

## NCA August Update

By Martin Paris, Executive Director

I'm starting to see stores stocked with back-to-school items, so that must mean August has arrived. So far, this summer has had quite a few twists and turns. This month, I wanted to briefly touch on the possible significance of the United States Supreme Court's recent decision in *Loper Bright Enterprises v. Raimondo*, which overruled the 1984 decision in *Chevron v. Natural Resources Defense Council*.

The original 1984 Chevron case gave rise to the doctrine we have all been living under known as the Chevron Doctrine. Under the doctrine, if Congress has not directly addressed the question at the center of a dispute regarding federal law, the courts are to uphold an agency's interpretation of the vague law as long as it is reasonable. This doctrine has had a significant impact on regulations pertaining to any and all businesses throughout the country for the past 40 years.

Fast forward to earlier this summer, the U.S. Supreme Court ruled on *Loper Bright Enterprises v. Raimondo*. The Loper Bright case involved the regulation of a family-owned fishing business on the Atlantic coast. The fishing business challenged the National Marine Fisheries Administration (NMFA) regulation that required Atlantic herring fisherman to pay "observers" to be carried onboard the fishing vessel to monitor compliance with NMFA regulations, such as catch limits. While Congress had passed legislation authorizing the NFMA to require certain categories of fishermen to bear the cost of observer services, herring fisherman weren't one of them.

The NFMA estimated that the costs of a government "observer" could cost herring fishermen as much as \$710 per day, reducing the profitability of the fishing businesses by up to 20%. Loper Bright Enterprises and several other family businesses challenged the rule arguing that the previously legislation passed by Congress did not specifically authorize the NFMA to shift the cost burden of observers to them.

The U.S. Supreme Court agreed and ruled in favor of the herring fishermen in a 6-3 decision, effectively nullifying the Chevron Doctrine precedent set in the

1984 Chevron case. The Supreme Court held that while courts may consider an agency's position when resolving interpretation differences in federal law, they may not defer to an agency interpretation of the law simply because it may be ambiguous.

While it will likely take some time for its full impact to be realized, the outcome of the case has direct ties to many of the large agency rulemakings that apply to livestock producers. For quite some time Congress has had a willingness to outsource legislative responsibilities to agencies, relying on the agencies to fill in the blanks on the often times generic legislation being passed. Most often these "interpretations" are put into action by unelected government personnel, giving the administrative agencies quite a bit of power to decide what's what. While the ruling may not be a slam dunk, it removes the automatic deference given to

— August Update Continued on page 3 —



## 100,000 Mile Club Nominations Sought

The Nevada Cattlemen's Association has started their annual quest for 100,000 Mile Club Award candidates and are asking for your help in soliciting nominations. The annual 100,000 Mile Club Award is geared toward any Nevada resident who has ridden 100,000 horseback miles throughout their lifetime.

Nominations should include a narrative story to chronicle the nominees' miles through their life horseback. Nominations for the award are open now through October 1, 2024, and can be completed by calling the NCA office at (775) 738-9214. The 100,000 Mile Club Award Nominee will be recognized at the NCA Annual Convention in Fallon, Nevada on November 22nd, 2024.

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# PRESIDENT'S PERSPECTIVE

Hanes Homan, President, Nevada Cattlemen's Association

## More Hamburger Please!

We have a lot to be grateful for this year in the livestock business. Grass, water and a good calf market is about all a rancher can ask for but the non-fed slaughter market is a cherry on top of a pretty good cake. In some of my past articles I have glorified steak as the pinnacle of an eating experience without much notice to its cousin, hamburger. I feel as an industry we have undersold this piece of our product line. Some of the best meals I have ever had were a hamburger around the barbecue with friends. Nothing better than a smoked blue cheeseburger on a pretzel bun! You can't be a true meat aficionado without a love for hamburger. As we move through the dog days of grilling season, hamburger has taken center stage in a big way!

As we all look to maximize the profit potential of our operations the cull market probably wasn't on

the top of the list. Important yes, but not the top. As supplies continue to tighten in the fed cattle markets and prices go up at the meat counter, one may surmise that hamburger may take a larger role in what the consumer chooses because of price point. Easy to cook, relatively cheap, and immensely tasty, why wouldn't a consumer choose hamburger for their family. Is this a permanent change in how the consumer purchases protein? Will this change how we manage our operations and our outlook on the non-fed market? I know this year has changed how I viewed my cull marketing.

