easy at all, for real hearts get broken, and real tear drops fall." Not my usual greeting - funny how words from an old country or gospel song pop into my head, at odd moments.

Our world was emergency room and hospital room for 6 days as Lloyd had another battle with recurring health problems. What a variety of sounds in a hospital corridor - a code blue, Brahms Lullaby, hospital carts, a call for CPR. Much caution with the virus, I was only allowed in. Home, more therapy and trying to find our 'new normal'. How blessed we are with our great support group.

We are very dry here after a rainy July. Hay crop was good, cattle are fat, and no pink eye. David had two burials, one Jennie's old Pet Cow and one of ours. Jennie gets "family rates"!

The virus rages on, Jean puts in 12 hours days in her lab job at St. John's. Shortage of help. Son, Fred is in quarantine from the Jefferson County Road Crew. Jefferson County crew seems to be in confusion. Too much attitude of "It's not going to happen to me".

David just finished reworking an old pond. Three days or more over rock ledges left him feeling beaten up. Now he and Lee are starting on a big pond in better

circumstances. We had a call this morning from a young woman inquiring about a pond clean out. She knew that Lloyd had worked for both her families many years ago. A good name is not forgotten.

David helped out a stranded horseshoer and his daughter this past week. He found them stopped in our lower driveway, they were from Hoyt, quite a ways from home. A hub on his pickup had given out. With David's expertise and some parts they were back on their way. Not every helping hand has a price tag - good will is priceless.

Sadness entered into this summer with the death of two long time neighbors. Good folks and the loss of another, our 6 means now we are 4. I was 13 when we moved across the road from the Ryan's. Bob was 14, we shared the same birthday. I was a 'tomboy', he an only child, who became my first best friend. We rode horseback, fished for crawdads, played pitch and croquet, shared homemade ice cream and mulberry pie. Very little money but wonderful friendships. He was a carpenter and builder, Alzheimer's took a good man. He was proud of the years he spent as an Auxiliary Deputy in Leavenworth County and two grandchildren in law enforcement.

A magnet on the refrigerator of an old cowboy and his horse in the rain says this, "Sometimes you just have to hunker down and wait for the storms to pass." Lord willing, may we all be able to "hunker down when necessary!"

Have a good Fall and Take Care.





Kansas Land Improvement  
Contractors Association  
850 U.S. Hwy 77  
Marysville, KS 66508

## Important Dates for your Calendar.....

- **November 21, 2020**  
**KLICA Quarterly Board Meeting**  
**M&R Grill**  
**Abilene, KS 67410**  
**10:00 AM**
- **January 24, 25, & 26, 2021**  
**KLICA Annual Convention**  
**Hilton Garden Inn **POSTPONED****  
**Salina, Kansas**
- **February 9-13, 2021**  
**National LICA Winter Convention**  
**Holiday Inn San Antonio Riverwalk**  
**San Antonio, Texas**
- **March 15, 2021**  
**Due date for Scholarship Applications**  
**Contractor Members Immediate Family Members**

