



American Crystal  
Sugar Company

March 22, 2011

**TO:** United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Biotechnology Regulatory Services  
**Attn:** [PII]  
4700 River Road Unit 91  
Riverdale, MD 20737

**FROM:** American Crystal Sugar Company  
[PII] Authorized Representative  
101 North Third Street  
Moorhead, MN 56560  
[PII]  
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[PII]  
Alternate Authorized Representative for Root Crop Compliance  
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[PII]  
Alternate Authorized Representative for Seed Movement Compliance  
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**SUBJECT:** Compliance Agreement Request

This letter serves as the formal request for American Crystal Sugar Company ("ACSC") to be the responsible entity and enter into a compliance agreement with APHIS/BRS in advance of the shipment (import/movement) and planting (environmental release) of H7-1 sugar beets (seeds and roots) associated with the H7-1 sugar beet root crop production activities. I, [PII] am the authorized representative of ACSC, the responsible entity, and am authorized to request, legally bind and obligate, and sign the compliance agreement on behalf of ACSC and its members, growers, contractors, etc.

#4890962.8

- 1 -

ACSC wishes to import/move/plant/harvest and transport H7-1 sugar beet seeds and roots ("RRSB") associated with sugar beet root production activities. The required information is provided below. When approved, the compliance agreement should be faxed or e-mailed to the Authorized Representative at the number or e-mail address indicated above.

**Business Information:** ACSC is a producer-owned cooperative comprised of approximately 2800 grower/shareholders who raise sugarbeets in the Red River Valley of eastern North Dakota and northwestern Minnesota. ACSC processes sugarbeets produced by its members into sugar and certain related co-products. ACSC operates five sugarbeet processing facilities in its growing region. ACSC also operates a beet seed division ("Crystal Beet Seed") that is responsible for developing and producing a portion of the sugarbeet seed that is sold to and planted by ACSC's grower/shareholders.

The compliance agreement will serve as the basis by which Crystal Beet Seed will move RRSB seeds from production regions to seed treatment, packaging and storage facilities, and ultimately to the grower/shareholders that will be planting the seed for root crop production. The compliance agreement will also serve as the basis by which ACSC's grower/shareholders will move the seed to field locations, release the seed into the environment by planting it in their fields, and transport the RRSBs to piling locations during harvest. Finally, the compliance agreement will serve as the basis by which ACSC (or its agent) will transport the RRSBs for processing at its facilities. For purposes of clarity, this request will separately describe the activities of Crystal Beet Seed relative to movement of seed, and the activities of ACSC and its grower/shareholders relative to root crop production and processing.

**Third Party Inspector and Third Party Auditor Information:** ACSC will to retain the services of third party inspectors and auditors as contemplated by the compliance agreement. ACSC requests that the following parties be approved to provide the inspection and audit services in connection with the ACSC compliance agreement: [REDACTED]

[REDACTED] the North Dakota State Seed Department, and [REDACTED] Each of these parties has extensive experience in agricultural inspections and has multiple employees or contractors that are able to provide inspection/auditing services. A summary of their respective qualifications are attached to this request as Exhibit A. Upon approval of these third parties by APHIS/BRS, ACSC will proceed to retain one or more of the approved parties to provide the inspection and audit services.

### Crystal Beet Seed Activities

**Importation and Movement of Seed:** The compliance agreement is intended to cover a number of distinct movements of RRSB seed that are made to facilitate the ultimate planting of the seed for root production. There various movements include:

1. Crystal Beet Seed contracts with [REDACTED] OR and [REDACTED] MN, to produce commercial sugarbeet seed. This seed will be shipped from their seed cleaning facilities in [REDACTED] Oregon to the Crystal Beet Seed's processing facility in Moorhead, MN.
2. RRSB is shipped from Crystal Beet Seed's processing facility in Moorhead, MN to [REDACTED] ND for coatings and seed treatments. After the

coatings and seed treatments have been applied the RRSB seed will be shipped back to the Crystal Beet Seed's processing facility in Moorhead, MN for packaging.

3. Crystal Beet Seed distributes the RRSB to its sales agents by either having the agent pick up the seed at the processing facility or delivering the seed to the agents. Crystal Beet Seed has sales agents that are under contract to perform certain sales and marketing functions, including distribution of the seed to sugarbeet growers. Sales agents will deliver the seed to the growers on behalf of Crystal Beets Seed. The sales agents may also transport "returned seed" back to the processing facility. The names and addresses of the current Crystal Beet Seed sales agents are set forth on Exhibit B, attached hereto.
4. Research quantities of RRSB seed will be shipped to or picked up by [REDACTED] MN; [REDACTED] ND; [REDACTED] MN; USDA at Ft. Collins, Co and [REDACTED] MI; [REDACTED] ND. This seed is used by these parties for research purposes.
5. Quality testing quantities of seed is sent to [REDACTED] OR; and [REDACTED] ND; for quality testing.
6. Research quantities of seed are transported by ACSC employees for planting variety trials in MN and ND. The release of seed for variety trials is describe below.

