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Annual Farm Bureau Meet the Candidate Cookout in July

The Annual West Virginia Farm Bureau Regional Cookout and Meet the Candidate Night will be held on Saturday, July 30 at the marina in St. Marys, West Virginia.

The event is a great opportunity for voters to become informed and learn where candidates stand on the issues important to families, agriculture and our state.

The Pleasants County Farm Bureau is hosting the event. Social hour starts at 5:30 pm. The meal begins at 6:30 pm.

Bring a chair and a covered dish to share. Meat and cutlery will be provided.

For more information, contact Don Fleming at (304) 464-4261 or Audra Cunningham at (304) 684-3077.
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Flood Reminds Us of Nature’s Power

Charles Wilfong, President, West Virginia Farm Bureau

June 30, 2016 will be a day that many West Virginians will never forget. The flooding that occurred that day has been classified as a 1000-year flood in some areas. Towns like White Sulfur Springs, Caldwell, Rainelle, Richwood, Clendenin and many more were drastically altered. The ten-plus inches of rain that fell in many of these areas turned small streams into raging torrents. The damage in these places is incredible.

Our hearts especially go out to those who lost loved ones in the flooding. Nothing can ever make up for these losses.

The disaster response from people all over the state as well as across our country has been phenomenal. Individuals and organizations have been extremely generous with their time and resources. Many people will need help for a considerable time to come.

West Virginia Farm Bureau is assessing what we can do to best help farmers affected by this tragedy. In the aftermath of previous floods, we have coordinated efforts to provide feed, fencing and more to those affected. We will do whatever we can this time as well. We also recommend farmers check with the USDA’s Farm Service Agency in Morgantown, which has a number of programs available for disaster assistance.

Weather events like this flood remind us how powerful the forces of nature remain, and how little control we humans really have.

Tide Beginning to Turn on EPA

Zippy Duvall, President, American Farm Bureau Federation

The Environmental Protection Agency and the Army Corps of Engineers are finally getting a much needed check on their runaway overreach. A unanimous ruling by the Supreme Court in May means farmers and ranchers can take the federal government to court immediately after an agency determines it can regulate part of their property.

This ruling--United States Army Corps of Engineers v. Hawkes--is among the most important court opinions we have seen. Along with other groups, including the National Cattlemen's Beef Association, AFBF was proud to contribute a friend-of-the-court brief; in support of the Hawkes family and the Pacific Legal Foundation.

Before this ruling, the Army Corps would tell farmers they had no right to challenge its decision that it had legal authority over what it had determined to be "navigable waters" on their land. Landowners would have to apply for a permit to work their land, or they could farm without a permit and wait for the government to sue them.

Either of the government's approaches could bankrupt many farmers. Just applying for a permit takes months or even years, piles of technical studies and many thousands of dollars in consultant and legal fees. Many permit applications die on the vine--neither rejected nor denied by the Corps, but abandoned by frustrated landowners after years of delay and requests for more data. It wasn't hard for the Justices to see the injustice and abuse in the government's approach. Justices Kennedy, Thomas and Alito did not mince words about the Clean Water Act, either. They warned it "continues to raise see Duvall, page 18
I hope July is going well for each of you. July and August bring lots of hot weather and many county fairs to West Virginia.

The futures markets for corn and soybeans have been very volatile. As of this writing, soybeans have been over $11.00, which is the highest in more than 2 years. Currently, the market is under pressure due to USDA reports in mid-July. Recent data indicate some improvement in consumer demand for beef. However, the futures market indicates a downward slide in fed cattle and feeder cattle prices. Keep in mind, only 16 cents of every dollar spent by consumers winds up in the hand of the farmer or producer.

Recently, the American Farm Bureau Federation received notice of the United States Supreme Court ruling that landowners may challenge the federal government whenever the Army Corps of Engineers tries to improperly regulate land use. Landowners may now challenge the Corps rulings known as “jurisdictional determination”. When the Corps asserts jurisdiction over low spots that look more like land than water, it will have to do so with the knowledge that its rulings can be challenged in court. Farmers and ranchers can now have their day in court. Many believe that the Supreme Court is now concerned about the reach of the Clean Water Act, as three justices wrote separate concurring opinions regarding systematic consequences of the Act.

A new report from the National Academies of Science found “no substantial evidence of risk to GMO crops, nor did the study find conclusive cause/effect evidence of environmental problems”. Additionally, the research surprisingly found no evidence of increased yields. Studies with animals and research on chemical composition of GE foods revealed no difference and therefore found no support for mandatory labeling of GMO foods.

USDA recently released its 14-page notice to completely rewrite and modernize the pre-market biotechnology regulatory framework called “Part 340”. AFBF has been somewhat supportive of the review. However, AFBF cautions APHIS of unintended consequences that reduce or delay future technology development. A number of organizations have likewise cautioned USDA, including the United Fresh Produce Association, National Grain & Feed Association, American Seed Association and others.

