

# INDEPENDENT BEEF ASSOCIATION OF NORTH DAKOTA

*Your state wide voice in the cattle industry!*

PO Box 123

Menoken, ND 58558

[www.i-band.org](http://www.i-band.org)

2023-1

## Presidents message



### Happy New Year Everyone!

**First and foremost, I'd like to thank the board members for their confidence in me to lead IBAND for the next year! And especially to Kerry Dockter and the previous Presidents for their leadership and for showing me the way. Thank You all.**

**What a winter this has been. It emulates a lot of what the winter of 96-97 was like. Lots of snow, constant wind, and physical and mental challenge after challenge. But the biggest differences between then and now**

**is the equipment we used and the knowledge we've gained to make things easier. In 1996 I had an 830 Case with a Dual loader and a 970 Case with a worn-out 8 ft snowblower. It took all morning just to get the wife and kids to town for work and school and then get the feeding done. Blow a trail to the main road and sometimes all the way to the highway. Then blow a trail to the hay yard and then finally get them fed. And after all of that, chop ice and get them watered. Quite the challenge. Now it's front-wheel assist and with the wife opening gates and cutting twine, everything is fed and watered in a matter of a couple of hours.**

**As this legislative session gets underway, it's another challenge for all of us. But like the differences between 1996 and 2023, we have better equipment with new, open-minded legislators. And we also have a lot better knowledge of the system. I-BAND is growing; by being invited to participate with more and more political allies. The legislative interim committee, the Ag Dept,**

### Inside this Issue:

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## Presidents Message cont.

**the Board of Animal Health, and of course the ND Beef Commission.**

**With all our cooperation, we've been getting things done. Thank You, board members (and all I-BAND members) for cooperating together and getting things done. But the winter's not over yet. There's still a lot of snow to blow and a lot of feeding to do.**

**Let's get it done.**

**Frank Tomac**

**President of the Independent Beef Association of North Dakota**

## I-BAND Board Reorganized at last meeting

**President** - Frank Tomac

**Vice President** - August Heupel

**Secretary/Treasurer** - Kari Goldade

**District 1** - Frank Tomac, Jeremy Maher, Ron Volk, Pat Becker, JW Froelich, Jay Berg

**District 2** - August Heupel, Kerry Dockter, Larry Kinev, Medora Kologi, Kyle Shively

**Director at Large** - Frank Tomac

## Ballot Results - All Resolutions Passed

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Resolution ROCFTJ 20 <del>06</del> -22-1<br>Removal of Cattle from the J-List | <input checked="" type="checkbox"/> Resolution LOR 2022-1<br>Land Ownership Resolution                  |
| <input checked="" type="checkbox"/> Resolution NDGF 2022-1<br>North Dakota Game & Fish                            | <input checked="" type="checkbox"/> Resolution ESG 2022-1<br>Proposed ESG                               |
| <input checked="" type="checkbox"/> Resolution ARRA 2022-1<br>The Agriculture Right to Repair Act                 | <input checked="" type="checkbox"/> Resolution SBO 202 <del>1</del> -2-1<br>Sustainable Beef Opposition |

## New Face for District 1



### Jay Berg

SW ND/ Eastern MT rancher/ranch hand. Owner/ operator of Bergs AI Service LLC.

## New Faces in District 2



### Medora Kologi

Medora along with her husband, Cody, and their children ranch near Moffit. They run a yearling back-grounding and grazing business focusing on regenerative land practices.

Along with ranching, Medora's passion is getting local food to local

people. She has accomplished this by starting the business Prairie Hills Ranch Meats where she direct markets beef from the ranch to the consumer. As our mission statement says, we "Create fertile soils, strong plants, thriving animals and ultimately healthier people."



### Kyle Shively

Kyle runs a small registered angus heard near Rugby with his wife and 3 kids. He also works full time at Rugby Livestock as the yard man and field rep for the Western part

of the state. "I've always had a passion for the cattle industry and the issue's that go along with it."