As your NCA president I'm not sure how much ability I have to ensure this market holds its value, but I am going to encourage it as much as I can whenever possible and I encourage everyone to join me! Well, that's about enough typing for me, I better go flip my lunch, I like my hamburgers medium rare :).

More hamburger? Yes please!

## August Update: *Continued from page 1*

agencies interpretations of public law. The NCA and our partners are currently analyzing the impact that this decision may have on cattle producers and hope there may be some positive outcomes on the horizon.

Recently, the NCA also submitted comments regarding the BLM's latest sage grouse management plans. The BLM is currently working through an Environmental Impact Statement that will guide how all multiple uses are to be done on public lands in relation to sage grouse habitat. There are plenty of concerns with the draft plan that has been released, but one I'll call out here is the potential introduction of Areas of Critical Environmental Concern (ACECs) as a method to conserve/protect sage grouse habitat. ACECs can be nominated by the public and if put into place, can be managed to whatever standards are believed to protect/conservate habitats.

The full comments submitted by the NCA can be

viewed by visiting the following link online: [bit.ly/NCAstagegrouse](https://bit.ly/NCAstagegrouse). The next step in the process will be a final Environmental Impact Statement and Record of Decision. As always, I'll continue to keep everyone in the loop as things move forward.

On a final note, please save the date for our upcoming 89th Annual Nevada Cattlemen's Association Convention and Trade Show. Our convention will be in Fallon this year on November 20th -22nd. Please be sure to check out our website at [www.nevadacattlemen.org](http://www.nevadacattlemen.org) for more information as things begin to take shape. We're looking forward to another productive convention this year with some great speakers and good topics.

That's all for this month. Don't hesitate to reach out to our office 775-738-9214 with any questions or input or reach out to us at [nca@nevadabeef.org](mailto:nca@nevadabeef.org). Until next time.

## NCA MEMBERSHIP

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

(New members are in bold.)

- Barbara Bailey
- Cottonwood Ranch LLC, Agee Smith
- Jamie Frayne
- Heguy Ranches, Joe Heguy
- River Ranch, Ross & Dodie Zimmerman, Bonnie Dory
- Roche Ranches, Inc., Dusty C. Roche

## UPCOMING EVENTS

### Public Lands Council Annual Meeting

— September 17-19, 2024 —

Grand Junction, Colorado

DoubleTree by Hilton Hotel Grand Junction

### Nevada Cattlemen's Association Annual Convention

— November 20-22, 2024 —

Fallon, Nevada

Rafter 3C Arena

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

### National Cattlemen's Beef Association Cattle Convention

— February 4-6, 2025 —

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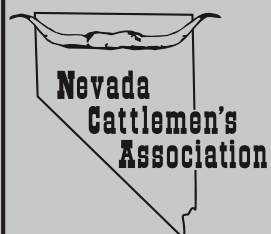
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## BLM Seeks Nominations to the Sierra Front-Northern Great Basin and Mojave-Southern Great Basin Resource Advisory Councils

Reno, Nevada — The Bureau of Land Management is seeking public nominations for its Sierra Front-Northern Great Basin and Mojave-Southern Great Basin RACs for vacant positions and positions that will become vacant. The Councils consist of citizens with diverse interests in public land management, including conservationists, ranchers, outdoor recreationists, state and local government officials, and energy industry representatives. The Councils provide advice to the BLM on public land issues.

“Resource Advisory Councils serve an incredibly important role to the Bureau of Land Management by sharing critical advice and perspectives about policy implementation and on-the-ground management considerations,” Jon Raby, BLM Nevada State Director said. “They are vital to sound decision making and helping move Nevada forward in the right way.”

The Bureau, which manages more land than any other Federal agency, has advisory councils located across the West. The diverse membership of each Council is aimed at achieving a balanced outlook that the BLM needs for its mission, which is to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations.

The Councils are critical in assisting the BLM in continuing to be a good neighbor in communities served by the Bureau, providing advice and recommendations on issues including land use planning, fire management, off-highway vehicle use,

recreation, oil and gas exploration, noxious weed management, grazing issues, and wild horse and burro herd management issues.