Senator Grassley of Iowa has introduced a bill that would amend the Packers & Stockyards Act of 1921 to prevent meatpackers from owning, feeding, or controlling livestock for more than 7 days prior to slaughter. The bill includes an exemption for members/owners of co-ops for any that are not covered by mandatory price reporting and single plant packers. This bill is similar to ones introduced in 2003, 2005, 2007, and 2012. AFBF policy encourages USDA
Nationwide Offers Insurance Benefits for Farmers and Other Small Business Owners

Matt Nicol  Sponsor Relations Account Executive
Nationwide
614-359-7342
nicolm6@nationwide.com

Most people know Nationwide® for car insurance. You may know us for being the #1 insurer of farm insurance. But did you know that Nationwide also offers insurance benefit products to small businesses?

For businesses with as few as two full-time employees, Nationwide provides group insurance coverage including dental, vision, short-term and long-term disability, life, accident, and supplemental health.

In addition to the broad array of products available to small businesses of many types, Nationwide recently launched a new employee benefits program designed specifically for farm and ranch businesses. The customized package bundle includes three coverage lines – group life, accidental death and dismemberment, and disability insurance – all for a single per-employee monthly rate. Current Nationwide business insurance customers are also eligible for a discount on the custom farm benefits package.

“The farming community is an underserved industry in the employee benefits market,” says Bessie Bui, associate vice president at Nationwide. “By customizing insurance benefits for this unique industry, we are looking to build upon Nationwide’s agricultural heritage to better serve our valued customers.”

Bui also notes that many insurance companies today do not offer group disability insurance for farms and ranch owners and their employees. Nationwide believes it is better positioned than other insurers to understand the unique needs and risks of farmers and their employees.

Some other features of Nationwide’s new benefits package include:
• No health questions to answer
• Available to employers with as few as two full-time employees, including the owner(s)
• Optional dependent life coverage available
• Accidental Death and Dismemberment (AD&D) benefit equal to 3 times the life benefit amount
• Occupational disability coverage for the business owner, if not covered by Worker’s Compensation

For more information on any of Nationwide’s employee benefits products for farm and ranch businesses, call Nationwide at 614-677-3862, or ask your agent for a group insurance quote.
Farming is a business of uncertainty, but here’s something you can count on.

Chevrolet presents this exclusive $500 private offer¹ toward the purchase or lease of an all-new Chevy Silverado — the 2014 North American Truck of the Year. From the family of the most dependable, longest-lasting² full-size pickup in America, rest assured your Silverado will keep you working without skipping a beat.

¹ Offer available through 4/1/17. Available on qualified 2014 and 2015 Chevrolet vehicles. This offer is not available with some other offers. Only customers who have been active members of an eligible Farm Bureau for a minimum of 30 days will be eligible to receive a certificate. Customers can obtain certificates at www.fbverify.com/gm. Farm Bureau and the FB logo are registered service marks of the American Farm Bureau Federation and are used herein under license by General Motors. ² Dependability based on longevity: 1987–April 2013 full-size pickup registrations.
MEADOW VIEW FARM
JEFF, JANET, & KELSEY ALLEN
2015 MARSHALL COUNTY & DISTRICT WINNER
COOPERATOR
NORTHERN PANHANDLE CONSERVATION DISTRICT
Slow and Steady

Long-range planning, along with programs from NRCS, are helping this couple build the operation they’ve always dreamed of

Tabby Bennett

Jeff and Janet Allen are the owners of Meadow View Farm in Moundsville, West Virginia. Over the past ten years they have transformed their farm from a goal-driven project to a fully self-sufficient 197 acres of productive land.

Jeff and Janet purchased their farm in 2006, then in 2010, purchased more land nearby to complete what is now Meadow View. Although Jeff spent some time on his grandparent’s farm, neither Jeff nor Janet had farmed extensively before.

“When we bought the farm there was a lot we wanted to do, but of course you have to be able to afford it. We had to prioritize, and we made a 7-8 year plan,” said Janet. “NRCS helped us get a lot done and helped us by cost sharing. They have a lot of great ideas too.”

The Allens raise hay and cattle, and with the financial and technical assistance of Natural Resources Conservation Service (NRCS), this couple has steadily made improvements that have allowed them to farm the way they had intended from the beginning.

“We are able to completely stabilize 30-40 head of cattle on our own, and our goal is 50 head,” said Jeff. “We also sell round bales.”

The Allens utilize many aspects of several NRCS programs to ensure their farm is able to run sustainably and smoothly.

“It’s always been a personal goal of mine to have something like this,” said Jeff. “You can’t take from the land without giving something back.”