## Congratulations to Jack and Roberta Nagel

Agriculture is North Dakota's top industry, and North Dakota State University is proud of its connections to agriculture as a land-grant research university. Throughout its history, NDSU has made major contributions in agriculture across the Upper Midwest, nation, and world. Many NDSU student-athletes come from farming and ranching families and are also pursuing agricultural degrees. Since 1973, NDSU has celebrated the relationship between agriculture, education, and Bison Athletics excellence with the Harvest Bowl banquet and football game.



### Jack and Roberta Nagel

Emmons County

# 2022 Wheel Award Recipients



## What is the Wheel Award

The wheel award is the most prestigious award given by the Independent Beef Association. It is given to those that have given greatly to aid I-BAND in their endeavors. Those who are given the award are considered to be like a spoke on the wheel, part of the team, that makes for a stronger wheel.

### 2022 Recipients

Kari Goldade

John Schmid—Grant Co State Bank

Deb Egeland—NDDPI



# 17th Annual Meeting Photos



Stef & Jeremy Maher - "In appreciation for your ideas and efforts that have contributed to North Dakota raised and processed beef being supplied to North Dakota hot lunch programs. Thank you for your leadership."



## A Big Thank you

Mike Heaton, Kenny Graner and Jack Nagel have retired from the board this last year.

Thank you for your years of hard work and dedication.



# USDA.....Annual Meeting Slide information....FSA

Marcia Bunger (USDA) and Marcy Svenningsen (FSA) both presented information on programs available to farmers & ranchers. All of their information has been posted to our webpage. To view this information, go to <https://i-band.org/resources>

## For the love of cows....

I often ask myself why I love cattle so much.

Honestly, it makes no sense -

They break fence

They have to be fed even in the worst of conditions

They have to be checked on daily in the winter and at a minimum, every other day when it's miserable hot out

They make more work for us year round

They're expensive

They're dirty

They can hurt you a hundred different ways...

But they also give us so much-

A reason to get outside, all year long.

The chance to bring new life into the world.

An opportunity to meet amazing people.

A desire to work hard, and play hard.

The ability to give our kids a life most people will never know.

And a million other things, big and small.

Cattle may be a pain in the butt and make me cuss like a sailor at times, but damn, what a life they've given me.

## Affiliates



Available on iTunes and Google Play



**YOU'RE INVITED**

### *Horn Wrap Call*

Each month, hear from your Washington, DC staff or featured guest speakers on issues affecting your bottom line. We consider the monthly Horn Wrap call to be your direct connection to Capitol Hill, and welcome the opportunity to address your questions, comments, and concerns. You can listen in on mute, or join in on the conversation.

**SECOND TUESDAY OF EACH MONTH AT 7:00 AM MOUNTAIN TIME**  
**DIAL: (866) 254-5984; NO PASSCODE NEEDED.**

## Social Media



All of our links in one place!

<https://linktr.ee/independentbeefnd>



## New year, new rules? Packers and Stockyards Act being evaluated

By [Carrie Stadheim](#), Tri State Livestock News

With comments due Jan. 17, 2023, livestock organizations are discussing proposed changes to more than century-old Packers and Stockyards Act.

As for the current proposed rule, while R-CALF USA has not yet submitted its comments, generally, its position remains steady.

“They have established a category of ‘market vulnerable individuals’ which appears to be reserved for minority producers who have historically been less favorably treated. We believe this needs to be expanded to include producers who do not have sufficient marketing outlets for their cattle,” R-CALF CEO Bill Bullard said.

Colorado offers the perfect example, he believes. “There are too few markets in Colorado. All Colorado producers who sell to packers are disadvantaged because they don’t have access to price reporting. We believe all producers in Colorado who sell to packers should fall under the category of ‘market vulnerable individual’ because of the lack of competition in their marketplace,” he said. The confidentiality clause protects the one

## New Year, New Rules.... Continued

remaining large Colorado packer so that USDA hasn't reported the price it pays for cattle over the past two years.

