

# SAGE SIGNALS

*The Voice of the Nevada Livestock Industry*

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PUBLISHED MONTHLY FOR THE NCA MEMBERSHIP

## NCA June Update

*By Martin Paris, Executive Director, Nevada Cattlemen's Association*

Happy June everyone. There has been quite a whirlwind of things going through the end of April and May.

The Nevada Cattlemen's Association (NCA) had another successful Legislative Conference in Washington D.C. hosted by the Public Lands Council and National Cattlemen's Beef Association. We heard from agency leadership at the Bureau of Land Management, U.S. Forest Service, U.S. Department of Agriculture and U.S. Fish and Wildlife Service. We also had great meetings with Nevada's Congressional delegation on several important topics affecting producers in Nevada. The NCA contingency covered everything from the Farm Bill, Electronic Logging Devices, and the Bureau of Land Management's most recent rulemakings to tax provisions like the estate tax that are crippling producers and water rights in Nevada. This trip is critical in connecting decision makers with the folks that are impacted either positively or negatively by the decisions they make.

To dive into a few a little further, the BLM National Office recently released their final "Public Lands Rule." At the time of this writing, the final rule text has been released, but has yet to be published in the Federal Register which would solidify its completion. As a quick refresher, this rule was proposed over a year ago and does a couple of different things. For one, it allows third parties to lease public lands for the purpose of "restoration" and second, it directs the BLM to prioritize the designation of Areas of Critical Environmental Concern (ACECs). This rule contradicts BLM's multiple use mandate by putting conservation/restoration on par with other multiple uses. Conservation is the end result of various multiple uses but should not be a use in and of itself. The placement of conservation as a multiple use pits it against other uses, particularly livestock grazing, that already serves as a valuable conservation tool. The NCA has major concerns that the rule will be used to restrict livestock grazing in areas that are leased by third parties. The NCA also has concerns that ACECs will be placed across our public lands, again in an effort to restrict multiple uses such as livestock grazing. NCA will continue working with our partners and

— Continued on page 2 —

## Nevada Ag Director Goicoechea to Kickoff Western Conference, Moderate Panel on State Depts of Ag

The panel features top legal counsel to ag departments from Montana, Arizona and California.

### Fast Facts:

- First session at Western Conference focuses on state ag departments
- Panel moderated by Nevada Dept of Agriculture Director Goicoechea
- Conference registration is available online: <https://nationalaglawcenter.org/western2024/>

FAYETTEVILLE, Ark. — Every state has an agriculture department, and understanding those departments' roles as a resource for farmers on regulatory and other issues is something Cort Jensen wants to make very clear.

J.J. Goicoechea, DVM, Director of the Nevada Department of Agriculture, will moderate the opening session of the National Ag Law Center's Western Conference. The panel will discuss state departments of agriculture.

Jensen, chief attorney for the Montana Department of Agriculture, will be one of the opening session speakers for the 2nd Annual Western Agricultural & Environmental Law



*Image courtesy J.J. Goicoechea*

J.J. Goicoechea, DVM, Director of the Nevada Department of Agriculture, will moderate the opening session of the National Ag Law Center's Western Conference. The panel will discuss state departments of agriculture.

— Continued on page 5 —

## UPCOMING EVENTS

### Nevada Youth Range Camp

— June 16–20, 2024 —

Berry Creek, northeast of McGill, NV  
<https://nevada-section-society-for-range-management.square.site/>

### NCBA Cattle Industry Summer Business Meeting

— July 8–10, 2024 —

San Diego, California  
Hilton San Diego Bayfront  
<https://www.ncba.org/events/summer-business-meeting>

### Nevada Cattlemen's Association Annual Convention

— November 20–22, 2024 —

Fallon, Nevada  
<https://www.nevadacattlemen.org/events-meetings>

## NCA NEWS

### NCA June Roundup: *Continued from page 1*

our Congressional delegation on a solution to the rule if/when it is published in the Federal Register.