One major program the Allens use most on their farm is Environmental Quality Incentives Program (EQIP). With EQIP, they have developed five springs with watering troughs. The spring developments and water troughs ensure their cattle get all of the fresh water they need, and eliminates the cattle’s need to enter water sources like creeks and rivers.

Additionally, the Allens have built 23,000 feet of exclusion and division fence for rotational grazing, as well as 3,500 feet of wildlife friendly fencing. Exclusion and division fencing help by making sure cattle remain in areas where they belong, and makes the transition from field to field more easy when all of the vegetation in a field is consumed and the cattle need to move to another. Wildlife friendly fencing is helpful to the farmer when animals such as deer visit the farm. Reflectors are attached to exterior fences so wildlife can see them and jump over or go around the fence instead of crashing through.

Jeff and Janet also built a 30x120 foot feeding facility for cattle and a manure storage facility. The feeding facility is helpful because it makes
easy work of feeding cattle during the winter months when they are no longer able to graze in the fields. The feeding facility has two levels; one where the hay bales sit, and one where the cattle stay. The levels keep the food above the ground where the cattle walk and do their “business” so it can stay clean. Additionally, the facility has a spot for calves to bed where they will have an equal opportunity to eat hay away from the adult cows. The feeding facility also helps the Allens get more out of their hay bales, because they are kept clean and dry, so little to no hay is wasted.

“We were feeding seven round bales per cow, and now we feed about five bales per cow in the winter,” said Jeff. “The facility is now saving us nearly two bales per cow and gives me more to sell. We use the hay money to buy fertilizer in the spring, so it just works itself out.

“NRCS helped us get a lot done and helped us by cost sharing. They have a lot of great ideas too.”

With the use of brush management, stored manure and rotational grazing, Jeff and Janet can make two cuts of hay per season and their cows can graze late into the fall by grazing the third cutting. In fact, they do not actually start feeding hay until around late December, which has extended their grazing season by four to six weeks.

The Allens have also welcomed a WVU graduate student who comes to collect soil and manure samples to study and determine which field is best served from the manure. Jeff then can have his fertilizer custom mixed based on that research, and spread it in his fields to ensure the most ideal conditions and most optimal use of his land and resources are met.

“We put a lot of money into the ground, but it pays us back” said Jeff. We have repeat customers and new buyers who seem to be very satisfied.
If farming full time doesn’t keep Jeff and Janet busy enough, they also have full time jobs. Janet is a school cook and Jeff is a welder. They have hosted Farm Field Day, are active members in their church, have received several honors from organizations such as the Marshall County Livestock Club and Cameron FFA, donate to the Wheeling Winter Freeze Shelter, are members of Marshall County Farm Bureau, Northern Panhandle Stockman’s Association, WV Cattlemen’s Association and National Cattlemen’s Association. They have been mentors, sponsors and volunteers for FFA, 4H and Livestock clubs, and they have a daughter who attends Marshall University.

With busy schedules and multiple obligations, the Allens are able to maintain balance between their lives and achieving goals for their farm. NRCS has helped them take ideas and build real, successful operations.

“We have learned a lot from NRCS. We have been here ten years and would not have been able to get all of this done without them.”

Photos, page 8: The Allens proudly display a sign recognizing Meadow View as a Conservation Farm winner. Page 10, top: cattle on the Allens’ farm; below: a view of the farm. Page 11, top: Feeding facility; middle: feeding facility interior; bottom: wildlife-friendly fencing helps deer and other animals see the fenceline so they don’t run into it.
The Worth of Water

Balancing the needs of agriculture with the needs of communities

Danielle Grant
"We never know the worth of water till the well is dry." - Thomas Fuller, 1732.

In 2014, West Virginia was in a state of emergency as nearly 300,000 residents were left without their normal water source for nearly two weeks. Chaos erupted as residents literally fought to secure water for their families and farms.

When water becomes a scarce resource how do we determine who stands at the front of the line? What if the realities of a water crisis became an issue we must address on a regular, even daily, basis? From my own experience in what was deemed a water crisis, I came to see that we must determine how to conserve water, protect our right to use available water and create a hierarchy of need for distribution if necessary.

In the United States, state water rights primarily fall under one of two classifications - either a Riparian System or a Priority Appropriation. West Virginia, along with many of the eastern states, utilizes the Riparian System. West Virginia Farm Bureau Policy #90 supports the continued use of the riparian rights doctrine. The riparian system allows anyone along the path of the water to use the water. Many states add to this definition, saying they may utilize the water as long as they do not cause harm to the water source and are using it for "reasonable" causes. The riparian system works well in most of the eastern states, because irrigation is not normally as intense or necessary as it is in the western states. Additionally, although drought may occur, water shortages in the eastern U.S. are less likely than in the west.