Attached hereto as Exhibit C is as is more detailed information concerning the estimated movement periods and the quantities of RRSB seed to be moved during the various movements described above.

**Environmental Release of RRSB Seed:** ACSC will plant up to 250 acres of RRSB each year to be used for variety trial purposes. These releases may occur in one or more of the following counties:

Minnesota Counties

Clay  
Kittson  
Marshall  
Norman  
Polk  
Traverse  
Wilkin

North Dakota Counties

Cass  
Grand Forks  
Pembina  
Richland  
Traill  
Walsh

All of the land upon which these planting will occur will have been in agricultural production for at least the past three years. Crystal Beet Seed will provide APHIS/BRS planted field reports following planting or RRSB seed as contemplated by the compliance agreement.

**Movement of Sugarbeets.** At the conclusion for the variety trials, the sugarbeets may be harvested and transported for testing and/or processing. In either case, the point of origin will be the field in which the sugarbeets were grown as reflected in the planting report. The destination for beets to be tested will be an ACSC Quality Lab located at 1020 Business Hwy #2 East Grand Forks, MN 56721, or 1700 North 11<sup>th</sup> Street, Moorhead, MN 56561. Sugarbeets that will be processed will be delivered to one of the factory locations or piling sites identified on Exhibit D, attached hereto.

### ACSC (Grower/Shareholder Activities)

**Importation and Movement of Seed:** ACSC grower/shareholders will take delivery of RRSB from the various seed companies or their agents. The point of receipt will vary by seed company. In some cases seed will be delivered directly to the grower/shareholder at the farm. In other cases, the grower/shareholder may take delivery at a distribution point established by the seed company. In either case, custody and control of the seed will transfer to the grower/shareholder at the point of delivery. Grower/shareholders may thereafter transport RRSB across state lines as necessary to plant the seed. Not all grower/shareholders will be involved in the interstate movement of RRSB, but in cases where there is interstate movement, it is intended to be covered by the ACSC compliance agreement. Although the origin of the RRSB seed movement will vary from grower to grower based on their seed supplier, the destinations will be fields to be identified in the planted field reports discussed below.

**Environmental Release of RRSB Seed.** There are approximately 2800 grower/shareholders who will be planting RRSBs on up to 525,000 acres in those counties of Minnesota and North Dakota that are identified on Exhibit E, attached hereto. The specific names and addresses of the grower/shareholders will not be known with certainty until planting is complete. Likewise, the total aggregate number of acres to be planted by grower/shareholders (and the actual number of acres to be planted by each individual grower/shareholder) will be based on planting conditions and other factors. However, the specific name of each grower/shareholder, the number of acres of RRSB planted, and the field location will be included in the planted field reports to be provided by ACSC following planting, as contemplated by the compliance agreement. Each grower/shareholder will be required to confirm that the fields in which RRSBs are planted have been in agricultural production for at least three years.

**Movement of Sugarbeets.** RRSBs will be harvested by grower/shareholders beginning in late August and continuing until harvest is complete – typically late October. Harvested RRSBs will be transported by grower/shareholders for processing by ACSC. The point of origin for the movement will be the fields in which the sugarbeets were grown as reflected in the planting report. The destination for the sugarbeets will be one of the factory locations or piling sites identified on Exhibit D. Upon delivery, the chain of custody for the sugarbeets will be transferred to ACSC. Crop plans call for approximately 10.6 million tons of sugarbeets to be delivered by ACSC grower/shareholders, subject to adjustment based on crop yields. ACSC is not currently able to estimate what portion of the sugarbeets will be RRSBs as each grower/shareholder will make an independent decision concerning the planting of RRSBs or conventional sugarbeets.

Sugarbeets that are delivered to outside piling sites (those sites not adjacent to a factory) will be reloaded and transported by ACSC (through its third party contractor) to one of its factories for processing. ACSC has contracted the movement of sugarbeets to [REDACTED] whose

address is [REDACTED] Montana. The point of origin for this movement is the outside piling site and the destination is the factory. Sugarbeets from an outside piling site may be transported to one or more factory locations for processing. The movement of harvested sugarbeets may begin in late August and will continue through the processing campaign that concludes in May of the subsequent year. From time to time, it may also be necessary for ACSC to transport sugarbeets or beet tailings to disposal locations. This would occur in cases where the sugarbeets are not appropriate for processing for some reason. The point of origin for these movements could be any one of the outside piling site or the factory yards as identified on Exhibit D, and the destination will be ACSC property or third party property that has been approved for sugarbeet disposal. Discarded sugarbeets will either be moved by ACSC or by a third party contractor that is retained for that purpose. Should such sugarbeet movement be necessary during the term of the compliance agreement, ACSC will provide supplemental information identifying the specific haulers and locations in advance of any such movements.