On a similar note, the BLM National Office recently released their draft Sage Grouse Resource Management Plan Amendment. The draft contains some concerning language including potential ACEC designation proposals along with language regarding how future and existing range improvements will be evaluated with respect to their effect on sage grouse and sage grouse habitats. The NCA intends to submit comprehensive comments on the proposal and will keep everyone apprised of future actions.

The Bureau of Land Management is also working through the process to make approximately 22 million acres across 11 western states available for solar energy to help meet the Biden Administration's goal of siting 25 gigawatts of renewable energy on public lands by 2025. Also don't forget the U.S. Fish and Wildlife's recent changes to the Endangered Species Act which dictate that listing status and habitat decisions must be made without reference to possible economic and other impacts. Or the changes to critical habitat designations that allow the agency to des-

"This trip is critical in connecting decision makers with the folks that are impacted either positively or negatively by the decisions they make."

ignate critical habitat in any area that it believes is essential for the conservation of a species.

Noticing a trend? There are several other agency rulemakings and other legislative proposals recently instituted or being considered that have the ability to have major impacts on livestock production in Nevada. Through it all, the NCA will continue showing up to the table with our partners, agency officials and other stakeholder interests to find sensible solutions.

With that said, I don't want to leave you on a negative note. A wise man once told me something to the effect of, "If all we ever do is complain, we should find another line of work. There are surely people out there that would give anything to be in the position we're in."

With that said, how about the current cattle market and spring moisture we have had so far? It seems there are some folks who have been around Nevada for quite some time that haven't seen or have rarely seen the way much of Nevada's rangelands look at the moment. For these, I am thankful!

Till next time.

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# PRESIDENT'S PERSPECTIVE

Anthony Barnes, Co-Chair of Nevada Cattlemen's Legislative Affairs Committee

## Optimistic Future

**G**reetings everyone! I would like to start by thanking Nevada Cattlemen's Association and President Hanes Holeman for the privilege of sending me to attend the PLC/NCBA Annual Legislative Conference in Washington D.C. and for the opportunity to share my perspective on our association's work in our nation's capital and our industry. Writing to my fellow industry members is an honor I do not take lightly.

For those of you who do not know, I worked as a public policy intern for PLC and NCBA back in Washington during the summer of 2022 where I focused on public lands issues and policy. This experience made me even more excited to return to D.C. with the NCA contingency in April, this time from the producer's perspective.

As I sat on the plane reflecting on what I learned during my internship and thinking about our industry's current challenges, my first thought was how critically important our involvement within our industry and our presence on Capitol Hill is. With most of the legislators and agency leaders having little to no agricultural background, I believe arguably the most important thing that we did during the conference was better educate the bureaucrats and legislators on the challenges we as producers face and how policies are causing, solving, or changing them.

Given that their rules and regulations have such a big impact on how we operate as producers, I think being at the table and ensuring our concerns are acknowledged is paramount to our industry's long-term success. It is near impossible to know whether we changed leaders' minds and incredibly naive to think that all the promises and reassurances made to us during our time in D.C. will be kept. However, I am certain that we succeeded in better informing our managing agencies and Congress on our industry issues and communicating that the viability of our operations is on the line.

That said, foolish as it may be, my outlook on our industry's future as a young producer is optimistic. This may come as a surprise given the plethora of issues our industry is currently facing such as the BLM's new conservation rule, sage grouse regulations, and wild horses to name a few. However, it's not the political or regulatory climate that stokes my optimism, rather it's can-do attitude and perseverance that is bred into the members of our industry. While the plethora of difficulties and problems we face seems only to be growing, I am confident that we have the tools and determination necessary to meet these challenges and continue the legacies of those who built our industry. Throw in some green grass and a healthy cattle market and I for one am excited to see what our future holds!