Priority Appropriation started back in the 1800's and was based on the same concepts as mining claims. The riparian system could not be utilized when these settlers moved west, because the land needed was not always near the course of the water. "First in time, first in right," became the concept used to determine who had rights to the water available. A "priority date" is set when an individual makes a claim to the water. The individual with the earliest priority date will take precedence over anyone wanting to utilize the water who established a later priority date. This is significant, because a majority of the water in western states is controlled by agriculture producers because they have the earliest established priority dates.

The priority date also can be sold with the farm, making the land more valuable. Because they "own" the rights to the water, it becomes a marketable commodity for these producers. In Colorado, one acre foot of water, which produces 126,000 gallons, is valued between $30,000-$50,000. As communities continue to grow, water may actually become a more profitable resource for these agriculture producers than the crops grown. Although this is a positive because it can result in more income for an agriculture producer, education of producers becomes increasingly important to ensure they understand the importance of keeping water in the control of agriculture operations. If the water rights are sold to municipalities, the agriculture community may never regain control of that water.

Priority appropriation also allows for the regulation of water. States can determine how much water can be withdrawn from a particular source. This can be a negative for agriculture producers with later priority dates. If three other producers have earlier dates and withdraw the allotted amount, other producers with later dates will not be allowed to withdraw from the water source at all.

Many of us in West Virginia do not think about water as a depleting or scarce resource. Unfortunately, as our population continues to grow the water supply will not grow; therefore, we must become diligent about utilizing conservation practices. Individuals who use city water and receive monthly water bills may know how much water they use and work to conserve, because they must pay for their water usage. How many of us using well water could even estimate our water usage? Small changes around our homes and farms can make a significant impact on water conservation. Some people may be opposed to updating irrigation systems, equipment and appliances due to the expense, but these changes within your home or agricultural operation can significantly reduce water loss. Utilizing best management practices in our operations can also conserve water. Producers should be encouraged to consider crops that take less water to grow if they are in areas where water may be in short supply.
and should continue to become educated on crops developed to be more drought resistant.

Additionally, small changes in your regular habits, such as turning off the water while brushing your teeth, waiting until the dishwasher is completely full before running or taking shorter showers are easy changes anyone can make to reduce water usage. Many of us have considered water an unlimited resource for too long and now we must be proactive to correct these mistakes to ensure a plentiful water supply for future generations.

Protecting our right to use water is equally as important as conserving it. Over the past few years, West Virginia Farm Bureau has promoted an aggressive campaign against the EPA and Corps of Engineers’ redefinition of Waters of the United States (WOTUS). The strict regulations of WOTUS could be detrimental to agriculture producers and other businesses across the country, and we must continue to fight against this overregulation. As West Virginia residents, we can look in our own backyard to find other examples of water supplies being threatened. The West Fork River Dam removal has been a controversial issue over the past year. The dam is being removed in order to protect the freshwater mussels inhabiting the river. The plan is to remove the dam in order to save the mussels, but is there a plan in place to replace this water source which is used by farmers and communities? Should Farm Bureau push for policy that requires any water source that is removed to be replaced with another of equal or greater capacity? The American Farm Bureau opposes stopping stream channel improvement, an appropriate part of many watershed programs, due to unrealistic demands made by recreation, fish and wildlife interests. In the event a decision is made to make changes to a water source in order to preserve wildlife, policy requiring the water source must be replaced by one of equal or greater holding capacity could be a beneficial way to protect the water available for agriculture production.

We must be proactive and we must plan for the future. Many states, even those not feeling the effects of the water shortages, have already established planning boards to help determine how water should be managed. Some states, such as Iowa, have even gone as far as to create a hierarchy for distribution of water if this should become necessary. West Virginia Farm Bureau policy states humans, animals and crops should be of the highest priority for water, in that order. Although we as agriculturalists may feel this makes the most sense, someone in an urban area may feel their pool or lawn is just as important as watering crops. Education and public outreach are vital for water conservation and protection. The general public must understand the importance of the agriculturalist to have water in order to continue producing a steady food supply.

Water is an issue affecting every person, every single day; therefore, we must work together. Consumers, producers and our government must each do their part to assure everyone has the water needed for survival and the water supply is secure for future generations. Conservation, protection, education and collaboration are essential to the future of the agriculture industry and everyone must do their part, because as the West Virginia Farm Bureau motto says, “We pull the most when we pull together.”

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The YF&R program helps young members shape the future of agriculture, as well as their individual futures, with leadership development and personal growth opportunities. Through three competitions, members are able to showcase their leadership experience, communication skills and successful farm plans as they compete against the best of the best Farm Bureau has to offer.

As part of the YF&R competitions, winners in the Achievement Award, Discussion Meet and Excellence in Ag areas will receive their choice of a 2017 Chevrolet Silverado or GMC Sierra truck, courtesy of Chevrolet. Three national finalists in each competition will receive a Case IH Farmall 50A tractor, courtesy of Case IH, as well as a $2,500 cash prize and $500 in STIHL merchandise.