The descriptions for RAC positions are as follows:

- Category One – Public land ranchers and representatives of organizations associated with energy and mineral development, the timber industry, transportation or rights-of-way, off-highway vehicle use, and commercial recreation.
- Category Two – Representatives of nationally or regionally recognized environmental organizations, archaeological and historical organizations, dispersed recreation activities, and wild horse and burro organizations.
- Category Three – Representatives of state, county, or local elected office; representatives and employees of a state agency responsible for the management of natural resources; representatives of Indian Tribes within or adjacent to the area for which the RAC is organized; representatives and employees of academic institutions who are involved in natural sciences; and the public-at-large.

Nominations must be submitted by (30 days after FR notice publishes). To access the nomination application, go to [https://www.blm.gov/sites/default/files/docs/2022-05/BLM-Form-1120-19\\_RAC-Application.pdf](https://www.blm.gov/sites/default/files/docs/2022-05/BLM-Form-1120-19_RAC-Application.pdf) For more information about serving on the Sierra Front-Northern Great Basin RAC, please contact Lisa Ross, Public Affairs Specialist, at (775) 885-6107 or [lross@blm.gov](mailto:lross@blm.gov). For more information on the Mojave-Southern Great Basin RAC, please contact Kirsten Cannon, Public Affairs Specialist, at (702) 515-5057 or [klcannon@blm.gov](mailto:klcannon@blm.gov)

More information about the RACs is available at <https://www.blm.gov/get-involved/resource-advisory-council/near-me/nevada>. Individuals may nominate themselves or others to serve on an advisory council.

Nominees will be judged based on their training, education, and knowledge of the council’s geographical area and must be residents of the State. Nominees should also demonstrate a commitment to consensus building and collaborative decision-making. All nominations must be accompanied by letters of reference from any represented interests or organizations; a completed background information nomination form; and any other information that speaks to the nominee’s qualifications.

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- ▶ **Friday, October 18**  
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# NCBA and PLC File Lawsuit Against BLM Public Lands Rule

WASHINGTON (July 12, 2024) – Today, the National Cattlemen’s Beef Association (NCBA) and Public Lands Council (PLC) filed a lawsuit against the misguided Bureau of Land Management’s (BLM) “Conservation and Landscape Health” rule. The lawsuit was filed in the U.S. District Court for the District of Wyoming and seeks to overturn the rule which threatens generations of family ranching operations in the U.S. by undermining the long-held balance of multiple-use management.

“NCBA is suing the BLM to stand up for America’s western ranchers and push back on this harmful rule that only serves as a stepping stone to removing livestock grazing from our nation’s public lands,” said NCBA President Mark Eisele, a Wyoming rancher. “Under the Federal Land Policy and Management Act, the BLM is supposed to balance the multiple uses of public lands, including livestock grazing, energy, mining, timber, and recreation. The BLM’s rule upends this multiple use system by creating a brand new use for federal lands without Congressional approval and in conflict with existing federal law. NCBA will continue working to hold the BLM accountable in federal court.”

Since the passage of the Taylor Grazing Act in 1934, livestock grazing has been a federally recognized use of public lands. Grazing provides a way to both manage the federal government’s vast land holdings in the West and ensure a productive use for land that is too steep, arid, or rocky for other uses like row crop agricul-

ture. As a federally recognized use, NCBA and PLC continue to encourage the BLM to protect grazing and view ranchers as partners in conservation efforts.

“This rule upends the relationship between federal grazing permittees and the BLM while also opening the door to ending grazing on federal lands,” said PLC President and Colorado grazing permittee Mark Roeber. “PLC will always defend the important role of grazing on federal lands and oppose efforts that would remove grazing and compromise rural communities for the sake of a bureaucratic exercise. Public lands grazing generates over \$3 billion annually in valuable ecosystem services, equating to more than \$20 per public acre of land grazed by sheep and cattle. Grazing supports the environmental health of the land, reduces wildfire risk, and strengthens rural economies—all valuable reasons to protect public lands grazing in the West.”

NCBA and PLC are joined in the litigation by the American Farm Bureau Federation, American Exploration and Mining Association, American Forest Resource Council, American Petroleum Institute, American Sheep Industry Association, National Mining Association, National Rural Electric Cooperative Association, Natrona County Farm and Ranch Bureau, Western Energy Alliance, and Wyoming Farm Bureau Federation.

