

Significant Changes Coming to Texas Right to Farm Statute

Posted on [July 10, 2023](#) by Tiffany Dowell Lashment

As of September 1, 2023, there will be significant changes in store for the Texas Right to Farm statute.

The Texas Legislature passed, and Governor Abbott signed, HB 1750, HB 2308 and HB 2947, each revising the statute offering important protections to Texas rural landowners, lessees, and agricultural operators.

Photo by

[Gabriel Tovar](#) on [Unsplash](#)

Background

The Texas Right to Farm statute was initially passed in 1981. All 50 states have some version of a Right to Farm law on the books with the primary purpose of protecting agricultural operations from nuisance actions.

The Texas law can be seen as serving two different purposes: (1) providing a defense for agricultural operations facing nuisance or other similar lawsuits; and (2) prohibiting cities or political subdivisions from imposing certain regulations or requirements on agricultural operations.

Statutory Amendments – Lawsuits

HB 1750 and HB 2308 included a number of modifications to the portion of the statute protecting agricultural operations from lawsuits.

Broadened protection beyond nuisance suits.

First, the statutory language now applies not only

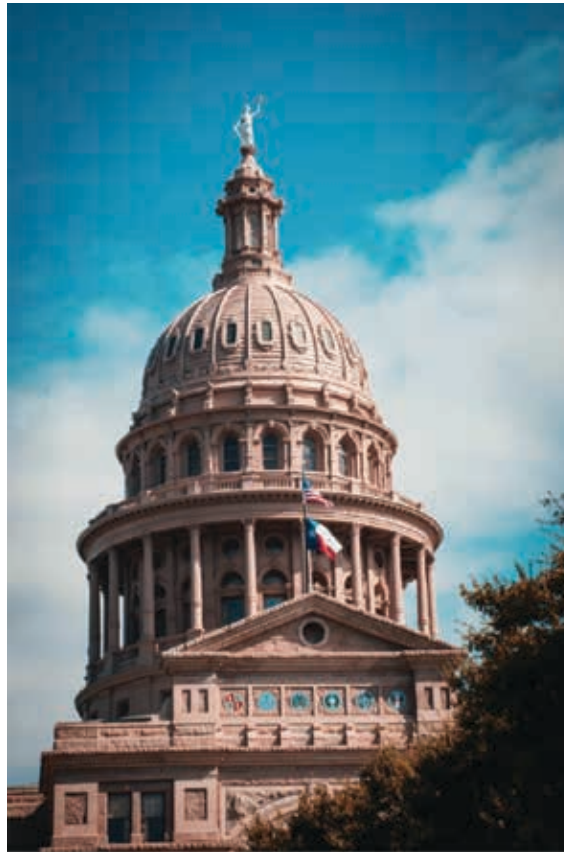
as a defense to nuisance lawsuits, but more broadly to “other actions to restrain” agricultural operations. The scope of the Act’s protection was at issue in a prior case, *Ehler v. LVDVD*. There, a plaintiff filed both nuisance and trespass claims when manure from a dairy ran onto the plaintiff’s property. The plaintiff argued that the Right to Farm statute was not a defense to the trespass claim as only nuisance claims were mentioned in the statute. The El Paso Court of Appeals rejected this argument, finding that the purpose of the statute was to protect ag operations from litigation and that allowing for creating pleading to avoid the statutory protections was not permissible. This statutory amendment simply makes clear in the statute what has been true in the common law regarding the scope of the Right to Farm defense.

Expands definition of “agricultural operation” to expressly include vegetation, forage, veterinary services, and

commercial animal sales.

The Legislature expanded the definition of “agricultural operation” slightly to expressly include operations growing vegetation, forage for livestock or wildlife management, providing veterinary services, or engaged in the commercial sale of livestock, poultry, and other domestic or wild animals. Within the last couple of years, there was a nuisance complaint against a veterinary office in Texas, and there was some

(See *RIGHT to FARM*, Page 4)





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FEATURED INVENTOR

By **AMBIKA CHANDRA, PhD**

Dr. Ambika Chandra is a professor of turfgrass breeding and genetics with Texas A&M AgriLife Research, in the department of Soil & Crop Sciences. She completed both her Bachelor of Science in Agriculture and Master of Science in Plant Breeding and Genetics from the Punjab Agricultural University in India, and in 2007 received a PhD in Agronomy from The Pennsylvania State University. She has served as a faculty member with Texas A&M AgriLife Research since 2007 and works as the lead of the Turfgrass Breeding Program at the Texas A&M AgriLife Research and Extension Center in Dallas.



varieties undergo comprehensive research in several climatic zones across the United States and only the very best are proposed to be released for industry licensing.

The latest hybrid turfgrass developed by Dr. Chandra's team is 'DALSA 1618', marketed under the tradename Cobalt™, and it is one of the most drought-resistant St. Augustine varieties on the market. Compared to other St. Augustine varieties, it is darker green in color and shade tolerant. Cobalt has been exclusively licensed for commercial production through Sod Solutions.

Dr. Chandra is lead inventor on five other patented plant varieties: St. Augustine grass 'DALSA 0605', Issued Nov. 2016; Zoysiagrass 'KSUZ 0802' (marketed under the tradename Innovation®), Issued Feb. 2020; Zoysiagrass 'DALZ1308' (marketed under the tradename Lazer®), Issued Feb. 2021; Hybrid Bluegrass 'TAES 5701' (marketed under the tradename Sunbelt Blue™), Issued Jun. 2022; Hybrid Bluegrass 'DALBG 1201' (marketed under the tradename Southern Blue™), Issued Oct. 2022.

Dr. Chandra's primary responsibility and research interest is breeding (applied and molecular) and cultivar development of warm- and cool-season turfgrass species for home lawns, athletic fields, and golf courses. Her work employs a holistic systems approach involving cultivar development, marketing, and commercialization through industry collaboration. She is an active contributor across the interdisciplinary functions of turfgrass science: genomics, physiology, entomology, pathology, soils and socioeconomics.