## Two DNA Tests Identify Suspected Wolves in Elko County as Coyotes

Elko County, NV- The Nevada Department of Wildlife (NDOW) has received results from two independent genetic labs regarding the samples gathered in conjunction with the recent sighting of three suspected wolves near Merritt Mountain, north of Elko. DNA analysis of the hair, fecal, and urine samples collected along the suspected tracks in the snow has revealed with 99.9 percent certainty that samples are from coyotes.

On March 17, a helicopter crew contracted by NDOW for a moose collaring project observed three animals that resembled wolves. After the crew reported the sighting, NDOW biologists followed up with a helicopter search and then with ground surveys in the area via snowmobiles. In following the tracks through the snow, biologists collected hair, fecal, and urine samples for DNA analysis. What sets this investigation apart is the rigorous examination applied to the samples: they were sent to not one, but two independent labs for analysis. The results from both labs conclusively show no genetic connection to wolf species and reveal genetic markers consistent with coyotes.

"While initial observations indicated the possibility of wolves in the area, the DNA results of the samples collected indicated that these animals were, in fact, coyotes," stated NDOW Director

Alan Jenne. "We appreciate the diligence of our biologists, assisting laboratory personnel and the public's cooperation throughout this process and we will continue to monitor the area for any indication of wolf presence."

Nevada, not historically known as wolf habitat, does occasionally see wolves crossing state lines. NDOW remains committed to monitoring wildlife populations and ensuring public safety.

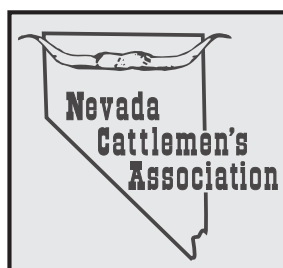
"We understand the significance of such sightings and the importance of accurate identification," Director Jenne added. "NDOW will continue to work closely with state and federal agencies to uphold our mission of protecting Nevada's ecosystems and wildlife while also maintaining transparency as a top priority in all our communications with the public."

## NCA MEMBERSHIP

*We would like to thank the following people for joining or renewing their membership with Nevada Cattlemen's Association between April 26 and May 25, 2024.*

*(New members are in bold.)*

- |  |  |
|--|--|
| • Amador Angus, Ed or Joshua Amador                | • James Linebaugh  |
| • <b>AU Ranches, Operated by Nevada Gold Mines</b> | • Park Ranch LLC, David Park                                       |
| • Brackett Livestock Inc., Flat Creek Ranch        | • Snyder Livestock Co., Inc., Lucy Rechel                          |
| • <b>Brackett Livestock Inc., Will Brackett</b>    | • Star Hotel, Scott Ygoa   |
| • Joe & Meghan Brown                               | • USDA-National Agricultural Statistics Service (NASS), Curt Stock |
| • Cat Creek Cattle Co.                             | • Venturacci Schuler Partners                                      |
| • James Grund                                      | • Ward Ranches, Gary Ward  |
| • Hanes Holman                                     | • Wickahoney Cattle Co.  |
| • J.A. Graciella, Mario Walther                    | • Winchell Ranch   |



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## Western Ag Conference: *Continued from page 1*

Conference, which will be held June 13-14 at the University of Nevada, Reno.

The conference focuses on legal issues impacting the ag industry in Western states, and is designed for attorneys, students and other ag professionals. A livestream option is also available. Conference registration and agenda is online at <https://nationalaglawcenter.org/western2024/>

Jensen said his goal for the session, “State Ag Departments & the Regulation of Agriculture and the Environment,” is for attendees to come away with solid advice and understanding on how to interact with state departments of agriculture.

“It’s important that attendees understand how to go about these interactions,” he said. “Whether the interaction be a routine ‘right to know’ request, a livestock issue, or something else novel on the cutting edge of agriculture.”

J.J. Goicoechea, DVM, director of the Nevada Department of Agriculture, will welcome attendees and moderate the opening session. Joining Jensen are Haig Baghdassarian, deputy secretary and chief counsel for the California Department of Food and Agriculture and Deanie Reh, assistant attorney general for the Arizona Attorney General’s Office.