View the lawsuit at:

[https://mcusercontent.com/3ac0220907d479b33ff07dbbc/files/91c866bc-0495-6dcd-7729-bfb4451fef74/1\\_24\\_cv\\_136\\_Complaint.pdf](https://mcusercontent.com/3ac0220907d479b33ff07dbbc/files/91c866bc-0495-6dcd-7729-bfb4451fef74/1_24_cv_136_Complaint.pdf)

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# Here We Go Again

By Colin Woodall, NCBA CEO



What do the Obama and Biden Administrations have in common? You are correct in saying many things, but for the purpose of this article they both had Tom Vilsack as Secretary of Agriculture and put forth a proposal to strip away your right to market your cattle the way you want to. In June, USDA published its "Fair and Competitive Livestock and Poultry Markets" rule in the Federal Register. It is another effort by the federal government to insert themselves into the free market and tell you how you can, or cannot, run your business. For those of you who have been NCBA members for a while, you will recall a similar effort by Obama and Vilsack we called the "GIPSA rule." This is the same thing.

It is amazing how many old issues we must still fight. We were successful in killing the old GIPSA rule and maintaining your freedom to market cattle in a way that works best for you. Tom Vilsack doesn't like to lose, so he returned to USDA the second time with this item on his list of unfinished business. On top of that, he created a new position at USDA known as the Senior Advisor for Fair and Competitive Markets. This person's only role is to dig up perceived problems as a way to justify their job. Another great example of your tax dollars hard at work. Create a position, give it a wide swath of responsibility and turn it loose with very little oversight. That is how government manufactures bad ideas, or you could say this is the way the government finds solutions for problems that don't exist.

President Biden and Secretary Vilsack have been talking about competition in the market since Inauguration Day. Many times, they have invoked their charge to help with producer profitability. Wouldn't fair and competitive livestock markets help with producer profitability? On the surface you might think that to be the case, but remember we're talking about Washington, D.C. Nothing is ever as it seems and if you don't pop the hood, kick the tires, and crawl under any legislation, law, rule or regulation to fully understand what it does, you can find yourself hoodwinked by federal agencies. This proposed rule is not really about fair and competitive markets. It is about bringing everybody down to the lowest common denominator.

During last month's Cattle Industry Summer Business Meeting, there was much discussion about the continued strong demand for beef. Speaker after speaker said that the quality of our beef is driving that demand. The improvement of beef quality is the result of years of effort by all of you to improve your herd genetics, implement improved production practices, and benefit from programs such as Beef Quality Assurance, or BQA. Many of you have made decisions to take your high-quality cattle and market them through any number of existing value-added programs. Some of you have created your own brands to capture the value of your cattle and the resulting beef. You expect to be paid for your efforts, and many of you have been. NCBA's producer-passed policy supports your right to do that.

Under this proposal, though, all of you who differentiate your cattle and beef will be in violation of the rule. It is clear that any work that results in you getting a different price than your neighbor runs afoul of what USDA wants. They want everybody to get similar prices, regardless of the quality of the cattle. That's the lowest common denominator I mentioned earlier. The proposal takes your right to do what is best for you and chunks it out the window. That is wrong, and it is

why we are fighting back.

If President Biden and Secretary Vilsack are serious about producer profitability, they would encourage opportunities for producers to market their cattle and beef in new and innovative ways, not take those opportunities away. If they are serious about producer profitability, they would make an effort to fully staff the Packers and Stockyards Division at USDA so there are enough personnel in D.C. and the field offices to fully enforce the Packers and Stockyards Act. This agency currently has close to a 50% staff vacancy rate. You can't be an effective regulator and law enforcer when you barely have enough people to turn the lights on. I am currently working with an NCBA member who has been waiting since November to get paid for cattle he delivered to a regional packer. USDA's answer was to encourage him to get a lawyer. Nope, that's not an acceptable answer. So, instead of dreaming up ridiculous new regulations that USDA doesn't even have the staff to enforce, simply find the staff to enforce

the rules already on the books. Protecting producers and getting them paid will go a long way in producer profitability.