Through her work in the Turfgrass Breeding Program, Dr. Chandra and her team develop improved turfgrass cultivars through an array of public and private partnership collaborations. Turfgrasses developed in the program are designed and tested for various turf-type performance characteristics, and also to be drought resistant, shade tolerant, and disease tolerant. New



Right To Farm Amendments Clarified

(Continued from Page 1)

question as to whether a veterinary practice would be considered an “agricultural operation” such that it was protected by the Right to Farm statute. This amendment makes clear it is included.

Modified definition of “established date of operation” and “substantial change.”

The definition of “established date of operation” is critical to the Texas Right to Farm statute, both with regards to nuisance and regulations/requirements. Under the amended statute, the established date of operation is the date on which the agricultural operations commenced agricultural operations. Previously, if there was an expansion of the physical facilities, there would be a new established date of operation for each expansion. Now, every facility has one clear date of commencement.

The statute prohibits lawsuits against an ag operation that has lawfully been in operation “substantially unchanged” for one year or more from the established date of operation. So if an existing facility makes a “substantial change” as defined in the statute, it can be subject to suit for the next year following the substantial change. The revised statute provides a new definition of “substantially unchanged” providing that a substantial change means “a material alteration to the operation or type of production at an agricultural operation that is substantially inconsistent with the operational practices since the established date of operation.” This is an area of the revised law that we may see litigation necessary to help define exactly how this definition will be applied.

Imposed higher burden of proof requirement on non-Right to Farm Act cases.

The revised statute added a provision requiring that a person who brings a nuisance claim or other action to restrain an ag operation that is not prohibited by the Right to Farm statute must prove each element by clear and convincing evidence. Thus, in a situation where the Right to Farm law may be unavailable (for example, if the defendant had not been operating at least one year from the established date of operation), the defendant will still receive some protection due to this higher

standard of proof being imposed on the plaintiff.

Maintained right of state or political subdivisions to enforce state law.

Both the amended and prior version of the Act provide that nothing in the statute limits the right of a state or political subdivision to enforce state law. The prior version appeared to only apply to those laws necessary to protect public health, safety, and welfare, but the revised statute is not so limited, allowing the enforcement of all state laws, including enforcement actions by the TCEQ.

Clarified scope of potential damages.

Texas law provides that if a plaintiff brings an action against an ag operation that has existed substantially unchanged for a year or more prior to the action, the defendant agricultural operation may recover attorney’s fees and costs. The revised statute expressly states that this includes attorney’s fees, court costs, travel, and “any other damages found by the trier of fact.” Previously the broad “any other damages” language was not included.

Addressed conflicts with other laws.

The statute provides that should its provisions conflict with any other law, this chapter shall prevail.

Statutory Amendments – Regulations/Requirements

Both HBs 2308 and 1750 made significant changes to the provisions related to regulations and requirements that may be imposed by political subdivisions upon agricultural operations.

Further limited city requirements on agricultural operations.

The Right to Farm Act has always limited the applicability of certain requirements on agricultural operations in Section 251.005.

For political subdivisions of a state other than a city, the requirements apply when the agricultural operation has an established date of operation subsequent to the effective date of the requirement, but not to those operations with established dates of operations prior to

(See HB 1750, Page 6)

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HB 1750 Helps “Limit” Government Requirements

(Continued from Page 4)

the effective date of the requirement. Keep in mind, the modification of the effective date of operation discussed above will greatly impact this section as well.

For cities, different requirements apply. Not surprisingly, city requirements do not apply to agricultural operations outside the bounds of the city. For operations located within the corporate bounds of a city, the statute amended the language to significantly limit the situations in which a city requirement may apply. Specifically, a city may only impose a requirement on an agricultural operation within its bounds if it complies with the new rules set forth in Section 251.0055.

Section 251.0055 limits situations where a city is allowed to impose requirements on agricultural operations within the corporate bounds of the city. Such requirements are only allowed if there is clear and convincing evidence that the purposes of the requirement cannot be addressed through less restrictive means and it is necessary to protect persons in the immediate vicinity of the agricultural operation from imminent danger of: explosion; flooding; infestation of vermin or insects; physical injury; spread of an identified contagious disease directly attributable to the ag operation; removal of lateral or subjacent support; identified source of contamination of water supplies; radiation; improper storage of toxic materials; crops or vegetation causing traffic hazards; or discharge of firearms in violation of the law. If a requirement falls within these categories, then the city must pass a resolution based upon a mandatory report that the requirement is necessary to protect public health.

There are certain additional limitations imposed as well.

First, a city may not impose a requirement that prohibits the use of generally accepted management practices as listed in a manual prepared by Texas A&M AgriLife Extension unless it meets the requirements listed in the paragraph above. Second, a city may not prohibit or restrict the growing or harvesting of vegetation for animal feed, livestock storage, or forage or wildlife management unless the height is allowed to be at least 12” and the requirement applies only

to portions of the operation not more than 10’ from a property line adjacent to a public street, sidewalk, or highway or neighboring property owned by someone else upon which there is an inhabited structure. Third, a city may not prohibit the use of pesticides or other measures to control vermin or disease-bearing insects to the extent necessary to prevent infestation and third, a city cannot require an agricultural operation be designated for special use tax valuation. Fourth, a city rule regarding the restraint of a dog does not apply to dogs used to protect livestock on property that are being used for that purpose.

Broadened scope of improvement section.

The Right to Farm law provides that an owner, lessee, or occupier of agricultural land is not liable to the state, governmental unit, or another owner of agricultural land for the construction or maintenance of an agricultural improvement if the construction is not expressly prohibited by statute or governmental requirement at the time it is built. HB 1750 amended this language to narrow the scope of governmental requirements that can prohibit agricultural improvements to only those adopted in accordance with Section 251.005. Further, the law provides that any such improvement is not a nuisance or subject to lawsuit or injunction. This section does not prohibit the enforcement of a state or federal statute.