“We’re very fortunate to have Director Goicoechea from the Nevada Department of Agriculture, along with top legal counsel to agriculture departments from Montana, Arizona and California,” said Harrison Pittman, director of the National Agricultural Law Center, the conference organizer.

Goicoechea said the Western Conference is a great resource to those in the Western ag industry.

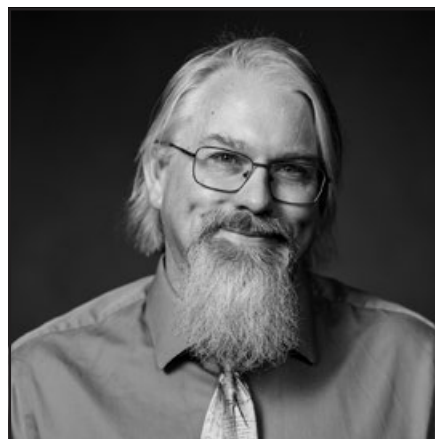
“The NALC team is a go-to resource for the ag community in Nevada and beyond, and especially my agriculture department counterparts across the country,” Goicoechea said. “We’re thrilled that they host this annual conference in Reno, and it’s an honor to moderate this unique session.”

Pittman said the panel offers attendees one-of-a-kind insight into the operation and regulatory scope of state agriculture departments.

“Haig, Deanie, Cort and Director Goicoechea are excellent. Attendees will walk away from this session knowing a heck of a lot more about how to serve their clients and stakeholders in the ag industry on a range of issues,” he said. “This panel is a really fun and informative way to begin our 2nd Annual Western, setting the tone for more sessions on ag law and policy that are pertinent to the West.”

### Continuing education available

The Western Conference features 12 hours of continuing



*Image courtesy Cort Jensen*

Jensen: “It’s important that attendees understand how to go about these interactions” with state departments of agriculture.”

legal education credits, including two hours of ethics. It has been approved for CLE in Nevada, Idaho and Utah, and will be submitted for approval in Oregon, California and Arizona. The conference has also been approved for continuing education by the American Society of Farm Managers and Rural Appraisers. The NALC will coordinate with attendees to self-report in other states.

For information about the National Agricultural Law Center, visit [nationalaglawcenter.org](https://nationalaglawcenter.org) or follow @Nataglaw on X. The National Agricultural Law Center is also on Facebook and LinkedIn.

For updates on agricultural law and policy developments, subscribe free of charge to The Feed, the NALC’s twice-monthly newsletter highlighting recent legal developments facing agriculture.

### About the National Agricultural Law Center

The National Agricultural Law Center serves as the nation’s leading source of agricultural and food law research and information. The NALC works with producers, state and federal policymakers, Congressional staffers, attorneys, land grant universities, and many others to provide objective, nonpartisan agricultural and food law research and information to the nation’s agricultural community.

The NALC is a unit of the University of Arkansas System Division of Agriculture and works in close partnership with the USDA Agricultural Research Service, National Agricultural Library.

### About the Division of Agriculture

The University of Arkansas System Division of Agriculture’s mission is to strengthen agriculture, communities, and families by connecting trusted research to the adoption of best practices. The Division of Agriculture conducts research and extension work within the nation’s historic land grant education system through the Agricultural Experiment Station and the Cooperative Extension Service.

The Division of Agriculture is one of 20 entities within the University of Arkansas System. It has offices in all 75 counties in Arkansas and faculty on five system campuses.

The University of Arkansas System Division of Agriculture is an equal opportunity/equal access/affirmative action institution. If you require a reasonable accommodation to participate or need materials in another format, please contact [dviguat@uark.edu](mailto:dviguat@uark.edu) as soon as possible. Dial 711 for Arkansas Relay

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# Nevada Native Seed Partnership Awarded \$3.74 Million for Habitat Restoration in the Great Basin

*Originally published by The Nevada Native Seed Partnership on their website on May 7, 2024.*

The Nevada Native Seed Partnership announced in May 2024 that it was awarded \$3.74 million in Bipartisan Infrastructure Law (BIL)/Burned Area Rehabilitation (BAR) funding to increase native seed collection, production and use in restoration across the Great Basin.