I am hereby submitting this request on behalf of American Crystal Sugar Company. If you have any questions regarding the above information, do not hesitate to contact me.

Sincerely,

[REDACTED] PII

[REDACTED]  
Authorized Representative

**Exhibit A**

**Qualifications of Proposed Inspectors / Auditors**

See attached materials

## North Dakota State Seed Department

### Agency Description.

The State Seed Department provides service to the North Dakota agricultural industry and concentrates its activities in enforcement of seed laws, certification, promotion and marketing of field seeds and potatoes. A nine-member Seed Commission, who represents the agricultural industries using the department services, serves as the board of directors. This board establishes policy, approves major program changes recommended by administration, appoints a manager and approves budgets. The department employs 30 full-time and 40-50 temporary and part-time staff in Fargo, at its regional office in Grafton, and throughout the state on a seasonal basis. The Seed Department is a self-funded agency of the State with revenues generated by service fees. All funding for the departments programs is derived from the services it performs.

The department operates four primary programs as part of its role in North Dakota agriculture. Managers in each program area lead teams of trained staff who perform the administrative, inspection, testing and regulatory functions of the Department. The four major programs include:

**The Seed Regulatory Program** fulfills the state's obligation for enforcement of state and federal seed laws. This program is responsible to ensure that seed is properly labeled for the purchaser. It involves sampling and testing seed lots, performing field grow outs for varietal identification, investigating complaints, administering a seed permit system, and educating the industry on state and federal seed laws. This program area also enforces the Plant Variety Protection Act, and acts in cooperation with public institutions and private companies to ensure integrity of protected varieties and adherence to intellectual property rights law.

**The Potato Program** provides service to the potato industry with the inspection of seed fields, and provides Federal/State shipping point inspection at potato warehouses and processing plants. The program operates a winter testing nursery of seed potato lots originating in North Dakota, at Homestead Florida, where the North Dakota Seed Potato Growers Association owns land. Foundation seed stocks are maintained and reproduced in tissue culture laboratories and greenhouses located at the Seed Department facility in Fargo. Businesses engaged in buying and selling potatoes in North Dakota are licensed and bonded by the Seed Department.

**The Field Seeds Program**, the largest of its kind in North America, provides field inspection and certification services on over 300,000 acres and 7.0 million bushels of northern grown seed crops each year. The program is responsible for ensuring compliance with the Federal Seed Act by enforcing proper seed production, conditioning and handling practices. The Seed Department staff works closely with public institutions and private companies on varietal selection and release, works with crop breeders in defining genetic purity characteristics and variety descriptions, and works with foundation seed organizations to purify seed lots. In addition, the program offers quality assurance and identity preservation services customized to the needs of growers and purchasers of trait-specific crops. The NDSSD program is recognized nationally as a leader in the field of seed certification.

**The Laboratory Services Program** incorporates recent technology in traditional and newly developed testing practices. The Seed Laboratory (North Dakota's official seed testing laboratory), is staffed with analysts certified by the Association of Official Seed Analysts (AOSA) and the Society of Commercial Seed Technologists (SCST). It provides a wide range of testing services geared to determine quality factors of seed, primarily germination and purity. The Diagnostic Laboratory provides a menu of testing services focused on seed health, pathogen analysis, and trait and variety determinations. Both laboratories focus on development of testing services demanded by today's agriculture industry. This program area also provides testing of seed for export, and support for certification and regulatory programs in identification of disease, quality and varietal characteristics of seed lots. These internal support functions help complete the department-wide objective of promoting and serving the seed producers and consumers in North Dakota.

### Agency Future Critical Issues

Advancements in biotechnology will prove to have a significant impact on the work of the State Seed Department in the future. While traditional inspection, certification and laboratory services will remain important to agriculture in regard to northern grown crops, proliferation of specialized, trait bearing varieties of crops will demand expansion of inspection and lab services designed specifically for those traits. The funding of program expansions absent

predictable revenue flows, especially in laboratory service programs, is a major challenge faced by the Seed Department.

The Laboratory Services component of NDSSD is challenged to meet demands for advanced genetic, trait and quality analysis of all crops. As the agency responsible for seed certification, we believe that a concurrent obligation of the department is to provide the public with independent, third party verification services for seed and commodity characteristics currently available, and under development by private industry and public universities. Purchase or lease of high-cost, high tech equipment intended to meet this demand is one of the challenges referred to above.

The Field Seed Program will see a parallel increase in demand for services that are customized to meet the needs of a changing industry. While traditional seed certification acreage remains strong, Quality Assurance (QA), Identity Preservation (IP) and other non-traditional audit and inspection programs will increase dramatically in coming years. Maintenance of NDSSD reputation as a national leader in field crop certification will require an increased emphasis on technology and training in both Field Seed and Laboratory Service units of the Department.