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# Summer Business Meeting Showcases Our Grassroots Policy Process

By Mark Eisele, NCBA President



When I talk to cattle producers across the country about NCBA, the term “grassroots” is how I describe our organization, and there is no better example of grassroots leadership than our Summer Business Meeting.

Summer Business Meeting is a time for policy work. Before we even get to the meeting, cattle producers are discussing policies in their home states. State affiliates bring policy to the national level and the volunteer leaders that make up our policy committees debate and vote on the policy resolutions brought forward. At the end of Summer Business Meeting, our Board of Directors votes on the policy resolutions passed by the committee, sending them on to every NCBA member to vote on individually through a ballot sent out next month. This process may sound time consuming, but it ensures each policy position at NCBA is scrutinized by cattle producers from every part of the country and every segment of the industry so only the best policies come forward.

This grassroots policy process is what sets us apart in Washington, D.C. When NCBA is fighting for you on Capitol Hill, we can point to our policy process to prove that our position reflects the cattle industry’s perspective — not the ideas of any one individual.

At this year’s Summer Business Meeting, we renewed several policies already on the books, but members also passed several new policies. One of these policies addresses the Corporate Transparency Act, a new law that requires businesses to report the identity of their owners to the Financial Crimes Enforcement Network (FinCEN), a division of the U.S. Department of the Treasury. Although the law is well intended, farmers and ranchers are caught in the middle of a new regulation that requires us to reveal ownership information to the government or face steep financial penalties. I strongly encourage you to do some research on the Corporate Transparency Act and visit the website [www.fincen.gov/boi](http://www.fincen.gov/boi) to see if your farm or ranch will be impacted. The deadline to file these FinCEN reports is coming up, so I hope you will do the research now to avoid unwanted surprises later.

Our members also passed a policy directing us to focus on reducing taxes. This is a key part of strengthening producer profitability and ensuring our farms and ranches are not taxed out of existence as we try to pass these operations to the next generation. Sim-

ilarly, we need supportive risk management programs that help us navigate challenging market and weather conditions. Another policy passed at Summer Business Meeting directs NCBA to evaluate the effectiveness of the Pasture, Rangeland, and Forage program at the U.S. Department of Agriculture (USDA) and ensure that it keeps working for producers.

One of the topics we continue to hear about is traceability and the USDA’s rule to switch from visually readable ear tags to electronically and

visually readable tags for certain classes of cattle moving interstate: intact cattle 18 months of age or older, rodeo and exhibition cattle, and dairy cattle. This rule will take effect on Nov. 5, 2024, but the time to prepare is now. NCBA previously secured \$15 million in funding for ear tags to help defray the cost facing producers, and many state departments of agriculture allow producers to receive low cost or free tags. NCBA is also working with U.S. CattleTrace, an extremely important partner in the efforts to increase the adoption of EID tags and overall herd traceability. I encourage you to use CattleTrace as a resource if you are interested in implementing a traceability program for your herd.

As we discuss all these issues impacting the cattle industry, I hope you remember every position this association takes is set through our grassroots policy process. You, as an NCBA member, have a voice and a vote on every issue we consider. Next month, you will have an opportunity to exercise your vote through a ballot included in your September issue of National Cattlemen. Please use this opportunity to share your perspective on the issues facing us and the policies passed at the Summer Business Meeting.

Thank you for your NCBA membership, and thank you for being a grassroots leader in this industry.



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## PLC Accepts Rolling Submissions for Research Proposals Bolstering Federal Lands Ranching

WASHINGTON (July 2, 2024) – The Public Lands Council (PLC) today announced a rolling notice of funding availability that accompanies the existing grant funding process for Fiscal Year 2025. This two-track process allows individuals and organizations to submit proposals at any point during the year to be evaluated on an as-received basis. Additionally, PLC will maintain the traditional call for involvement through issuance of Requests for Proposals (RFPs) that address specific PLC needs and objectives throughout the year. Both types of funding availability support partnership and research capacity that address unique needs of federal lands ranchers and the grazing community.

Both RFPs and any rolling submissions must meet PLC's Guidelines for Distribution and any other associated requirements. More information is available on PLC's website: <https://publiclandscouncil.org/grants/>.