“A lack of readily available native seed and plant materials prevents us from successfully restoring ecosystems,” said Sarah Kulpa, botanist and restoration ecologist for the U.S. Fish and Wildlife Service in Reno, Nevada. “This funding will help us, in the Great Basin, increase the supply of native seeds to meet the growing restoration demand, as these seeds are one of our most powerful tools for conserving and restoring healthy and resilient ecosystems.”

Across the Great Basin there are 3,189 native plant species. The right native seed exists on the landscape, unfortunately, much of the infrastructure and resources needed to collect, grow, clean, and store native seed doesn’t. The Nevada Native Seed Partnership will use this funding to jump start new or shore up existing projects or initiatives to help bridge gaps in the native seed supply chain.

“I am so excited about this project, as it is going to create the resources in Nevada to tackle all parts of the restoration cycle,” said Elizabeth Leger, foundation professor and director of the University of Nevada Reno Museum of Natural History. “Historically, we have relied on surrounding states for some of these steps, and not surprisingly, the native plants that grow naturally in Nevada haven’t been their main targets. Now, we will be able to collect Nevada’s plants, clean and store seeds in-state, move them to growers for increase, and then get them back out on Nevada’s wild lands!”

Thirty-three million dollars were made available in fiscal year 2024 to support BIL/BAR habitat restoration needs across the Department of Interior, and additional funds are anticipated in fiscal years 2025 and 2026.

This year’s funding will be distributed to various partners across the Great Basin in support of the following efforts:

- \$1.4 million for seed collection
- \$1.2 million for seed production
- \$548,831 to establish an equipment network to



support native seed growers

- \$536,188 for seed cleaning and storage

“There is an ever-growing demand for native seed in order to address the threats and restoration needs of our natural habitats,” Utah Division of Wildlife Resources Great Basin Research Center coordinator Kevin Gunnell said. “The information to facilitate the production of native seed at the needed quantities is as important as the seed itself. This funding will help to ensure we can empower seed producers with the knowledge and resources needed to meet and sustain active restoration efforts across the Western U.S.”

Funding to support the use of BIL/BAR to proactively develop plant materials was approved by the Department of Interior Fire Directors. This funding was focused on landscapes that are unlikely to recover naturally from large-scale high-severity wildfire by ensuring plant materials, like native seeds or nursery plugs, are available to revegetate and restore habitat impacted by wildfire. By focusing investments now on developing the infrastructure necessary to collect and produce native seed, land managers across the Great Basin will be able to procure and use the right, locally-adapted native seed in post-fire restoration projects in the future.

## About the Nevada Native Seed Partnership

Inspired by the National Seed Strategy, the Nevada Native Seed Partnership was established in 2017 to help Nevada increase the availability of locally-adapted native seed to restore diverse plant communities and sustainable landscapes across the state. The NNSP is guided by the Nevada Seed Strategy and is made up of the following agencies: the Bureau of Land Management, Nevada Conservation Districts Program, Nevada Department of Agriculture, Nevada Department of Wildlife, Nevada Division of Forestry, Reno-Sparks Indian Colony, University of Nevada, Nevada Division of Natural Heritage, U.S. Fish and Wildlife Service, U.S. Forest Service, The Great Basin Institute, U.S. Geological Survey, Natural Resources Conservation Service, Walker Basin Conservancy, The Nature Conservancy and the Nevada Department of Transportation.

For more, visit our website: <https://www.partnersinthesage.com/nevada-native-seed-partnership>.



*Photo by James Harter/USFWS.*

Sarah Kulpa, a USFWS Botanist, collects leaf tissue from the Las Vegas Buckwheat (*Eriogonum corymbosum* var. *nilesii*) to be sent off for genetic testing.