As biotechnology impacts field inspection and laboratory work, our Regulatory Program workload will expand similarly. Today, varieties are seldom released without Plant Variety Protection, royalty agreements or technology fees attached. This trend will expand the regulatory obligations of the Department in terms of enforcement of seed laws, protection of proprietary rights and collection of research fees. North Dakota's regulatory program has the reputation among peers as one of the best in the region. To continue this progress, and to respond to the development and marketing of high-value seed traits, investigations of illegal seed movement and piracy may need to expand to farmer-dealers and on-farm sites in the future.

Increasing disease and environmental pressures are contributing to a decline in seed potato production acres. However, difficult growing conditions increase the demand for high quality seed, and technical resources of the Potato Program. Continued shifts in cropping patterns, varietal demand and irrigated acres will test Potato Program resources in meeting producer needs for inspection, technical consultation, certification and foundation seed stocks developed in NDSSD facilities.

Finally, due to legal challenges faced in the past biennium it is clear that the Department must provide a major emphasis, both technically and financially, on the issue of legal liability. The issues surrounding variety identity, trait enhancement and crop performance have all fallen upon certification agencies to some degree. The agency will invest funds during the next biennium to upgrade training, testing resources and legal resources to protect against the potential "mining" of state monies through litigation.

## **Agency Major Accomplishments**

The Seed Department has maintained its financial stability during the past decade, despite adverse circumstances in the agriculture economy. As a self-funded agency, meeting the challenge to remain financially viable, and the positive results up to this point in time, can be seen as an accomplishment. The Department has taken the following action steps to stabilize finances while improving services to producers:

Completed, and annually review, a strategic planning process that will guide agency program development over next 5-10 year period.

Introduced web-based information systems in secure on-line form designed to provide inspection results to producers and seed companies quickly and reliably. An on-line application for services is being integrated.

Expanded laboratory test services in response to industry demands, including those related to specific GM events and crop diseases common to this region.

Experienced expansion in production and sale of nuclear seed stocks developed in our tissue culture and greenhouse facilities.

Developed and received USDA-APHIS accreditation for a Ring Rot testing laboratory enterprise situated in our Grafton office. The lab accreditation was pursued to assist in meeting goals associated with 2005 legislation passed to protect ND producers from pests such as ring-rot entering the state through interstate or international trade.

Received accreditation and licensing to issue phytosanitary certificates in potato program, in cooperation with NDDA who is the states designated authority for APHIS phyto issues.

Initiated the integration of key components of International Standards Organization (ISO) quality programs in the Field Seed, Regulatory and Laboratory Services programs.

Improved and expanded research fee collection programs in collaboration with public universities and private companies to help entities maintain funding streams associated with variety development.

### **Agency Mission Statement**

To assure integrity of the seed industry through a commitment to client service and product quality”

### **Agency Statute Authority**

North Dakota Century Code Chapters 4-09, 4-10, 4-11, 4-25, 4-26 and 4-42.

### **Agency Costs to Continue (this was for budget changes)**

Costs to continue include amounts to maintain staff levels necessary to provide required services and increased IT costs for ConnectND.

## ADMINISTRATION

### **Explanation of Program Costs**

Costs to continue include amounts to maintain staff levels necessary to provide required services and increased IT costs for ConnectND.

### **Program Goals & Objectives**

To develop and maintain adequate facility, equipment and technology resources enabling the Department to provide quality service to the agricultural public as required in NDCC. Program also provides for a contingency fund necessary for operating in a highly variable cost and revenue environment.

### **Program Performance Measures**

Biennial audit.

Planned: Biennial satisfaction/needs survey of customers in all program service areas.

### **Program Statistical Data**

The Administration Program serves as the umbrella area for general program support and resource management. Specific statistical data is incorporated into department-wide budgets.

## FIELD SEEDS

### **Explanation of Program Costs**

Program expenditures for travel, support and temporary staff fluctuate to extremes with inflation factors, acres inspected and final certification demands. Budget reflects a stable certification program. All program funds are derived from fees for services provided.

### **Program Goals & Objectives**

To operate field inspection and final certification processes, provide advice and approval on certified conditioning facilities, provide quality assurance and identity preserved field inspection programs for specialized seed crops, and promote production and usage of high quality certified seed in North Dakota.

### **Program Performance Measures**

Acres applied for certification

Bushels/Lbs. of seed final certified upon lab analysis

\*Both areas are jointly dependent on industry factors and agency performance.

Annual AOSCA compliance audit

### **Program Statistical Data**

Program staff inspects, on average, 300,000 to 350,000 acres of cereal, oilseed and specialty crops for certification purposes each year. In excess of 6.5 to 7.5 million bushels of seed is approved for final certification each year, in cooperation with the state seed laboratory. Specialized Quality Assurance and Identity Preserved services have not come in to demand to a high degree, but are potential expansion areas for Department services.

## Lab Services

### **Explanation of Program Costs**

Lab service enterprises are generally budget deficit areas due to internal non-revenue work done in support of certification programs. All revenues are derived from service fees.