For more information about YF&R competitive events contact your state Farm Bureau or contact AFBF at yfr@fb.org or 202-406-3600.
Who has the best peas in Morgantown? A group of Westwood Middle School students think they hold the title. And they just might! Several students in Amy Acosta’s and Victoria Fletcher’s classes took part in the “1st Peas to the Table” contest sponsored by the American Farm Bureau. Laura Himes, an Instructional Aide/Autism Mentor at Westwood Middle and a member of the Monongalia County Farm Bureau, thought this hands-on activity would be perfect for her students. Her opinion was echoed by local farmers and fellow Farm Bureau members John and Peggy Petrich.

We are impressed by the enthusiasm of both the teachers and the students. We are proud of them!” said the Petriches, who toured the students’ bucket gardens.
The Westwood Middle students were the only local youth to take advantage of the contest. Westwood Principal Len Haney and Assistant Principal Jen Hagerty encouraged Mrs. Himes to get the students involved.

Lowes donated potting soil for the project, and BFS – Southern States donated pea seeds. From there, it was up to the students to plant and water the seeds. They also maintained a pea journal, measured plant growth and kept a photo log as the plants grew. Students applied math, science, art, writing and other skills while they experimented with agriculture in their classroom.

The Monongalia County Farm Bureau recognized the students with certificates at the school’s awards day ceremony. A copy of 1st Peas to the Table story book - the motivation for the contest - was given to the school by West Virginia Farm Bureau.

For more information on Farm Bureau and its educational programs, go to www.agfoundation.org. Find out more about the Monongalia County Farm Bureau by calling 304-292-3116.
troubling questions regarding the Government's power to cast doubt on the full use and enjoyment of private property throughout the Nation."

This isn't news to Farm Bureau: For more than a decade, we have been battling overreach by both the Corps and the Environmental Protection Agency, which share limited jurisdiction under the Clean Water Act. We weighed in several years ago in the so-called SWANCC case when the Corps claimed jurisdiction over any water body (no matter how small and isolated) where migratory birds might land. The Supreme Court said no to that scheme. EPA also tried to impose federal permitting on any livestock farm with the "potential" to discharge pollution, even if the farm never had a discharge and even though the law only regulates "discharges" to waters. Farm Bureau filed suit together with the pork industry. The court ruled against the EPA: livestock farms don't need a federal permit to operate. But both EPA and the Corps keep trying to push the boundaries--to regulate by any means possible, no matter how they have to stretch logic and the law.

Again, Hawkes isn't the first time EPA has been caught overstepping its bounds. Take, for example, the case of Andy Johnson, a Wyoming farmer who recently won a long battle with EPA over an environmentally friendly stock pond for cattle on his property. Besides watering Johnson's cattle, the pond fostered wetland grasses and provided habitat for herons and a stopping place for the local population of eagles.

Johnson had a state permit to construct the pond on his property. But the EPA later claimed that pond violated federal law. They threatened him with a daily fine of $37,500 for failure to follow their order to remove the pond. Johnson wasn't having any of it. He and attorneys eventually wore down the EPA. The agency settled out of court and let the pond stay as it was, rather than face certain defeat.

Lois Alt, together with the Farm Bureau, also beat back the EPA. Regulators insisted she apply for a Clean Water Act permit for nothing more than the stormwater that ran off her well-tended farmyard. And again, the Army Corps of Engineers threatened fines of $37,500 a day if she didn't comply. It defied common sense. The courts agreed and sent the EPA packing.

Farmers shouldn't be left in limbo wondering if regulators can shut down our farms over an everyday farming activity. It shouldn't take a Ph.D. in hydrology to determine if there's "navigable water" on our land. Opaque, confusing and shockingly expensive regulation by the Army Corps of Engineers and EPA has hamstrung farmers' and ranchers' ability to work with and care for the land.

Hawkes, SWANCC, Johnson and Alt: These legal battles have won real victories for private landowners across the country and for agriculture. We will continue to work through the courts and with Congress to control unlawful overreach by agencies that seem incapable of self-control.
to monitor livestock markets to ensure competition. However, AFBF believes this legislation interferes with forward contracts and marketing agreements that are common in cattle and hog production.

The West Virginia Legislature has established the budget for 2017. The budget includes a 65-cent tobacco tax increase that is expected to generate about $98 million in revenue. The rest of the budget gap will be accomplished by account sweeps and across-the-board reductions of 2 to 10 percent in state agencies. Projections for 2018 and beyond continue to predict a $300-$400 million gap. The new governor to be elected this fall will face an immediate challenge as to how to proceed. Many are saying that our size of government has outgrown what we can afford.