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# American, Mexican, and Canadian Cattle Producers Sign Joint Statement and Send Letter Raising Brazilian Beef Concerns

HERMOSILLO, Mexico (May 15, 2024) – Today, leaders of the National Cattlemen's Beef Association (NCBA), Confederación Nacional de Organizaciones Ganaderas (CNOG), and Canadian Cattle Association (CCA) signed a joint statement to continue advocating for greater oversight of emerging lab-grown proteins, protecting cattle from animal diseases, and promoting the sustainability of the cattle industry. This action builds on the recent statement signing with Cattle Australia and furthers the international partnerships between cattle producers.

"The signing of this joint statement is an important step that unites cattle producers across North America and around the world to promote and protect efficient cattle production," said NCBA President and Wyoming rancher Mark Eisele.

Following the joint statement signing, NCBA, CNOG, and CCA also signed a letter addressed to U.S. Trade Representative Katherine Tai, Secretaria de Economía Raquel Buenrostro Sanchez, and Minister of Export Promotion, International Trade and Economic Development Mary Ng urging the U.S., Mexican, and Canadian governments to re-engage in opening markets for beef exports and provide stronger science-based oversight of beef imports. Unfortunately, the three governments have expanded market access for beef imports while providing little opportunities for beef exports. If this continues, it will place North American cattle producers at a competitive disadvantage to other beef producers, including South America.

"I am also pleased that American, Mexican, and Canadian cattle producers are standing together to hold our trade partners accountable. For the United States,

we have significant concerns that Brazil continues to have access to the U.S. market even though they have a repeated history of failing to disclose animal health concerns, including cases of atypical BSE," Eisele added. "We continue urging our respective governments to protect the beef supply by blocking Brazilian imports. We are pleased to be partners on these issues and act as the voice of cattle farmers and ranchers to our respective governments."

NCBA has previously raised concerns with Brazil's access to the American market due to the country's failure to report cases of atypical bovine spongiform encephalopathy (BSE) in a timely manner to the World Organization for Animal Health (WOAH). These atypical cases occur spontaneously, but countries are required to report any cases within 24 hours to WOAH. The United States has upheld the 24 hour requirement continuously, but Brazil has often delayed reporting cases from anywhere between 35 days and nearly 2 years. That lack of transparency increases the risk to food safety and makes Brazil an un reputable trading partner.

The letter and joint statement were signed at the CNOG 2024 convention in Hermosillo, Sonora, Mexico by NCBA President Mark Eisele, CNOG President Sr. Homero García de la Llata, and CCA President Nathan Phinney.

View the statement at [https://mcusercontent.com/3ac0220907d479b33ff07dbbc/files/56dc9a75-09e8-5d34-23fb-ec8d2ca160cb/NCBA\\_CA\\_CNOG\\_CCA\\_Statement\\_05.15.2024\\_.pdf](https://mcusercontent.com/3ac0220907d479b33ff07dbbc/files/56dc9a75-09e8-5d34-23fb-ec8d2ca160cb/NCBA_CA_CNOG_CCA_Statement_05.15.2024_.pdf)

View the letter to U.S., Mexican, and Canadian trade officials at [https://mcusercontent.com/3ac0220907d479b33ff07dbbc/files/a379e03e-b071-cbc5-5f69-6d0b022ebb8e/Trilateral\\_Letter\\_on\\_Imports\\_05.15.2024\\_FINAL.pdf](https://mcusercontent.com/3ac0220907d479b33ff07dbbc/files/a379e03e-b071-cbc5-5f69-6d0b022ebb8e/Trilateral_Letter_on_Imports_05.15.2024_FINAL.pdf)

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# House Farm Bill Includes Top Cattle Industry Priorities

WASHINGTON (May 20, 2024) – Today, the National Cattlemen’s Beef Association (NCBA) announced support for the Farm Bill crafted and released by House Agriculture Committee Chairman Glenn “GT” Thompson (R-PA)—the Farm, Food, and National Security Act of 2024. The bill includes numerous priorities for America’s cattle producers, strengthens essential USDA programs, and protects farmers and ranchers from emerging threats.