### **Program Goals & Objectives**

To offer a full range of seed testing services in support of certification programs, while expanding laboratory functions to accommodate increasing demands for analysis of genetic modifications, critical disease and crop/food safety issues, and regulatory obligations.

### **Program Performance Measures**

Ring/Referee tests: Validation tests performed cooperatively with accredited laboratories nationwide. NDSSD participates in referee tests in both Seed and Diagnostic labs, validating the expertise in each area.

Professional development: Accreditation of individual staff in Certified and/or Registered Seed Technologist categories (among other accreditation programs at national level). Professional and laboratory accreditations are granted through a process of proficiency testing and auditing.

USDA/other federal program accreditations: Testing laboratories are provided opportunity to comply with standards developed by the federal government to prove service quality (see above). Accredited laboratories are listed for use in certain federal testing schemes, often on issues of quarantined pests that affect entire industry segments (ex. Karnal Bunt, Potato Mop Top Virus).

### **Program Statistical Data**

The Seed Laboratory performs 20,000-25,000 tests each year, which include non-revenue-producing tests performed in support of Department Regulatory and Field Seed programs. The program provides testing services for final certification of 6,000,000 - 7,000,000 bushels of cereal and specialty crops through laboratory analysis of germination and purity factors.

The Diagnostic Laboratory performs 2,000-3,000 tests annually related to its current menu of services. The Department is exploring opportunities to cooperate with public and private entities in expanding testing services as per long range plan objectives.

## Potato Program

### **Explanation of Program Costs**

A minimal increase related to expansion in seed production programs is included in this budget request. All program funds are derived from fees for services provided.

### **Program Goals & Objectives**

To provide technical and scientific production guidance for producers, operate inspection and certification services, and regulate wholesale dealers of seed and commercial potatoes, and promote production and sales of certified seed.

### **Program Performance Measures**

Acres applied for certification.

Cwt. of seed and commercial potatoes provided shipping point (grade) inspections.

Lbs. of seed produced and sold through NDSSD Potato Seedstocks enterprise area.

\*All areas are jointly dependent on industry factors and agency performance.

### **Program Statistical Data**

Approximately 13,000-18,000 acres of seed potatoes are inspected yearly. On average, 215 million lbs. of potatoes are inspected for grade/quality at seed storage and processing plants annually. Approximately 500 commercial and seed potato producers benefit from services provided by the Potato Program. Financial responsibility is established with approximately 40 wholesale potato dealers by licensing and bonding producers established in NDCC 4-11, Regulation of Wholesale Potato Dealers. NDSSD produces approximately 8000 lbs. of nuclear potato seed annually from tissue culture in greenhouse facilities at the Fargo facility. These nuclear, or "mini-tuber, stocks form nearly all of the lowest generation seed produced in the state.

## Regulatory

### **Explanation of Program Costs**

The program utilizes temporary staff seasonally for the collection of official regulatory samples. As the Department increases its focus on examining seed quality and variety protection issues, a future increase in activity and costs of the Regulatory program is likely.

### **Program Goals & Objectives**

To provide for the regulation of the seed industry through enforcement of state and federal laws, leading to high quality seed production, usage and increased profit potential for the agriculture industry

### **Program Performance Measures**

Number of seed samples procured and tested.

Number of seed samples found out of compliance with state and federal seed laws.

\*This area also provides an indication of the success of Field Seed program certification efforts.

Number of complaints related to seed performance and quality.

### **Program Statistical Data**

Program costs are funded through collection of seed tax permit generated by the sale of seed in North Dakota.