I hope you enjoyed your Independence Day celebrations. The Fourth of July has been a paid holiday for federal employees since 1941, but the tradition of celebrating goes back to the 18th century and the American Revolution. In June 1776, the Continental Congress declared its independence from Great Britain. On July 4, 1776, Congress formally adopted the Declaration of Independence document, which was largely written by Thomas Jefferson. (The original vote for independence actually occurred on July 2.)

We have truly been blessed to live in such a great country. America celebrated with parades, fireworks, concerts, ballgames and of course plenty of hot dogs. Every day is a great day to reflect on and celebrate the freedom we now enjoy due to the sacrifices of many who gave their lives to win and preserve this freedom.

Don’t forget these words found in the document that Jefferson wrote: “We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.” Don’t miss the meaning of the last line of this statement: government gets its power only from the governed. The Declaration of Independence, along with our Constitution and the Bill of Rights, are the cornerstones of the founding of our country.

In late June, I saw another example of what has made America great. After devastating floods and winds, we saw neighbors and strangers come together to support, assist, and re-establish families affected by the storms. From time to time, America has veered off the original path laid out by our founding fathers, but this recent desire to help is a great example of the dedication and steadfastness that West Virginians and Americans have.

If I can be of service to you, please call me at 304-871-0885, or send an e-mail to dwayneo@wv.farm.org. Have a great day!
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Families are the Core of Corporate Farming
Katie Heger

What do you notice when you look at an apple? Perhaps it’s the color or variety. How do you choose which to buy at the market? Pink Lady? Gala? Granny Smith? Do you prefer tart over sweet? There may seem to be no end to your choices, but in the end, you go home with a bag of apples.

Now, you may be wondering why I am talking about apples in a piece titled “corporate farming,” but the two are more similar than you may think. Although apples come in many different varieties, their basic parts are the same: core, seeds, flesh and skin. Similarly, every farm or ranch has the same core parts—land, farmer, workers, crop or livestock, equipment and supplies—but farmers and ranchers differ in how they use those core parts to run their business to its highest potential. This includes the right to choose the business structure that meets their needs.

Having the opportunity to choose to be a corporation should be an option for all, not just some, but for many farmers the corporate business structure is not available. Some states have restricted or eliminated this option out of concern over the unknown about how corporate farming would fully play out. Corporate farming options do need to be weighed carefully, and when done right, the benefits can be significant. With the tough economic times America’s farmland is now facing, it makes good business sense to open the door for investors or partnerships that would assist farmers in their ability to persevere and possibly boost their businesses and rural economies.

Corporate farming often gets played as an emotional issue, one that many fear will take away the “family” aspect of farming. The concern is real and needs to be taken into consideration. Consumers hear the word “corporate” and think of suits and ties and hundreds of employees. They don’t want to lose the nostalgic image they have of the small mom-and-pop farm with one field, a cow and a few chickens. But most people are at least three generations removed from farming or ranching, and don’t
fully understand the business side of agriculture. A few quick numbers reveal the majority of “corporate farms” are actually family businesses. Of the 2.1 million farms in the U.S. in 2015, 5 percent were incorporated, and from that 5 percent, 4.5 percent were family-owned. And 98 percent of those family corporations had fewer than 10 shareholders.

Creating farm corporations opens up more opportunities for direct family involvement in farming, and allows for non-blood relatives to take up the business as well. Younger generations will not have to walk away from farms that have been in their families for decades. Corporate farming can make it more attainable for young farmers and ranchers to get their start. It is very difficult, if not impossible because of initial capital investments, to be a first-generation farmer or rancher. The ability to use the corporate structure is one way to bring upcoming generations back into production agriculture and ranching instead of pushing them away.

As you can tell, I am a believer in opportunity, but opportunity must come with protection. Protections need to be in place to make sure that large industrial businesses do not overtake agriculture. We don’t want to lose the heritage and work of previous generations in agriculture. Corporate farming options need to stay in the hands of those working in the soil to raise crops and livestock, rather than allow for energy- and product-based companies to control or impede the daily work of a farm or ranch. By providing all business structure options for farms and ranches, we can preserve an agricultural heritage that we, U.S. farmers, so proudly stand for. But with limited business options, we run the risk of losing our family farms and reducing the number of people directly involved in agriculture.

As I sit reflecting on all that I have been blessed with and desire to pass on to future generations, I recall our farm’s motto: “Honoring the past, working today, preparing for the future.” The time is now to prepare for the future, to keep farms and ranches up and running, and to bring new farmers in, maximizing agriculture’s potential to build businesses that last for generations to come.

Katie Heger, dedicated advocate for agriculture, blogs at hegerfamilyfarms.wordpress.com and shares at Heger Farms on Facebook. Katie and her husband farm corn, soybeans and wheat in central North Dakota.
FINANCIAL PLANNING

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IRA Charitable Rollover

David A. DeJarnett

This article will explain the possible advantages of an IRA charitable rollover, also called a “qualified charitable distribution.”