HB 2308 changed a couple of definitions within this section as well. First, “agricultural land” now includes not only land that qualifies for agricultural use appraisal, but any land on which agricultural operations exist or take place. Second, the definition of agricultural improvement was modified to now also include arenas, and storage or maintenance of implements used for management functions and equipment necessary to carry about agricultural operations.

Instructed generally accepted agricultural practices manual development.

The amendments instruct Texas A&M AgriLife Extension to draft a manual identifying generally

(See KEY TAKEAWAY, Page 10)

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USCIS To Publish Revised Form I-9

On Aug. 1, 2023, U.S. Citizenship and Immigration Services will publish a revised version of [Form I-9, Employment Eligibility Verification \(PDF, 477.5 KB\)](#).

Among the improvements to the form is a checkbox employers enrolled in E-Verify can use to indicate they remotely examined identity and employment authorization documents under an alternative procedure authorized by the Department of Homeland Security (DHS) described below.


On July 21, 2023, DHS [announced](#) a final rule in the Federal Register that recognizes the end of temporary COVID-19 flexibilities as of July 31 and provides DHS the authority to authorize optional alternatives for employers to examine Form I-9 documentation. At the same time, DHS also published an [accompanying document](#) in the Federal Register describing and authorizing employers enrolled in E-Verify the option to remotely examine their employees' identity and employment authorization documents under a DHS-authorized alternative procedure.

The Federal Register document provides an alternative for certain employers to remotely examine Form I-9 documents, instead of the current requirement to examine documents in-person. To participate in the remote examination of Form I-9 documents under the DHS-authorized alternative procedure, employers must be enrolled in E-Verify, examine and retain copies of all documents, conduct a live video interaction with the employee, and create an E-Verify case if the employee is a new hire.

Employers who were participating in E-Verify and created a case for employees whose documents were examined during COVID-19 flexibilities (March 20, 2020 to July 31, 2023), may choose to use the new alternative procedure starting on August 1, 2023 to satisfy the physical document examination requirement by Aug. 30, 2023. Employers who were not enrolled in E-Verify during the COVID-19 flexibilities must

complete an in-person physical examination by Aug. 30, 2023.

The revised Form I-9:

- Reduces Sections 1 and 2 to a single-sided sheet;
- Is designed to be a fillable form on tablets and mobile devices;
- Moves the Section 1 Preparer/Translator Certification area to a separate, standalone supplement that employers can provide to employees when necessary;
- Moves Section 3, Reverification and Rehire, to a standalone supplement that employers can print if or when rehire occurs or reverification is required;
- Revises the Lists of Acceptable Documents  to include some acceptable receipts as well as guidance and links to information on automatic extensions of employment authorization documentation;
- Reduces Form instructions from 15 pages to 8 pages; and
- Includes a checkbox allowing employers to indicate they examined Form I-9 documentation remotely under a DHS-authorized alternative procedure rather than via physical examination.

The revised Form I-9 (edition date 08/01/23) will be published on [uscis.gov](#) on Aug. 1, 2023. Employers can use the current Form I-9 (edition date 10/21/19) through Oct. 31, 2023. Starting Nov. 1, 2023, all employers must use the new Form I-9.

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Key Takeaways

(Continued from Page 6)

accepted agricultural practices and indicating which of those practices do not pose a threat to public health.

Key Takeaways

First, this is a good reminder that Texas does have a Right to Farm statute that protects agricultural operations from lawsuits and certain regulatory requirements. Producers, landowners, and tenants should take the time to review and understand the protections offered by this statute.

Second, likely the most important change in the nuisance provisions of the statute is the modification to how the established date of operation will be determined. The amendments did away with the portion of the statute that allowed there to be new established dates of operation if there were new or expanded activities on the property.

Third, for agricultural operations located within the bounds of a city, the amendments limit the circumstances in which the city may impose requirements on the operation. While this may not affect most agricultural operations in Texas, it is an important protection for those whose land and/or operations are located within the bounds of a city.

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Executive Director's Message

The weather has turned cooler as I write this! I have always looked forward to Fall and winter for many reasons. As a kid it meant harvest was over and all the stress that goes with it. Plus, hunting seasons were at hand or soon to be open and the fall fishing on the coast was heating up and we would have a chance to GO! I hope all is well with you and yours as we head to a new part of the year and the Holiday Season.



One item I continue to ask questions about is pricing. I know most of you have adjusted your pricing to reflect input cost and the general state of the economy. I continue to work on a survey to send to members that will try to measure several things including price, inventory, and future intentions on acreage. So, stay tuned for more information.

The Texas legislature had a busy session and passed several bills that could have an impact on sod farms and their customers, here is my recap.

Right to Farm

There were several "right to farm" related bills that ended up being passed and added to the Texas code. One of those bills authorized a constitutional amendment. This amendment is now Proposition 1 and will be on the ballot November 7, 2023. Please read the excellent article by Tiffany Lashment in this issue. Passage of this amendment will solidify the changes in the code and make it harder to change moving forward. There are several ways to support the passage of this amendment, with the most prominent being through the Texas Farm Bureau. Please use your local influence to encourage folks to vote for Proposition 1 November 7th.

Water

No major water legislation was passed. But they did pass a bill to add significant dollars to the infrastructure funding portion of a fund managed by the Texas Water Development Board. On the City of Austin front turf scored a win! The final draft of the ordinance headed to the Austin City Council does not include any restrictions on turf grass sod area in the landscape. However, it will limit irrigation systems to 50% of the landscape area. The next opportunity is to work on the preferred plant list to get a better

representation of modern turf grass varieties. The good news is the folks in Austin who will be looking at the list have already contacted us to help.