Secondly, R-CALF USA would like to see the Packers and Stockyards Act clarify that a packer cannot claim a business justification as a defense. In other words, they can't claim that they did what they did because they had to do it in order to compete with the other packers. "That's what ended the Pickett v. IBP case, for example. The court found Tyson (formerly IBP) had a business justification for its otherwise unlawful action."

Bullard said after this comment period, a third and final proposed rule is expected to be released for public comment. His organization has met with USDA to offer input on this yet-unannounced rule, and is optimistic it will be helpful to the independent cattle industry.

There are a couple of big adjustments R-CALF USA is pushing for. Currently, based on case law, the Packers and Stockyards Administration requires that when a complaint is filed about harm due to lack of competition, the complaint must prove that the entire industry was harmed. R-CALF USA believes that the Packers and Stockyards Administration ought to take action when an individual is harmed, even if the entire industry was not harmed.

Additionally, R-CALF USA wants to see the rule prohibit anti-competitive contracts such as formula contracts that do not include a base price in the agreement.

R-CALF USA Director Eric Nelson, an Iowa cattle feeder and cow-calf producer, said the packers' buying practices based on color last year is an unpleasant example of the flaw in the current interpretation of the law. "About a year ago, maybe 14 months ago, in the corn belt, if you had colored cattle – you couldn't sell them. They wouldn't buy them. It was terrible. But in the south, they were buying cattle of every color under the sun. So the way USDA looks at it – because a big part of the country is being treated ok, it is not actionable. Yet those of us being mistreated are the ones they are trying to eliminate because we are the cash sellers up here in the north. Due to the way the 'no harm to competition' rule is interpreted by USDA, they are fine because the entire industry isn't being affected.

Nelson said proof positive of a need for real P and S reform is the fact that the act itself now includes protection for hog contract producers. "The reason the swine industry went to contracts is because of screwed up competition. The original act was supposed to protect competition. It's been so hijacked, they passed amendments to protect contract producers – but we wouldn't have them if we had been protecting them," he said. "The only way you could continue to raise hogs was to sign a contract. I went through it myself," he said. Todd Wilkinson, NCBA's president-elect from De Smet, South Dakota, said his organization, is also still finalizing its comments.

"I've submitted complaints to the P and S over the years for clients," said the attorney. "Scales being off, how a packer made a payment. And then P and S investigates them," he said. "We have no problem with an individual filing a complaint, but the courts have interpreted the level of harm that has to be demonstrated. We don't want to see rules written that will change the whole act," he said.

Because the US Supreme Court has ruled that 'harm to competition' is only actionable when the entire industry is harmed, NCBA does not support changing this precedent. "If we're trying to change by rule what the courts had previously established as a threshold, I think that could be problematic," he said.

"We would be very comfortable with what the courts have established," said Wilkinson. The P and S does need some tweaking, and NCBA will discuss any potential changes they might support at their upcoming convention, he said. It's quite possible some suggested legislative changes will come out of the meeting, he said. "Whatever our membership tells us to do, that's what we're going to do," he said.

"We're reluctant to see a regulation make a change without the statute being changed," said Wilkinson.

"Trying to change by regulation the statutory language is potentially dangerous," he said. Why? "Because we have an established Supreme Court opinion. I don't think you should change by regulation what you should change by statute. That opens up the whole WOTUS argument," he said.

"NCBA is always in favor of a producer being able to go forward with a complaint. We wouldn't want a packer to be able to retaliate, but what we wouldn't want to do is change the Supreme Court's interpretation of what harm is. That's Congress's job," he said.

# 68th Legislative Committee - Agriculture

<https://www.ndlegis.gov/assembly/68-2023/committees/house/agriculture>



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# Recipes



## Cheeseburger Mac

(Kids Love it!)

- 1 pound Ground Beef
- 1-3/4 cups water
- 1 cup dry elbow macaroni
- 6 ounces processed cheese spread
- 8 to 10 slices dill pickle slices

## PREPARATION

### Step 1

Heat large nonstick skillet over medium heat until hot. Add Ground Beef; cook 8 to 10 minutes, breaking into 3/4-inch crumbles and stirring occasionally.