Individuals who are 70½ or older may annually roll over up to $100,000 from an individual retirement account directly to a qualifying charity without recognizing the assets transferred to the qualifying charity as income. The individual may not take a charitable contribution deduction for the contribution; to do so would result in a double benefit for donors, which is explicitly prohibited. The chosen charity cannot be a supporting organization or a donor advised fund held by a public charity. The chosen charity can be a private foundation that elects to meet the conduit rules (described below) in the year of the distribution.

A private foundation may elect to meet the conduit rules and pay out 100 percent of the contributions the foundation received in its tax year by the 15th day of the third month after the close of that tax year, in addition to meeting its regular five percent distribution requirements. A private foundation may elect to be or not to be a conduit private foundation from year to year.

Distributions to other types of funds typically held by community foundations – such as scholarship, field-of-interest, and designated funds – qualify to receive a charitable rollover.

If a charitable rollover is made to a charity that does not qualify, the donor will have to first recognize those distributions as income. They then must calculate their charitable deduction according to the general rules pertaining to percentage limitations and itemized contribution reductions.

The law limits the amount that donors are able to exclude from their income to $100,000. If donors wish to take funds from their IRA to contribute more than $100,000 to charity, they cannot exclude the additional amount from their gross income. Rather, they must follow the general rules pertaining to percentage limitations and itemized contribution reductions.

Generally, this provision benefits donors who itemize deductions and whose charitable contributions are reduced by the percentage of income limitation. Traditionally, when individuals receive a distribution from their IRA and make a corresponding charitable contribution, they must count the distribution as income and then receive a charitable deduction for any amounts they transferred to charity. For higher income taxpayers, the charitable contribution deduction they receive may not totally offset the taxes they must pay for receiving the distribution from their IRA. In such cases, donors would potentially benefit more by using the charitable rollover provision when making a charitable donation.

Other donors who may benefit are individuals who do not usually itemize their deductions.

Individuals must instruct their IRA trustee to make the contribution directly to an eligible charitable organization. Individuals making a charitable contribution using IRA funds must obtain from the charity a contemporaneous written acknowledgement of the contribution to benefit from this provision.

If the donor receives any goods or services (e.g., tickets to a fundraiser) that would have reduced their charitable deduction had they made an outright gift to the charity, the rollover of assets from an IRA will not qualify for the tax-free treatment under this provision. Gifts to the donor that are disregarded (i.e., public recognition, token gifts, and insubstantial benefits) will not disqualify the contribution from the tax-free treatment.

Shortly after individuals reach the age of 70½, they are generally required to receive distributions from their traditional IRA. For the purposes of minimum required distributions, the IRS treats distributions from an IRA the same, whether individuals use the distribution for personal purposes or direct the distribution to a charity.

David is an attorney and a partner in the Martinsburg office of Bowles Rice LLP. He has over 25 years of experience in advising clients regarding income and estate taxes, estate planning and land succession planning. For more information, please contact David at (304) 263-0836.
Internet Settlement Benefits All West Virginians

PATRICK MORRISEY
Six months ago, my office reached a record-making, $160-million settlement with Frontier Communications. It immediately ranked as the largest consumer protection action of its kind in state history and represented a major step forward for improved Internet access and service for West Virginia.

Routine email and web surfing can be adequately served with yesterday’s dial-up speed of 56 kilobits per second, but today’s world is much different. The new era depends upon video capabilities and large data transfers at work, in addition to streaming entertainment at home.

For instance, satisfactorily watching just one, high-definition movie can require a connection of 5 megabits per second – a speed many West Virginians thought they were obtaining after they purchased high-speed Internet service.

Through this landmark settlement we seek to enhance speeds and increase connectivity. The agreement reduces many consumers’ bills and over a three year period ensures heavy investment into our state’s Internet infrastructure.

Between 2013 and 2015, our office received multiple complaints from consumers who paid for Frontier’s high-speed service, which advertised speeds up to 6 Mbps.

We took those complaints seriously, initiated a comprehensive investigation and then brokered an agreement for approximately $160 million – the largest independently negotiated settlement in West Virginia’s history.

Simply put, this represents a major victory for West Virginia consumers without the cost of extensive and uncertain litigation. I appreciate that we have been able to work out an agreement with the company.

The centerpiece of this consumer protection agreement requires Frontier to spend at least $150 million to upgrade its infrastructure over the next three years. Those capital expenditures must come in addition to the $180 million in planned improvements as part of a federal program.

Of course, infrastructure upgrades will not occur overnight. That’s why another portion of the consumer protection settlement requires Frontier to reduce monthly bills for at least 28,000 customers – a provision expected to save approximately $10 million for consumers.

For customers receiving just 1.5 Mbps or less, your monthly bill will drop to $9.99 per month. That equates to a savings of $10 to $20 per month.