2024 Annual Meeting

I have scheduled the TPT Annual Meeting for January 15-16 at the Scotts Turfgrass facility in College Station. This date gets away from other major turf meetings that could take away growers and more likely speakers for our sessions. The early plans are to use the same format as the past few years with the CEU class on the 15th from 1-4 pm then the reception and annual meeting. The second morning will be dedicated to more general topics such as labor, research updates, and other topics. If you have a topic or speaker you would like on the agenda, please let me know.


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Thanks to everyone who voted this year for the 2023 Brouwer Female Leader Award and made it out to the Turfgrass Producers International Women in Turf dinner. We couldn't think of anyone more deserving than Irene and we are so happy to present her with this award.

Irene Gavranovic-Sipes is the owner and CFO of All Seasons Turf Grass, a family-owned sod business established in 1981 just west of Katy, Texas. She grew up on a farm started by her father Willie and wife Gladys that would later become Horizon Turf Grass, where she learned the ropes with her brother Will Jr. and her sister Rachel, who now 4 generations later have been in the sod business for over 40 years.

After high school Irene earned a double major in Economics and Soviet and East European Studies from the University of Texas as well as an MBA from Eastern New Mexico University before returning home to her farming roots in 1999.

Irene saw a need for a sand-based farm in the west Houston area to better serve the golf, sports field and premier property markets. She seized the opportunity to launch the Brookshire Farm in 2000, forming a partnership with her father Willie in what is now All Seasons Turf Grass.

In 2014, Tiger Woods chose All Seasons Turf Grass as the supplier for the first golf course he designed in the United States, Bluejack National. Irene's Farms have gone on to supply sod for NFL teams as well as the Houston Dynamo Soccer Field and

Major League Baseball's Houston Astros.

Under Irene's leadership, All Season Turf has become an industry leader in New Sod varieties, ground breaking business practices and new equipment innovation. She is responsible for all budgeting and financial forecasting and even created her own All Season Trucking company to better handle deliveries. All Season Turf Grass is also part of the Harmony Brands network, producing turfgrass for a large variety of big box home improvement stores throughout the state of Texas.

Irene has served as a board member for a variety of industry organizations including past President of the Texas Turf Grass association and later elected to TPT (Turfgrass Producers of Texas) President in 2009 as the first woman to receive that honor.

All Seasons Turf, in partnership with its sister company, Horizon Turf, has 11 farms, 12 varieties, and over 5,000 acres in production, while Irene is constantly striving to find new varieties to provide customers even more choices. Irene is a down to earth, hard working individual who is often the first person you see as Office Director but doesn't shy away from hopping in a forklift to tackle the loading if she needs to. In the words of her husband Scott; "It's a family business that works hard to keep their customers happy – because that's what the Gavranovic family does."



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Tired of Summer?

Here's What to Expect From an El Niño Winter

Meteorologists predict a cool, wet winter as the Pacific jet stream floats over Texas.

By [Alexandra Samuels](#)

August 28, 2023

This wretched summer's [triple-digit temperatures](#) and [smoke-stained sunsets](#) are both an unavoidable part of life in the Lone Star State and, in my mind, a personal attack on *me*. To be sure, my summer seasonal affective disorder, or SAD, which can be [inflamed by rising temperatures](#), is partly to blame. But I'm also mad that it's not 40 degrees out. I'm a winter person.

Until I was eleven, I lived on the East Coast, where snowy winters and scraping ice off the driveway were a rite of passage. Years after we moved to Texas, when I was in high school, I got my first "adult" winter coat—a black, hooded North Face that I still have. I relish the chance to fetch it from the back

of my closet each year. While Texas's endless sunny days might seem, well, *endless*, there is some respite coming. Atmospheric scientists suggest that Texans will experience a calmer and wetter winter this year. And I couldn't be more ready.

Since 1818, the *Farmers' Almanac* has been recording and tracking weather patterns using a "secret" [formula](#) developed by its first editor, David Young. And this year, the *Farmers' Almanac* predicted that Texas will see an "[unseasonably cold](#)" winter. [It also forecast](#) a possible—third!—major storm in January 2024. But the *Farmers' Almanac* [isn't foolproof](#)—a 2010 study found its predictions were correct roughly half the time. And the National Weather Service's [Climate Prediction Center](#) gives Texas equal chances of a warm or cold winter. Meteorologists and atmospheric scientists told me that whether average temperatures will end up below normal for the winter is hard to predict because of two competing factors affecting weather: climate change and El Niño. Due to the movement of warm water across the equatorial Pacific, which messes up normal weather patterns, Texas's



winter could be cooler, but with fewer extreme swings in temperature, John Nielsen-Gammon, the Texas state climatologist, told me. "The typical pattern for El Niño is cooler in [the] southern U.S. and warmer in [the] northern U.S.," he said. "So we think of El Niño here as being cool and rainy, but since it's warm in the north, we don't get as much as the severely cold air that we might otherwise. So we don't hit the cold extremes."

Over the last several decades, though, Texas's winters [have gotten decidedly too mild](#). The southern swath of the United States, including Texas, is becoming [increasingly warmer](#). Bodies of water that dot the region are [drying out](#). As [climate change](#) cleaves the frequency and intensity of snowfall in Texas, to my dismay, extreme cold and snow will both become even less frequent. In the American South, an iconically summer-loving part of the world where summer

revolves around finding swimming holes and making sure your car's AC is running steadily, the rapid loss of these chilly days may not seem important—but this loss serves as a bellwether for some of climate change's most visible effects worldwide.

The winter storms of the past two years might have some Texans thinking that winters overall are getting colder, but that's not true. "The coldest temperatures in Texas have actually gotten warmer, so winters have gotten milder over time," said Ramalingam Saravanan, the department head of atmospheric sciences at Texas A&M University. By 2036, [the average temperature](#) in Texas is expected to be about 1.8 degrees Fahrenheit warmer than the 1991–2020 average. In Texas, that means snowstorms are likely to become both less common and less intense—leaving residents mostly unprepared for the ones that do occur. "What we saw in 2021 and to a lesser extent in 2022 were not cold winters, per se. They were cold outbreaks *during* winter," Nielsen-Gammon said.

