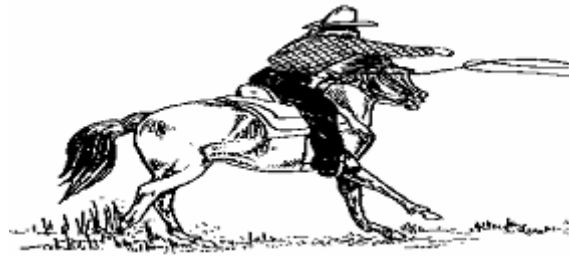


# Polk County Cattlemen's Association Newsletter



## The Polk County Rancher

Polk County Extension Service  
 1702 Hwy 17/98 South,  
 Bartow, FL



## UPCOMING EVENTS

### October

13-14	Quail Management Short Course, Arcadia FL
19	Bartow Angus Bull Sale
18-20	Prescribed Burning Certification Course Marion County Extension Office
21	Polk County Legislative Ag Tour
22	Water Quality BMP Program

### November

1-6	Farm Bureau Livestock Production Tour
2-4	Prescribed Burning Certification Course Desoto County Extension Office
10	Bartow Charolais Bull Sale
10	Joe Ackerman Speaking in Plant City
16-18	Prescribed Burning Certification Course Jackson County Extension Office
17	PCCA Annual Dinner

### This Issue:

- Water Quality BMP Program Announced
- Update on the July Dinner/Trade Show
- Fall Armyworm Alert
- Property Rights and Economic Development
- National Animal ID, Why?
- Quail Management Short Course Announced

## WATER QUALITY BMP PROGRAM ANNOUNCED

Back in July at the Summer Dinner and Allied Trade Show, we announced a program to address some of the water quality and government regulations regarding water quality issues producers face. This program has

been rescheduled for Saturday 22 October 2005 @ 9:00 AM. The Florida Cattlemen's Association's water quality BMP manual will be presented by Pat Hogue, Okeechobee County Livestock Agent. The manual addresses cost effective measures to decrease nutrient run-off into neighboring watersheds while decreasing the landowner liability from watershed pollution. The Florida Department of Agriculture and Consumer Science Water Quality Division will also be discussing the benefits that come with signing up with this program. If you are interested in attending this program please call Karen to RSVP by Thursday 20 October 2005.

## **SUMMER DINNER AND ALLIED TRADE SHOW UPDATE**

The Summer Dinner and Allied Trade Show was a huge success. The Trade Show boasted 32 booths from various livestock support industries, and was well attended by Polk County Producers. The Summer Dinner filled up the Stuart Center with attendees. Garl's of Lakeland served 410 plates and the Polk County Cattlemen's Association signed up 21 new members. Congratulations and thanks to all who made this a huge success.

## **FALL ARMYWORM ALERT**

Now is the time of year to be alert to fall armyworms in your pastures and hayfields, especially on recently fertilized forage. It doesn't take these insects long to damage a crop, so be vigilant at this time of year. Flocks of egrets are a real "tip-off" that you may have a problem. Sometimes in the early stages it takes more than a casual drive through the field. So get out and walk around and look closely.

These caterpillars or "worms" are the immature stages of grayish-brown moths. Females lay their eggs on the lower leaves of grasses and the larvae begin to feed as soon as they hatch. Because they often move in large numbers from one area to another in search of food, they are called armyworms. To prevent extensive damage, treatment must be made when the worms are small. The almost mature larvae (1 to 1 1/2 inches) are difficult to control.

### **Control Recommendations for Pasture**

Insect infestations in pastures usually start in small, isolated areas. Make frequent inspections and spot treat before infestations become widespread. This practice not only saves insecticide, but also prevents extensive injury to the grass and reduces the residue problem.

Apply low rates of materials to light infestations, light forage cover, and smaller stages of pests. Apply higher rates to heavy infestations; dense forage cover, and mature stages of pests.

Following is a list of recommended insecticides that may be used for control of armyworms. See individual brand labels for usage instructions.