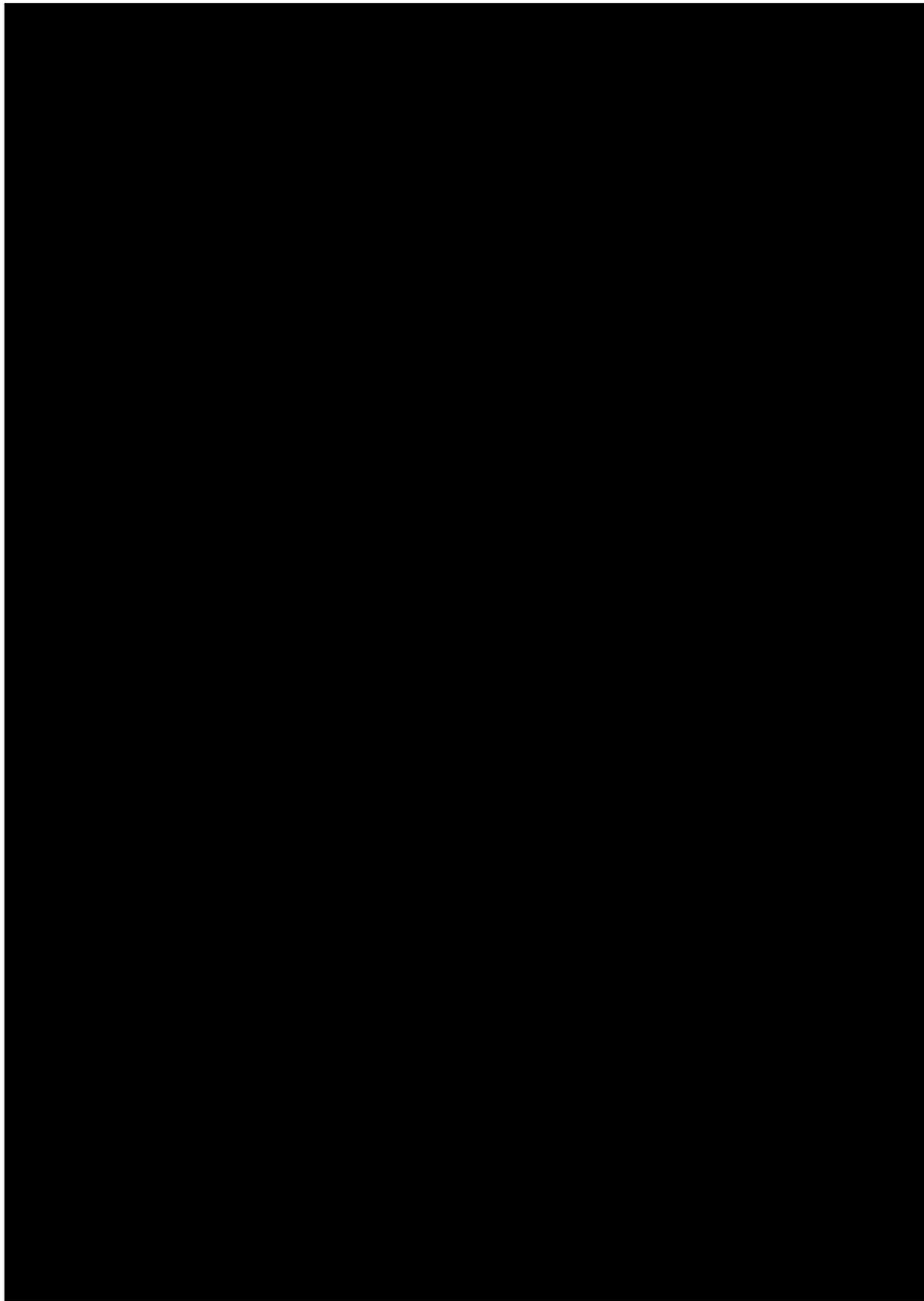
Approximately 1,600 permits are issued, 1,800-2,000 seed lots tested, and numerous audits and violation hearings are conducted on an annual basis.