"The collective knowledge of public lands ranchers is immense, and it's critical we invest in supporting this conventional and historical knowledge with data and peer-reviewed work. Our past investments show that these investments bear

fruit. Before the landmark greater sage-grouse study by the University of Idaho, ranchers knew, but didn't have long-term data to prove that livestock production had supported grouse populations for decades. After ten years of investment, the final study demonstrated that grazing is protective and supportive for grouse populations and wider habitats," said PLC President Mark Roeber. "Utilizing a rolling submission process for applications of this kind will help streamline the proposal process and provide wider opportunities for people doing good work to seek PLC's support."

With more than 22,000 public land ranchers maintaining over 250 million acres of U.S. public land, livestock production and grazing on federal lands contributes to the economic and social sustainability of America's rural communities. All those interested in submitting a proposal should click here for more information. The proposal form and any additional materials should be submitted via email to [kglover@beef.org](mailto:kglover@beef.org).

## STEAK WITH SAUCE BORDELAISE

Lean and juicy Tri-Tip steak is an economical cut that pairs well with this classic French sauce. Make this popular restaurant meal at home and cancel your dinner reservations!



**Nutrition information per serving, 4 ounces beef with 2 tablespoons sauce:** 526 Calories; 369 Calories from fat; 41g Total Fat (12.5 g Saturated Fat; 0.43 g Trans Fat; 1.5 g Polyunsaturated Fat; 11.3 g Monounsaturated Fat); 95 mg Cholesterol; 905 mg Sodium; 3.5 g Total Carbohydrate; 0.6 g Dietary Fiber; 1.2 g Total Sugars; 29 g Protein; 0.1 g Added Sugars; 49 mg Calcium; 3.8 mg Iron; 516 mg Potassium; 0.2 mcg Vitamin D; 0.3 mg Riboflavin; 9.9 mg NE Niacin; 0.5 mg Vitamin B6; 2.6 mcg Vitamin B12; 267 mg Phosphorus; 6.6 mg Zinc; 10.2 mcg Selenium; 111.2 mg Choline.

This recipe is an excellent source of Protein, Iron, Riboflavin, Niacin, Vitamin B6, Vitamin B12, Phosphorus, Zinc, and Choline; and a good source of Potassium, and Selenium.

More recipes can be found at [www.beefitswhatsfordinner.com](http://www.beefitswhatsfordinner.com)

For information on degree of doneness and other cooking tips visit: <https://www.beefitswhatsfordinner.com/cooking/determining-doneness>

For more information on safe food handling and beef safety, see: <https://www.beefitswhatsfordinner.com/cooking/food-safety>

### Ingredients:

2 pounds beef Tri-tip Steak	2 tablespoons brandy
2 tablespoons canola oil	3/4 cup dry red wine
1 tablespoon salt	1 cup beef stock
4-1/2 teaspoons freshly ground black pepper	1/2 cup heavy cream
1/4 cup butter	2 teaspoons Worcestershire sauce
1/4 cup minced shallots	1 teaspoon fresh thyme leaves
1 teaspoon minced garlic	1/2 teaspoon beef base
3 Beef Bones (about 4 oz each), marrow removed and chopped	1/2 teaspoon freshly ground black pepper
	1 tablespoon chopped fresh parsley

### Cooking:

1. Brush steak evenly with oil; season with salt and pepper.
2. Heat large cast-iron skillet over medium heat until hot; add 2 tablespoons canola oil. Place steak in skillet turning until seared on all sides. Cook 8 to 10 minutes for medium rare (145°F) to medium doneness (160°F). Remove steaks from pan; keep warm.  
*Cook's Tip: Don't overcrowd steaks in the pan. Maintain medium high heat through the searing process to get all the edges seared and browned.*
3. Remove steak from skillet; set aside. Add 2 tablespoons butter, shallots and garlic to skillet. Cook and stir 1 to 2 minutes or until shallots are softened and garlic is fragrant. Add chopped bone marrow; cook 1 minute.
4. Add brandy; cook 1 to 2 minutes or until alcohol burns off. Add red wine; cook and stir 1 to 2 minutes until browned bits attached to skillet are dissolved and liquid is reduced by half. Stir in beef stock, cream, Worcestershire sauce, thyme, beef base and pepper. Cook 3 to 5 minutes or until sauce is smooth and slightly thickened. Remove from heat and gently swirl in remaining butter and parsley.
5. Slice steak across the grain into slices. Spoon sauce over steak.





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