Bacillus thuringiensis-Carbaryl (Sevin)-Malathion-Methomyl (Lannate)-Methoxychlor-Methyl Parathion-Naled (Dibrom)-Permethrin (Ambush)-Pyrethrin + Piperonyl-butoxide + silicon dioxide-Pyrethrin + PBO (Pyrenone)-Rotenone (Rotacide)

**Mention of product names does not constitute endorsement by the University of Florida/IFAS, Florida Cooperative Extension Service, or the Polk County Board of County Commissioners.**

**Source: Lockie Gary**

# POISONOUS PLANTS

Brantley Ivey

Living in Florida we have unique pleasures that most states don't. Beaches, sun, warm winters, the best ranch land in the nation, and *weeds*. We have learned how to deal with our weed problems for the most part, but I have received many calls lately about plant poisoning in livestock. We are in the prime time of the year for many toxic plants so it is important that we can identify these plants and follow the proper recommendations for getting rid of them. The most common toxic plants and their associated symptoms that we deal with in Central Florida are:

*Lantana*: Cattle are most often affected. There are two forms of toxicity: acute and chronic. The acute form usually occurs within 24 hours after eating the plants with the animal exhibiting gastroenteritis with bloody, watery feces. Severe weakness and paralysis of the limbs are followed by death in three to four days. The chronic form is characterized by jaundiced mucous membranes, photosensitization, ulcerations of the mucous membranes of the nose and oral cavity. The skin may peel, leaving raw areas that are vulnerable to blowfly strike and bacterial infection. Severe keratitis may result in temporary or permanent blindness.

*Black Nightshade*: All classes of livestock and humans have been poisoned. Two syndromes have been described: acute and chronic. The acutely poisoned animal is characterized by irritation of the mouth and gastrointestinal lesions. In the chronic form, unthriftiness, jaundiced mucous membranes, abdominal dropsy and constipation have all been seen.

*Pokeberry*: The most commonly observed symptom is a severe gastroenteritis with cramping, diarrhea and convulsions. Postmortem lesions include severe ulcerative gastritis, mucosal hemorrhage and a dark liver.

*Black Cherry*: Ruminants are most commonly affected; however single stomach animals such as dogs, cats, and horses are affected as well. Symptoms are difficult breathing, bloat, an anxious expression, moaning, staggering, recumbence and convulsions before death. Animals may die within one hour after consuming the leaves. The mucous membranes are bright red in color, as is the blood.

*Horsenettle*: All classes of livestock and humans have been poisoned. Two syndromes have been described: acute and chronic. The acutely poisoned animal is characterized by irritation of the mouth and gastrointestinal lesions. In the chronic form, unthriftiness, jaundiced mucous membranes, abdominal dropsy and constipation have all been seen.

*Oleander*: Severe gastroenteritis, diarrhea, abdominal pain, sweating and weakness are the usual symptoms. These signs appear within a few hours after eating the leaves. Cardiac irregularities are common, often characterized by increased heart rate. However, a slower heart rate is often detected in the later stages.

## Property Rights and Economic Development

**WHEN PRIVATE PROPERTY RIGHTS CLASH WITH ECONOMIC DEVELOPMENT:  
THE U.S. SUPREME COURT'S DECISION IN KELO V. NEW LONDON  
BY: KENT L. HIPPI, ESQ. AND ROBERT G. "BOBBY" STOKES, ESQ.**

A developer cannot force a property owner to involuntarily sell his property simply by "claiming eminent domain." Eminent domain is the power of government to take property for a public purpose upon payment of full compensation. The power can be delegated from government to others such as private utility companies (for power lines, pipelines etc.) and quasi-governmental boards and agencies (for roads, drainage, re-development of blighted areas, etc.). However, the power of eminent domain is limited by both the U.S. and

Florida Constitutions. The two primary limitations are 1) that the power can only be used to take property for a public use or purpose; and, 2) the property owner must receive full compensation for the property that is taken and payment for damages to any of his remaining property - if less than all of his property is taken.