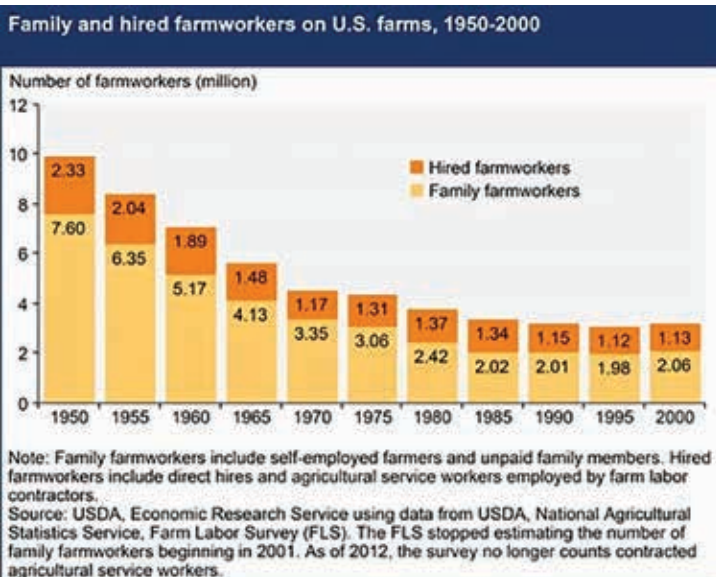
But despite the *Farmers' Almanac* prediction of a

(See *El Niño*, Page 22)

AG LABOR DEMANDS AND WAGES ON THE RISE

AS TASKS BECAME MORE AUTOMATED, THE AGRICULTURE INDUSTRY SAW A DECADES LONG DECLINE IN LABOR FROM 1950-1990.

During that time period, the number of self-employed and family farmworkers declined from 7.60 million in 1950 to 2.01 million in 1990, a 74-percent reduction. Hired farmworkers, including on-farm support personnel and those who work for farm labor contractors also declined from 2.33 million to 1.15 million, a 51-percent reduction according to the [USDA Economic Research Service](#).

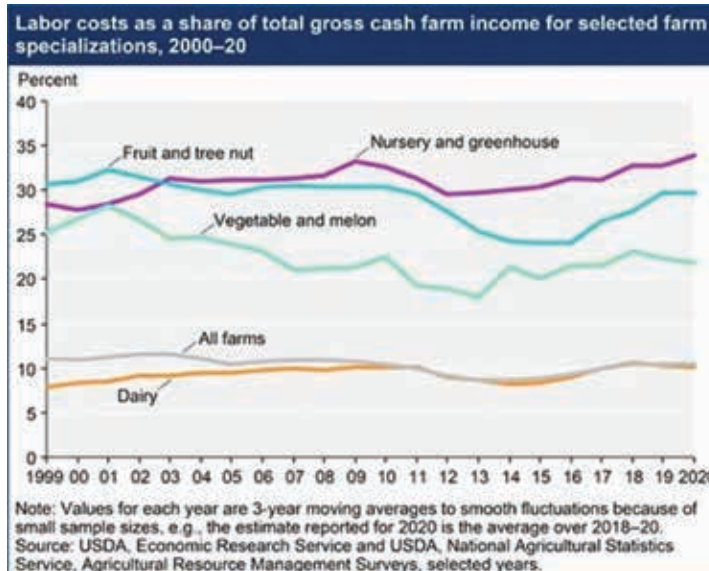


an increase in cost of labor, the impact on average, has been offset by increased productivity and/or prices for goods produced. For all farms, labor costs, including contract labor, averaged 10.4% of gross cash income during 2018–20, compared with 11.0% during 1998–2000. When looking at individual industry segments however, nursery operations are near a 20-year high and fruit and vegetable segments appear



In the 2000's, stabilization of employment in the agriculture industry was seen and has been gradually increasing since 2010, rising from 1.11 million in 2012 to 1.18 million in 2022. The highest percentage increases have been in crop support services and the livestock sector. Women are also increasing their presence in the hired farm workforce, which climbed to 28% in 2021 compared to 20% in 2006.

While farmers have seen



to be seeing increased labor costs as well.

The H-2A guest worker visa program provides a legal means to bring foreign workers to the United States to provide seasonal farm labor on a temporary basis. Over the past 17 years, the number of H-2A positions requested has increased dramatically. In 2005, just over 48,000 positions were certified

(See LABOR, Page 16)

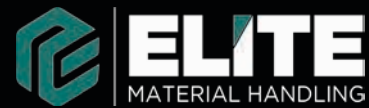
Labor Visas Up 80% in '22

(Continued from Page 15)

and in 2022 the agricultural industry saw around 371,000. Around 80% of those jobs resulted in a visa being issued.

Under the [H-2A program](#), employers must have a temporary or seasonal need for labor. Employers must post job openings, with hourly wage included, to allow opportunity for U.S. workers to apply.

For additional information regarding the H-2A program, contact the Federation of Employers and Workers of America (FEWA). FEWA is an internationally recognized nonprofit trade association created to assist employers in labor-intensive service industries throughout the United States. FEWA helps companies tap into the labor market of the world through the H-2A and H-2B federal guest worker visa programs.