### Step 2

Stir in water and macaroni; bring to a boil. Reduce heat; cover and simmer 9 to 11 minutes or until macaroni is tender.

### Step 3

Stir in cheese cubes. Cook 1 to 2 minutes or until heated through, stirring occasionally.

### Step 4

Season with salt and pepper, as desired. Serve beef mixture topped with pickle slices.



# Membership

The Independent Beef Association of North Dakota is North Dakota's statewide voice in the cattle industry for the cattle producer. Our membership is primarily made up of cow calf operations in North Dakota. We're a non-profit organization that works in conjunction with other organizations as your statewide and national voice in the cattle industry. We have represented our membership on issues including the Farm Bill, COOL, Waters of the US, HSUS bills, Horse Slaughter, the National Animal Identification System, EPA, Foot and Mouth disease in South America, and the Beef Checkoff. There are numerous issues of importance to cattle producers in the coming year. Strength comes in numbers and I-BAND needs a strong membership to carry out your voice within and outside of North Dakota. We're a grassroots cattle-men's organization, addressing the market interests of North Dakota cattle producers.

I-BAND has been going strong for 18 years now. If you are a new member, a past member or an existing member, we would like you to let us know what you like about this organization and the direction you would like to see this organization take in the future. We take pride in having a membership association where every member's voice is heard through a one member one vote policy. Without the backing of membership, I-BAND would not be in existence. We wish to thank each and every one of you for your support. Any comments can be directed to any I-BAND board member or drop us a line at: I-BAND, Box 123, Menoken, ND 58558.

Strength comes in numbers and I-BAND needs a strong membership to carry out your voice within and outside of North Dakota. Please feel free to pass this newsletter on to any friends, neighbors or businesses that may be interested. If anyone would like to schedule an informational meeting in their area please contact any I-BAND Director.



\_\_\_ 1 Year Voting \$50                      \_\_\_ 1 Year Associate \$50

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\_\_\_ 3 Year Voting \$125                     \_\_\_ 3 Year Associate \$125

Do you own cattle?    \_\_\_yes            \_\_\_no

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

County \_\_\_\_\_

Phone \_\_\_\_\_

E-Mail \_\_\_\_\_

Signature \_\_\_\_\_

District One (1) will be west of the Missouri River from the South Dakota border north to Interstate 94 and west of US Hwy 83 from Interstate 94 north to the Canadian border. District Two (2) will be on the east side of said boundaries.

## District Residing In:

District One \_\_\_\_\_                      District Two \_\_\_\_\_

- Voting Members must own cattle. Annual dues are \$50.00 per year per member (one member/one vote).
- Associate Members do not own cattle and do not have voting rights. Annual dues \$50.00.

Please mail application and dues (cash, check or money order) to the address below. Contributions or gifts to I-BAND are not tax deductible as charitable contributions. However, they may be tax deductible as ordinary and necessary business expenses.

I-BAND, Box 123, Menoken, ND 58558

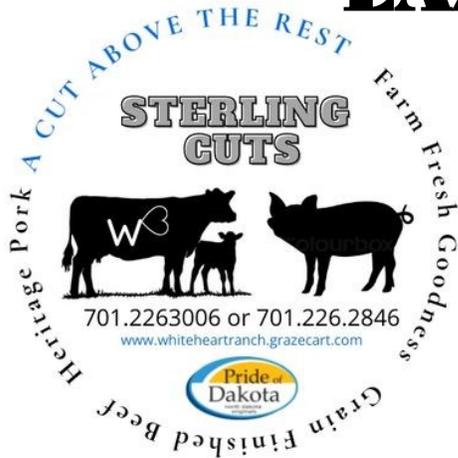
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**Ron Volk**

701-872-2172

**Jeremy Maher**

701-522-3696

**JW Froelich**

701-425-4314

**Jay Berg**

701-391-3126

## Directors

**Kari Goldade**

Secretary/Treasurer

[kari@i-band.org](mailto:kari@i-band.org)

## DISTRICT TWO

**August Heupel**

Vice President

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**Kerry Dockter**

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**Larry Kinev**

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**Kyle Shively**

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