The recent decision by the U.S. Supreme Court in the case of Kelo v. New London has justifiably raised concerns over government's ability to take land from one private owner to provide it to a developer for a more intense use to increase the government's property tax base. The Court held that under certain circumstances local governments can condemn property for economic development even if the property to be taken is not blighted and that such takings would not violate the public use clause of the 5th Amendment of the U.S. Constitution. However, the Court did indicate that states can pass laws that limit such takings in the particular state. The Kelo case has caused reactions across the country and there are ongoing efforts to pass laws at the federal and state levels to limit the impact of the decision. Here in Florida, leaders in the state legislature have already formed a property rights committee to recommend legislation to protect all Florida property from takings based only upon economic development. The U.S Congress has passed temporary legislation and is considering permanent legislation that would prohibit the use of federal funds for any project that requires such takings.

### **BACKGROUND ON *KELO V. NEW LONDON***

According to the Constitution, a government must have a 'legitimate public purpose' before it may condemn property. In Kelo v. New London, the U.S. Supreme Court, in a 5-4 decision, upheld the seizure of property for the purpose of 'economic development.'

The city of New London, Connecticut, hurt by the shut down of the Naval Undersea Warfare Center in 1998, initiated a plan for economic revitalization. As part of the plan, the city slated the former naval facility, as well as 115 privately owned properties, for comprehensive redevelopment. The plan called for the New London Development Corporation to own the property and lease it to a private developer for a nominal sum. The development plan is projected to generate thousands of jobs and over a million dollars in additional property tax revenues. Several property owners filed suit against the town and the redevelopment corporation to stop the condemnations. Susette Kelo had lived in the area since 1997. Fellow plaintiff Wilhelmina Dery was born in her home in 1918.

In upholding the condemnations, the Supreme Court held that economic development was a legitimate reason to condemn private property, allowing governments to condemn property in furtherance of their redevelopment plans. Under Florida Law, the local government or Community Redevelopment Agency (CRA) may acquire property by eminent domain if necessary to implement the redevelopment plan.

### **DOES FLORIDA HAVE A "GREEN LAW" TO HELP PRESERVE FARMS AND RANCHES?**

The simple answer is that no private property is immune from the power of eminent domain when the property is necessary for a true public purpose. The best recourse for a farm owner or rancher faced with a threat to his property by government or a private developer is to contact a qualified property rights lawyer with experience in eminent domain and inverse condemnation law. Under Florida law, if your property is taken, the condemning authority is required to pay you the full value of your land and your legal fees and expert's costs - so there is no reason not to consult with an attorney who can help you understand your rights and best protect your interests.

### **GRAYROBINSON'S REACTION TO THE *KELO* DECISION**

- GrayRobinson has been working extensively with lawmakers locally and nationally to create legislation that establishes a fair balance between private property rights and the needs of our local governments.

- GrayRobinson's Eminent Domain Attorneys have counseled and prepared model legislation for U.S. House Member Tom Fenney, a member of the House Judiciary Committee who will be considering a federal response to *Kelo*.
- GrayRobinson's own Rep. Dean Cannon (R-Winter Park) has been appointed to the Florida House of Representatives' Select Committee to Protect Private Property Rights. The purpose of the committee is to review Florida's Constitution, statutes, case law and any other relevant rules in order to recommend necessary action in asserting eminent domain in Florida.
- GrayRobinson's attorneys will continue to stay involved at all levels of the government in working out solutions which are fair to all interests involved.

If you have any further questions regarding this article or the Supreme Court's decision in *Kelo v. New London*, please contact GrayRobinson's Property Rights Team at [www.floridaeminentdomain.com](http://www.floridaeminentdomain.com) .

*\*Kent L. Hipp is a shareholder trial attorney with the Orlando office of GrayRobinson, P.A., who has practiced in the field of Eminent Domain, Inverse Condemnation and property rights since 1991. Kent has handled over 600 condemnation parcels including all types of complex eminent domain cases representing both property and business owners as well as select condemning authorities. He has also participated in over a dozen eminent domain, inverse condemnation and valuation trials, arbitrations or proceedings.*

*\*Bobby Stokes is shareholder attorney / mediator with the Lakeland office of GrayRobinson, P.A. Mr. Stokes practices in the areas of eminent domain, condemnation and property rights, as well as serves as a mediator and arbitrator. He is also a citrus grower and cattle rancher in Polk County, Florida. During the 80's Mr. Stokes served five years as President of the Polk County Farm Bureau as well as serving on the Polk County Cattlemen's Association Board of Directors and was elected to the Board of Citrus & Chemical Bank in 1987.*