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Brent Batchelor, Executive Director
Cell: (979) 533-9750
Email: brent@texasgrass.com

Bay Fishing Tournament

When: October 9, 2023, 6:00 a.m. – 2:00 p.m.
Where: Harbor Bait and Tackle, Matagorda Harbor
Why: TPT Fundraiser
Fee: \$400.00 Early Entry per boat (team)
\$450.00 per boat (team) after October 1, 2023

Awards: Team – 1st Place, 2nd Place, & 3rd Place Stringer
(Team can weigh up to 3 Trout, 2 Reds, 1 Flounder)
Individual – Largest Trout, Largest Red, Largest Flounder
Most Spots on Red, Blackjack Trout, Individual Trio (1 Red, 1 Trout, 1 Flounder)

SCHEDULE OF EVENTS

Sunday, October 8th	6:30 p.m.	Dinner, Fireman’s Hall, Matagorda
Monday, October 9th	6:00 a.m.	Shotgun start from Matagorda Harbor
	1:00 p.m.	Weigh-in Begins
	2:00 p.m.	Anglers must be back on the dock at Matagorda Harbor for official weigh-in
	2:30 p.m.	Lunch & Awards Presentation Fireman’s Hall, Matagorda

Tournament Rules

1. Fish must be caught on rod and reel on day of tournament.
2. You may use artificial or live bait.
3. No more than four people plus guide per team.
4. Teams can leave from any place at any time.
5. Teams may not start fishing before 6:00 a.m.
6. Teams must be back on the dock at the Harbor Store by 2:00 p.m.
7. Fish must be legal length to qualify (no oversized reds).
8. Fish scored by weight. In the event of a tie, tiebreaker will be first weighed in.
9. Teams can only win one place, but individuals can win several categories.
10. Guides are allowed and can fish as a team member for stringer weight but are not eligible for individual categories.
11. Prizes will be awarded following the lunch. **(Four prizes per team)**
12. In case of bad weather, money will be refunded.
13. This is a fun tournament and will be based on honor.

MARKETING MATTERS

Right Message, Right Now

By STACIE ZINN ROBERTS

What are your customers thinking about right now? As we say goodbye to summer and welcome the start of fall, or at any time of year, your marketing message should speak to the issues and concerns your customers are currently facing.

Right Message

Let's dive into that a little bit more. On the homefront, your customers are sending their kids back to school, putting away summer outdoor equipment such as taking down that above-ground pool or stowing patio furniture, and preparing for the change of seasons.

Consider what marketing messages you can create to assist your customers right now. Think about what services you provide or products you sell that a homeowner or landscaper can use right now.

Are your customers wondering about fall lawn care? Perhaps some of these subjects make sense for your customers:

- Fall lawn care tips
- Overseeding
- Planting sod to get an instant lawn
- Planting sod before it gets too cold
- Planting dormant sod
- Topdressing
- Aerification
- Shorter days and shade tolerance
- Fall fertilization

What other hot button issues are specific to your region that you can use as a hook for your marketing message?

Right Now

Once you've identified what you could say to your customers, the next step is to devise the best way to deliver that message.

- Blog: Informative articles in the form of blog posts offer your company the ability to write about a pertinent issue. Offer tips, a list of the Top 5 Ways to Prep Your Lawn for Fall, or some other useful information that your customer can use now. Insert lots of strong keywords to boost the blog post's Google searchability. Illustrate the blog post with interesting photos. If you're not a photographer, visit websites such as unsplash.com or pixabay.com to find no-cost, license-free images to help tell your story.



- E-newsletter: Import your customer list into an email database program like MailChimp or Constant Contact. Be sure you have permission from customers to do this. Then create an email that links to the blog post and send it to your customers. Be sure to include a call to action like Buy Now or Call Today.

- Social media: Take the photo you used to illustrate the blog post and use it as a social media post on your accounts on Facebook, Instagram, and others. Include a link to the blog post to drive traffic to your website.

When you tailor your message to address the issues your customers are dealing with now and offer solutions to make this time, right now, easier for them, you create value for your company. You position yourself as an expert. And you show that you understand and want to help your customers. The goal is for your customers to see you as a resource, a problem solver, not just someone looking to sell them something. Make your company and your services part of the solution and rake in not only fall leaves, but also sales.



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After Aaron Rodgers injury, NFLPA calls for grass in all stadiums

Sep 13, 2023, 09:28 AM ET

The NFL Players Association's new executive director has called for the league to change all of its field surfaces to natural grass in the wake of [Aaron Rodgers](#)' season-ending injury.

Rodgers [suffered a torn Achilles tendon](#) on the fourth play of the [Jets](#)' season Monday night, spoiling the superstar quarterback's New York debut and reigniting the league-wide debate over playing surfaces at NFL stadiums.

MetLife Stadium, the home of the Jets and [Giants](#), [installed a new surface](#) this year called FieldTurf, which is softer and has a more forgiving feel than the stadium's previous synthetic turf.

But Rodgers' injury sparked a widespread outcry for grass surfaces, and NFLPA executive director Lloyd Howell echoed those sentiments in a statement released Wednesday morning.

"Moving all stadium fields to high quality natural grass surfaces is the easiest decision the NFL can make," Howell said. "The players overwhelmingly prefer it and the data is clear that grass is simply safer than artificial turf. It is an issue that has been near the top of the players' list during my team visits and one I have raised with the NFL."

NFL commissioner Roger Goodell said later Wednesday during an interview with ESPN that player safety remains a focus for the league and noted that the turf-grass debate remains a "complex issue" that the NFL will continue to address with the union.

Goodell acknowledged that the league is aware of numerous players' calls for grass fields, but also said there are "other players who like playing on a turf field because it's faster, so you've got mixed opinions."

"What we want to go is on science," Goodell said during an appearance on ESPN's "First Take." "We want to go on what's the best from an injury standpoint to prevent the injuries, to give our players the best possible surface to play on.

"That can't be done by my feeling of looking at a particular injury. It's got to be done with a real process -- to look at it with medical experts, look at it with engineers, look at it with people on the cleats, look at

it on every aspect of what could go into that injury."