“America’s cattle producers don’t ask for much from the federal government, but we do need a few essential programs that protect our industry from foreign animal diseases, reward voluntary conservation, and keep farms and ranches in business after a natural disaster,” said NCBA President and Wyoming rancher Mark Eisele. “Chairman Thompson’s Farm Bill supports these critical needs for the cattle industry, and I am very grateful that the Chairman listened to groups like NCBA when writing this bill. We strongly support this legislation and urge Congress to pass this bill.”

Chairman Thompson’s Farm Bill is the result of months of stakeholder input and dialogue with farmers and ranchers. NCBA members have been involved in these conversations and had the opportunity to weigh in on Farm Bill priorities.

“Last summer, I had the chance to talk to Chairman Thompson during a Farm Bill listening session in Virginia. The provisions that cattle producers asked for during the listening session are now in the draft bill, and that’s a testament to Rep. Thompson’s commitment to listening to the producers who rely on the Farm Bill,” said NCBA Vice President Gene Copenhaver, a Virginia cattle producer. “This is exactly how our system should be working with Congress asking questions, listening to feedback, and using that knowledge to craft our laws. I am very pleased with this Farm Bill, and I hope members of Congress from both parties join together and get this bill passed.”

The House Farm Bill addresses several key priorities for the cattle industry including:

- **Protecting the cattle industry from foreign animal disease.**
  - Increasing funding for the National Animal Health Laboratory Network (NAHLN), National Animal Disease Preparedness and Response Program (NADPRP), and National Animal Vaccine and Veterinary

Countermeasures Bank (NAVVCB).

- Strengthening resources for the U.S. Customs and Border Protection “Beagle Brigade” dogs that screen shipments, luggage, and people coming into the United States to prevent the spread of pests and disease.
- **Improving disaster relief programs to deliver payments** to cattle producers by expanding the Livestock Indemnity Program to cover 100% of the cost of an attack by a federally protected predator and allowing for supplemental payments for the loss of unborn calves.
- **Protecting voluntary conservation and eliminating government mandates**, while also supporting popular programs like the Environmental Quality Incentives Program (EQIP).
- **Recognizing that food is national security** by directing the Secretary of Agriculture to review the cybersecurity, foreign dependence, and supply chain risks to American agriculture.
- **Upping support for feral swine eradication efforts** by providing \$150 million of funding for USDA-APHIS and USDA-NRCS.
- **Boosting local processing capacity** by incorporating the A-PLUS Act and allowing livestock markets to invest in small meatpacking facilities.

The bill also includes numerous other provisions that support cattle producers and strengthen our food and national security.

## New NEPA Rule Ignores Congress, Increases Bureaucratic Red Tape

WASHINGTON (May 2, 2024) – Today, the National Cattlemen’s Beef Association (NCBA) and Public Lands Council (PLC) reacted to the White House Council on Environmental Quality’s (CEQ) final Phase 2 rule amending the National Environmental Policy Act (NEPA) which will make the process even more burdensome for livestock producers.

“In a time when the Biden Administration should be focusing on reducing regulatory burden on themselves and their partners, this new NEPA framework does the opposite. The Biden Administration largely ignored the requirements Congress passed in the Fiscal Responsibility Act that would streamline NEPA processes. Instead, this final rule changes the focus of NEPA, making it more ambiguous, less targeted, and nearly impossible to navigate,” said Kaitlynn Glover, NCBA Executive Director of Natural Resources and PLC Executive Director. “This rule will make federal permitting, including for grazing permits, so much more difficult and expensive, and gives radical activists groups further license to weaponize NEPA against ranchers and rural communities.”