## **National Animal ID, Why?**

Brantley Ivey, Livestock Agent Polk County, FL

There has been a lot of hype over the last couple of years about National Animal ID. It seems like we keep asking the same questions and getting the same answers. The fact is there has been no major advances in the program since we all became aware that it would happen sometime. Many livestock industry leaders have been pressing the USDA to answer questions, since former Secretary Ann Veneman announced the importance of NAID in January of last year. Some of the deadlines have come and gone, and still no definite plans. On 05 May of this year the USDA went on record with its intent to implement the NAID Program and announced the implementation dates. The dates that were announced are, 2008 for premise identification and 2009 for mandatory reporting of movement in commerce, but this is no news. This is still four years behind the expected induction of the program and even the adamantly opposed are not as rattled as they were a year ago. Here is what we do know, USDA has already committed 18.8 million dollars to the program, they have 33 million in the budget for this year and the president has another 33 million designated to the program for next year (of course with 40 million calves being born annually at \$2 a tag, this sounds insignificant) Florida is one of the States that received some of the monies. This money was allocated to help the state departments of agriculture develop a premise ID plan. Current Secretary of Agriculture Johanns has said that he is eager to hear from farmers and ranchers so they can develop a final plan, but the period for open comment from producers lasted 31 days and is now closed. I have been telling producers to just hang on and wait until we hear more. One thing that producers can do is go ahead and register for your premise ID number now with the Florida Department of Agriculture's Animal Industry division.

Why has it become so important all the sudden to have such a program? One of the reasons for pushing

this issue is BSE. Let's think for a moment about what happened in December of 03. There was one Holstein cow found in Washington State that tested positive for BSE. Luckily, it was a dairy cow and dairies are good at keeping detailed records. Imagine for a moment that it was a woods cow that was tested positive for BSE! Even with detailed records, it still took several weeks to track down the animal's origin. Ultimately, we were able to prove that the animal did indeed come from Canada. If it had been a crossbred flat woods cow, we would still be tracing her background. Even though we proved to the world that the U.S. was still technically BSE free, in a matter of hours we lost nearly all of our foreign trade. It is estimated that our foreign market is worth \$12 - \$16/cwt. We are experiencing great prices now, could you imagine if we still had our foreign market! It will be pertinent in the future to have source verified cattle in order to maintain or re-gain our trade. Do we really need another government program? Yes, if it will ensure our trading partners that we (U.S.) are taking the proper steps to ensure the safety of our product. If it takes another five years to implement the program, that is fine as long as it is done in such a manner that will work for producers.

One common misnomer is that you will have to tag all of your cattle. The only requirement in NAID will be to tag those cattle that enter commerce. In essence, you can retain a heifer; she can live her productive life on your ranch and never have to be tagged if she doesn't leave the premise. There could also be a positive to come out of the National Animal ID Program. All the USDA wants to get from the electronic tag is premise of origin, but these tags are capable of doing so much more. Electronic tags are useful tools for tracking information on one animal from the time it is born until the time of harvest. There are so many management decisions that can be made back on the ranch once information is gathered from your final product. Now, by the time you receive the harvest information on calves, the bull has already bred your females twice. While I am not necessarily advocating electronic management, I do think that when you can individually manage animals you can be more precise with your bottom line. We do not really know when this program will be implemented, but we do know that the industry needs the program. The industry needed the program years ago, but now we are looking at 2008 before it gets rolling.

## **1<sup>st</sup> ANNUAL QUAIL MANAGEMENT SHORTCOURSE** **ANNOUNCED**

The South Florida Beef Forage Program is inviting you to attend the 1<sup>st</sup> annual quail management short course to be held at the Desoto County Extension Office 13-14 October. This program is designed to educate landowners, managers, hunters, and quail enthusiast on the ecology and management of Northern Bobwhite Quail in Florida. In addition, bird dogs and their importance to quail hunting will be examined. The science based information will come from a variety of sources, including landowners, hunting industry, academia, NGO's and natural resource agencies and presented in layperson terms. For more information call (863) 933-4846.

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