Rodgers suffered the injury while trying to spin away from [Bills](#) defensive end [Leonard Floyd](#). The four-time league MVP's left leg was planted in the turf, and his Achilles ruptured. A slow-motion replay showed his left calf -- the same calf he strained



Rodgers tore his Achilles while trying to spin away from Buffalo's Leonard Floyd. The four-time league MVP's left leg was planted in the turf, and his Achilles ruptured. Elsa/Getty Images

in organized team activities -- reverberating as he went down for the sack.

Jets coach Robert Saleh told reporters he does not think the playing surface caused Rodgers' injury, saying, "If it was a non-contact injury, I think that'd be something to discuss, obviously."

"That was kind of a forcible [injury]," Saleh said Tuesday. "I think that was trauma-induced. I do know the players prefer grass, and there's a lot invested in those young men."

(See ARTIFICIAL, Page 20)

Artificial Turf Ban Under NFL Consideration

Continued from Page 14)

Goodell said Wednesday that the NFL will look into “the mechanism” of Rodgers’ injury and investigate what caused the Achilles tear.

The NFLPA [released data this year](#) that concluded noncontact injuries occurred at a higher rate on artificial turf compared with grass during the 2022 regular season. But [internal league data](#) reviewed by ESPN in November showed that the NFL’s recent rate of noncontact injuries to the knee, ankle and foot was roughly the same on natural and artificial playing surfaces. [Cowboys](#) owner Jerry Jones said at the time that the NFL has no plans to convert all playing surfaces to grass, saying the “league stats don’t see issues with the type surface that we have as opposed to natural grass.”

Howell said in his statement Wednesday that the union acknowledges the “investment” required to convert all stadiums to grass but also questioned why NFL team owners are planning to make those changes for the 2026 World Cup but not for their own players.

“While we know there is an investment to making this change, there is a bigger cost to everyone in our business if we keep losing our best players to unnecessary injuries,” Howell said. “It makes no sense that stadiums can flip over to superior grass surfaces when the World Cup comes, or soccer clubs come to visit for exhibition games in the summer, but inferior artificial surfaces are acceptable for our own players. This is worth the investment and it simply needs to change now.”

Goodell emphasized the NFL and the NFLPA will lean on science and data before making any leaguewide decisions on the issue.

“That’s why we’ve engaged with this process and actually accelerated the process with the NFLPA to be able to get that kind of data, so we can make those kind of decisions,” Goodell said. “And it’s not my data, it’s not our data -- it’s collectively the NFL and NFLPA. We’re all doing the same work.”

Howell took over for DeMaurice Smith in June, when the union’s board of player representatives elected him as the [fourth executive director in NFLPA history](#).

When questioned about the new MetLife surface in August, Rodgers said he preferred grass but also

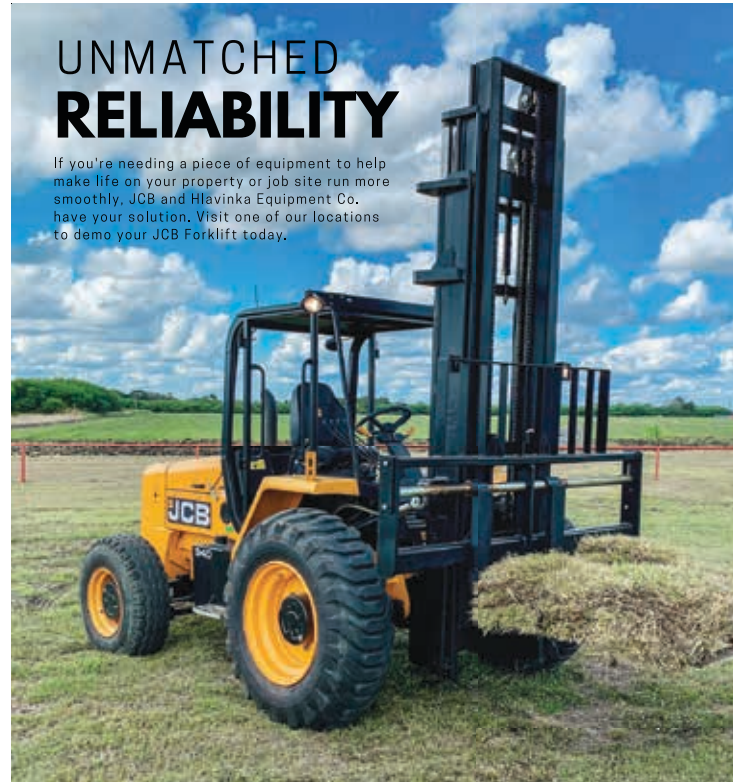
emphasized that he liked the FieldTurf, calling it “one of the best surfaces I’ve seen that’s artificial.”

Multiple players harshly criticized the artificial surface after Rodgers’ injury, however, including his former [Packers](#) teammate and close friend [David Bakhtiari](#).

“Congrats @nfl,” Bakhtiari wrote Monday on social media. “How many more players have to get hurt on ARTIFICIAL TURF??! You care more about soccer players than us. You plan to remove all artificial turf for the World Cup coming up. So clearly it’s feasible. I’m sick of this..Do better!”

[Eagles](#) cornerback [Darius Slay](#) also weighed in Tuesday, ripping the quality of the MetLife Stadium surface.

“MetLife, everybody knows about that goddamn stadium,” Slay said. “They need to get real grass. That’s trash. That’s sad for anybody to go down because we play this dangerous game, man. Everybody thinks we’re superheroes, but we’re really not.”



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(See *STUBBY-ROOT*, Page 21)

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The format will be a scramble, so don't worry if you spend more time growing grass or selling to growers than you do playing golf. If you don't have a team but want to participate, sign up and we will help find you a team.

There will be contests and awards for the longest drive, straightest drive, closest to the pin and longest putt. Awards for the top three teams!

The golf course is located South of Bay City off FM 2668.

The address is 7320 FM2668, Bay City, TX 77414.