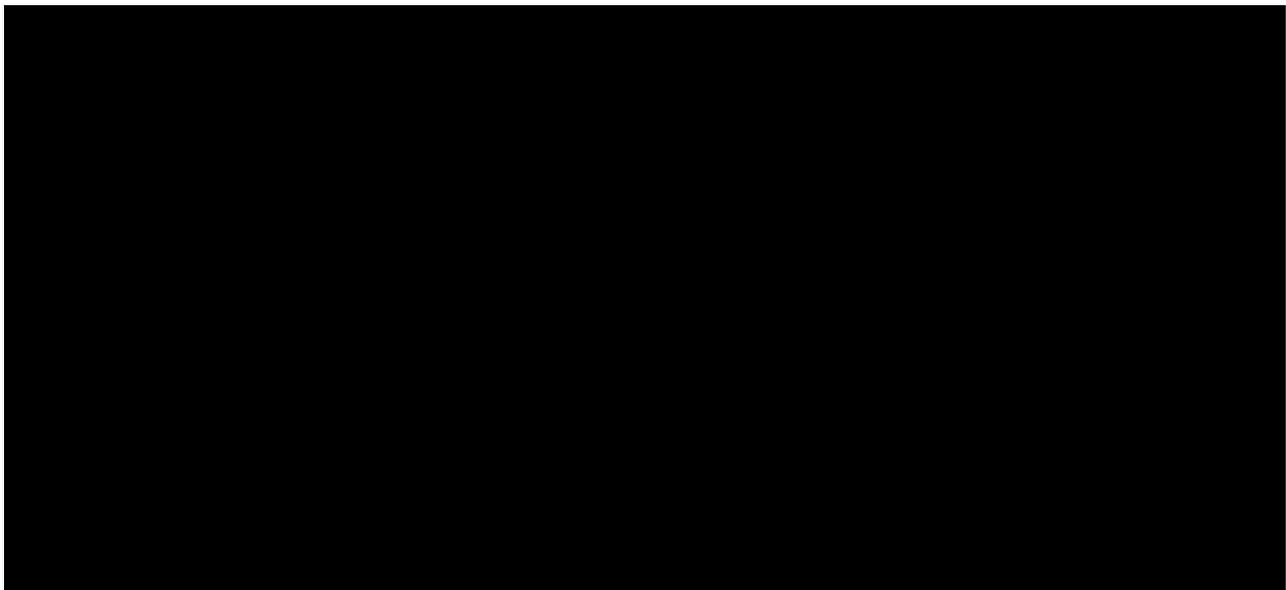






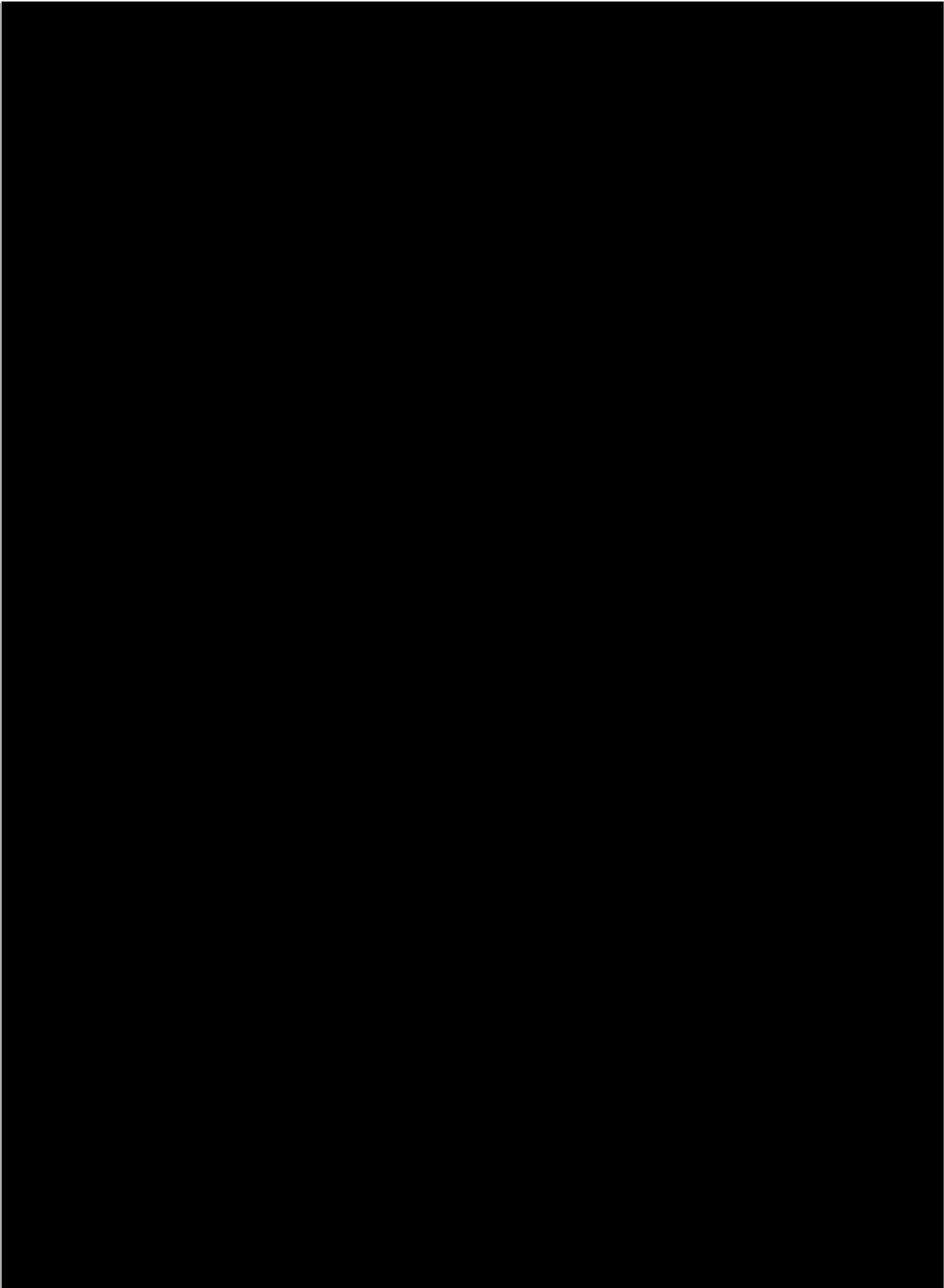






PII







*Partial List of Current Clients*



*Key Personnel and Credentials*



PII



**Exhibit B**  
**Crystal Beet Seed Sales Agents**

| Sales Agent | Address | Phone No. |
|-------------|---------|-----------|
| PII         |         |           |

| Sales Agent | Address | Phone No. |
|-------------|---------|-----------|
| PII         |         |           |