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# Updates on H5N1 Beef Safety Studies

WASHINGTON, May 24, 2024 - USDA's Food Safety and Inspection Service (FSIS), as part of its ongoing efforts to ensure the safety of the food supply, has conducted tests on beef tissue from 96 cull dairy cows condemned at select FSIS-inspected facilities. Meat from condemned cows is prohibited from entering the food supply. On May 22, 2024, viral particles were detected in tissue samples, including muscle, from one cow. To date, samples from 95 cows have tested negative for viral particles. **No meat from these dairy cattle entered the food supply.**

As part of this study, FSIS collected multiple tissues, including muscle samples from the diaphragm, at FSIS-inspected slaughter facilities from cull dairy cattle that have been condemned for systemic diseases. The samples were analyzed by APHIS using PCR to determine presence of viral particles. PCR testing does not differentiate between live virus or fragments.

FSIS and APHIS are working together to conduct traceback, including notification to the producer to gather further information.

FSIS personnel identified signs of illness in the positive animal during post-mortem inspection and prevented the animal from entering the food supply. This type of inspection is part of routine FSIS operations. These actions provide further confidence that the food safety system we have in place is working.

Further updates will be provided as testing is completed.

## Background

USDA is confident that the meat supply is safe. USDA has a rigorous meat inspection process, which includes Food Safety and Inspection Service (FSIS) veterinarians who are present at all federal livestock slaughter facilities. FSIS personnel inspect each animal before slaughter, and all cattle carcasses must pass a second inspection after slaughter and be determined to be fit to enter the human food supply.

While we have multiple safeguards in place to protect consumers, we continue to recommend consumers properly handle raw meats and cook to a safe internal temperature. Cooking to a safe internal temperature kills bacteria and viruses in meat. Specific recommendations are available online at: <https://www.fsis.usda.gov/food-safety/safe-food-handling-and-preparation/food-safety-basics/safe-temperature-chart>

## Ongoing Research

To verify the safety of the meat supply in the context of H5N1, USDA's FSIS, APHIS, and Agricultural Research Service (ARS) are working on three separate

beef safety studies related to avian influenza in meat from dairy cattle. These studies are taking place in the interest of scientific inquiry and reaffirm consumer confidence.

- Beef muscle sampling of cull dairy cows condemned at select FSIS-inspected slaughter facilities: FSIS completed collection of muscle samples at FSIS-inspected slaughter facilities from cull dairy cattle that have been condemned for systemic disease. No meat from these dairy cattle entered the food supply. The samples were analyzed by APHIS using PCR to determine presence of viral particles.
  - To date, testing has been completed on 96 out of 109 muscle samples that were collected. As of May 22, no viral particles were detected in 95 samples for which testing has been completed. NVSL reported that viral particles were detected in tissue samples, including diaphragm muscle, from one cow.
  - FSIS and APHIS are working together to conduct traceback, including notification to the producer to gather further information.
  - FSIS personnel identified signs of illness in the positive animal during post-mortem inspection and prevented the animal from entering the food supply – as is standard for the food inspection process. These actions provide further confidence that the food safety system we have in place is working. Further updates will be provided as testing is completed.
- Samples of ground beef obtained at retail in the affected States: Final results were posted on May 1, 2024. Samples were collected at retail outlets in the States in which dairy cattle herds have tested positive for H5N1 influenza virus. The samples were analyzed by APHIS using polymerase chain reaction (PCR), to indicate whether any viral particles were present. No virus particles were found to be present.
- Ground beef cooking study: Final results were posted on May 16, 2024. ARS inoculated a very high level of an H5N1 Influenza A virus into 300 grams ground beef patties (burger patties are usually 113 grams) to determine whether FSIS recommended cooking temperatures are effective in inactivating H5N1 virus. The burger patties were then cooked to three different temperatures (120, 145 and 160 degrees Fahrenheit), and virus presence was measured after cooking. There was no virus present in the burgers cooked to 145 (medium) or 160 (well done) degrees, which is FSIS' recommended cooking temperature. Even cooking burgers to 120 (rare) degrees, which is well below the recommended temperature, substantially inactivated the virus.



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