The website is <http://www.riocoloradogolfcourse.com>

The tournament is open to anyone. TPT membership is not required.

New WOTUS Rule Still Unfair to Farmers

News Release | Aug 29, 2023

American Farm Bureau Federation President Zippy Duvall commented today on the Biden Administration's revised Waters of the U.S. Rule.

"EPA had a golden opportunity to write a Waters of the U.S. Rule that's fair to farmers and stands the test of time, but instead chose to continue government overreach and revise only a small slice of the rule that was rejected by the Supreme Court.

"We're pleased the vague and confusing 'significant nexus' test has been eliminated as the Supreme Court dictated. But EPA has ignored other clear concerns raised by the Justices, 26 states, and farmers across the country about the rule's failure to respect private prop-



erty rights and the Clean Water Act.

"Farmers and ranchers share the goal of protecting the resources they're entrusted with. They deserve a rule that respects farmers as partners in that effort."

SUMMARY:

The Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") are amending the Code of Federal Regulations (CFR) to conform the definition of "waters of the

United States" to a 2023 Supreme Court decision. This conforming rule amends the provisions of the agencies' definition of "waters of the United States" that are invalid under the Supreme Court's interpretation of the Clean Water Act in the 2023 decision.

This final rule is effective on September 8, 2023.

El Niño Winter Predicted To Be A Wet One

(Continued from Page 14)

major winter storm in January, during an El Niño year, that sort of extreme cold event is less likely, according to Nielsen-Gammon.

What's more certain is that this winter will be a rainy one because of El Niño, which typically leads to wetter-than-normal conditions across the southern United States. So why haven't we seen the rain yet? El Niño has a substantial effect on Texas rainfall only during the colder parts of the year, when it pushes the Pacific jet stream, a [band of air flowing from west to east](#) around the Northern Hemisphere, south of where it usually flows (El Niño's summertime effect in Texas is mainly to reduce the number of hurricanes that are likely to develop). According to Troy Kimmel, a senior lecturer in the department of geography and the environment at the University of Texas at Austin and the school's incident-response meteorologist, rainfall here won't pick up until fall, when the jet stream gets dragged by those Pacific Ocean water temperatures into Texas.

As both pundits and farmers know, predicting the future is a perilous business. Given what we know about both El Niño and climate change, though, there's both good and bad news for Texans. The *good* news (knock on wood!), according to Nielsen-Gammon, is that we shouldn't expect a massive winter storm to repeat the

terror of 2021, when millions of Texans—living in the so-called energy capital of the world—shivered in the dark [when the electric grid failed](#), unable to turn on the lights or run their heaters during some of the coldest days in decades. (Other states handled that freeze without worry, but in Texas, which failed to require energy facilities to winterize, every cold spell is met with anxiety.)

Although winter rain could help ameliorate the extreme drought gripping much of the state, timing is everything. If there's no rain before Texas's first cold front—assuming it has gusty winds—fall wildfires could burn bigger, Kimmel warned. "I need to see precipitation and I need a good soaking of two to four inches of rain over a good part of Central and South Texas. We need that. We've got to have that or else something else is going to get us."

On the precipice of my next Austin winter, I am still waiting for that New England-level snowfall. Part of me hopes that the *Farmers' Almanac* is right about an "unseasonably cold" winter. But I've been in Texas long enough to know my nostalgia won't change this decidedly not wintry climate. For now, I'll enjoy the fact that summer is almost over and that rainy and chillier days will be here soon enough, when I'll pleasantly sip my ginger-and-lemon tea and enjoy the cooler temperatures for the few months I'm allowed to experience them.

Rep. Mann Fires Back at Biden Administration’s Amended WOTUS Rule

August 29, 2023 [Press Release](#)

WASHINGTON, D.C. - Today, U.S.

Representative Tracey Mann (KS-01) released the following statement in response to the amended Waters of the United States (WOTUS) rule released by the U.S. Environmental Protection Agency (EPA)

following the U.S. Supreme Court’s May ruling in the Sackett v. EPA case.

“The U.S. Supreme Court decision from May was very clear – the federal government may not use

the Clean Water Act to violate the private property rights of American citizens,” **said Rep. Mann.** “Now, the Biden Administration has scrambled to tweak their terrible rule just enough in an attempt to comply with the Supreme Court’s ruling and solicited zero stakeholder feedback in the process. The final rule’s jargon looks different, but the big government encroachment onto private property remains the same. While President Biden would like to federally regulate every small stream, ditch, and puddle from sea to shining sea, American producers have been the careful custodians of their own resources for centuries. I will keep fighting this rule tooth and nail on behalf of the people who feed, fuel, and clothe us all, and also on behalf of all Americans whose businesses and private lives are being affected by this gross example of government overreach.”

The new, amended rule, removes the “significant

nexus” standard for determining whether wetlands or waters are covered by the Clean Water Act.

Since 2012, presidential administrations have sought to define waters of the U.S., and farmers, ranchers, and agricultural producers have operated under at least five definitions of “water” in the last ten

years. In January 2023, the Biden Administration published its final WOTUS rule.

In February, Kansas joined 23 states in filing a federal lawsuit against the EPA over the WOTUS rule. In April, a federal

judge issued a preliminary injunction, prohibiting the rule from being enforced. In April, a federal judge issued a preliminary injunction, prohibiting the rule from being enforced. With this court ruling, the 2023 WOTUS rule may not be enforced until this litigation is resolved.



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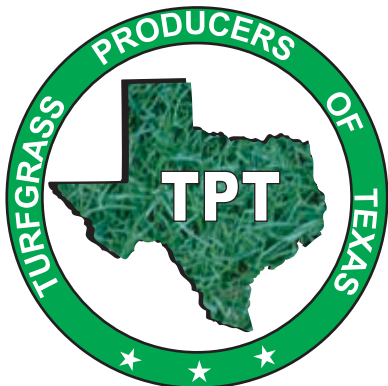
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