Effective 1/24/2011

**Exhibit C**  
**Seed Movement Detail**

Roundup Ready® Sugar Beet (RRSB) Seed Movement

| Ref. | Origin  | Destination  | Approx. Lbs. Shipped              | Shipping  |                 |
|------|---|--|-----------------------------------|---|-----------------|
| No.  | <u>Origin</u>   | <u>Destination</u>   | <u>Shipped</u>                    | <u>Start Date</u>   | <u>End Date</u> |
| 1    | [REDACTED] OR [REDACTED]<br>Marion County   | American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County | 2,000,000                         | August 1  | March 1         |
| 1    | [REDACTED] OR [REDACTED]<br>Linn County   | American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County | 2,000,000                         | August 1  | March 1         |
| 2    | <u>Origin</u><br>American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County | <u>Destination</u><br>[REDACTED] ND [REDACTED]<br>Cass County                              | Approx. Lbs. Shipped<br>1,000,000 | Shipping<br><u>Start Date</u> <u>End Date</u><br>Sept 1            July 1 |                 |
| 2    | [REDACTED] ND [REDACTED]<br>Cass County   | American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County | 1,000,000                         | Sept 1  | July 1          |
| 3    | <u>Origin</u><br>American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County | <u>Destination</u><br>American Crystal Sugar Company<br>Crystal Beet Seed Sales Agents     | Approx. Lbs. Shipped<br>600,000   | Shipping<br><u>Start Date</u> <u>End Date</u><br>March 1        August 1  |                 |
| 4    | <u>Origin</u><br>American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County | <u>Destination</u><br>[REDACTED] MN [REDACTED]<br>Scott County                             | Approx. Lbs. Shipped<br>250       | Shipping<br><u>Start Date</u> <u>End Date</u><br>March 1        July 1    |                 |
| 4    | American Crystal Sugar Company<br>1700 North 11th St.<br>#4890962.8   | [REDACTED]   | 250                               | March 1   | July 1          |

|   |   |   |  |  |                           |
|---|---|---|--|--|---------------------------|
|   | Moorhead, MN 56560<br>Clay County   | [REDACTED] ND [REDACTED]<br>Cass County   |  |  |                           |
| 4 | American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County                  | [REDACTED]<br>[REDACTED] MN [REDACTED]<br>Polk County   | 250  | March 1                                  | July 1                    |
| 4 | American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County                  | USDA-ARS<br>1701 Centre Ave<br>Ft. Collins, CO 80526<br>Larimer County                                      | 250  | March 1                                  | July 1                    |
| 4 | American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County                  | Michigan State USDA-ARS<br>494 PSSB<br>Michigan State University<br>East Lansing, MI 48824<br>Ingham County | 250  | March 1                                  | July 1                    |
| 4 | American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County                  | [REDACTED]<br>[REDACTED] ND [REDACTED]<br>Cass County   | 250  | March 1                                  | July 1                    |
| 5 | <u>Origin</u><br>American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County | <u>Destination</u><br>[REDACTED]<br>[REDACTED] OR [REDACTED]<br>Linn County                                 | Approx.<br>Lbs.<br><u>Shipped</u><br>250   | Shipping<br><u>Start Date</u><br>Sept 1  | <u>End Date</u><br>July 1 |
| 5 | American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County                  | ND State Seed Lab<br>1313 18th Street North<br>Fargo, ND 58105<br>Cass County                               | 250  | Sept 1                                   | June 1                    |
| 6 | <u>Origin</u><br>American Crystal Sugar Company<br>1700 North 11th St.<br>Moorhead, MN 56560<br>Clay County | <u>Destination</u><br>American Crystal Sugar Company  | Approx.<br>Lbs.<br><u>Shipped</u><br>2,000 | Shipping<br><u>Start Date</u><br>March 1 | <u>End Date</u><br>July 1 |

Exhibit E

Counties in Which RRSBs May be Planted

| STATE | COUNTY      | CORNER    |           |           |           |
|-------|-------------|-----------|-----------|-----------|-----------|
|       |             | NORTHWEST | NORTHEAST | SOUTHWEST | SOUTHEAST |
| ND    | Richland    |           |           |           |           |
| ND    | Sargent     |           |           |           |           |
| ND    | Ransom      |           |           |           |           |
| ND    | Barnes      |           |           |           |           |
| ND    | Cass        |           |           |           |           |
| ND    | Steele      |           |           |           |           |
| ND    | Traill      |           |           |           |           |
| ND    | Grand Forks |           |           |           |           |
| ND    | Nelson      |           |           |           |           |
| ND    | Walsh       |           |           |           |           |
| ND    | Cavalier    |           |           |           |           |
| ND    | Pembina     |           |           |           |           |
| MN    | Wilkin      |           |           |           |           |
| MN    | Ottertail   |           |           |           |           |
| MN    | Becker      |           |           |           |           |
| MN    | Clay        |           |           |           |           |
| MN    | Norman      |           |           |           |           |
| MN    | Mahnomen    |           |           |           |           |
| MN    | Polk        |           |           |           |           |
| MN    | Red Lake    |           |           |           |           |
| MN    | Pennington  |           |           |           |           |
| MN    | Marshall    |           |           |           |           |
| MN    | Roseau      |           |           |           |           |
| MN    | Kittson     |           |           |           |           |