Frontier further agreed, as part of the consumer protection settlement, to make no attempt at passing costs associated with the settlement onto consumers through any regulatory proceeding, including those before the state Public Service Commission.

Together, the main provisions amount to approximately $160 million in benefits without the time or expense of a prolonged lawsuit that, in and of itself, offers no guaranteed benefit to consumers. Plus, the state expended no funds for outside counsel – all legal work was handled in house, saving hundreds of thousands to millions of dollars.

We hope and anticipate that this agreement will represent a game changer for West Virginia. Rest assured, it’s only the first step from our office to improve connectivity in our state. Much more needs to be done.

Since becoming attorney general, I have sought to use the authority of our office to help consumers as well as fundamentally improve the business climate of our state. Through this record breaking settlement, we are making good on our promise and investing in West Virginia’s citizens and her future.

Patrick Morrisey serves as attorney general for West Virginia.
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West Virginia Farm Bureau News 29
Firing up the grill is an American tradition. The farm families who produce the food so many people enjoy at backyard cookouts want to share some of their favorite grilling recipes, as well as an appreciation for how food gets from the farm to the table.

Farmers like Amanda Folkens, from Iowa, Danell Kalcevic, from Colorado, and Nicole Small, from Kansas, have joined with more than 70 other farmer volunteers across the country in the CommonGround program as a way to talk with home cooks about how food is grown and raised. “On our farm, animal care is top priority, as it is for thousands of other family farms in the U.S.” said Amanda. “By keeping our animals indoors, we make sure they are protected from predators, disease and bad weather.”

To learn more about family farms and facts about your food, visit www.FindOurCommonGround.com. Here are some of Amanda, Danell and Nicole’s favorite grilling recipes.
Things to Know Before You Shop the Meat Case

- There's no need to pay extra for poultry or pork that's labeled hormone-free. USDA prohibits farmers from using hormones to raise chicken and pigs.
- Nearly all beef cattle, whether raised organically or conventionally, spend the majority of their lives on pastures eating grass.
- Purchasing organic, grass-fed and free-range meats does not make them safer to consume. These labels refer to how the animals are raised, but all meat and poultry can contain bacteria that could cause illness.
- Most cases of foodborne illness can be prevented with proper processing, handling and cooking of food to destroy bacteria.

Grilled Hawaiian Ham Sandwich
By Amanda Folkens
Serves: 1
1 tablespoon brown sugar
1/2 tablespoon seasoning pepper
1 to 2 1/4-inch thick ham slices (about the same thickness as the bread)
Cooking spray
Pineapple slices (can be fresh or canned)
2 slices sourdough bread
Preheat grill for high heat.
Mix brown sugar with pepper to create a rub mixture.
Using your hands, massage the rub onto both sides of the slices of ham. Ham slices should be completely covered (front and back) with brown sugar mix.
Place ham slices on sheet of lightly greased foil, then place onto grill.
On separate sheet of greased foil, lay pineapple slices out, uncovered.
Cook for 6 to 8 minutes or until brown caramelization appears around edges of ham and pineapple.
Remove ham and pineapple from heat and assemble onto toasted sourdough bread.

Country Barbecue Potatoes
By Nicole Small
Serves: 4 to 6
2 pounds small red potatoes
2 tablespoons butter, melted
1 teaspoon honey
3 teaspoons seasoned salt
1/2 teaspoon salt
1/4 teaspoon garlic powder
1/4 teaspoon pepper
Preheat oven to 450°F.
Coat 9 x 13 baking pan with nonstick spray.
Cut potatoes into small to medium-sized pieces and put in pan.
Melt butter and honey, and then drizzle over potatoes. Sprinkle with seasoned salt, salt, garlic powder and pepper. Toss well to coat.
Bake, uncovered, for 25 to 30 minutes, or until potatoes are tender and golden brown. Stir potatoes at least once.

Beef Rack of Ribs
By Danell Kalcevic
Serves: 4 to 6
Salt (to taste)
1 tablespoon black pepper (to taste)
1 tablespoon seasoned garlic salt (to taste)
Cayenne pepper (optional)
1 to 2 racks of beef ribs (number of racks based on number of people)
1 tablespoon yellow mustard
1/3 cup brown sugar
One bottle of favorite barbeque sauce
The night before serving, prepare rub for beef ribs (salt, pepper, seasoned garlic salt and optional cayenne pepper). Sprinkle both sides of ribs and then rub vigorously. Wrap in plastic wrap and refrigerate overnight.
In the morning, place on medium temperature grill and spread yellow mustard and brown sugar on each side of the ribs. Grill for 5 to 8 minutes until each side is slightly browned and caramelized.
Remove ribs from grill and slice with sharp knife. Place individual ribs in a crock pot on low. Add one bottle of your favorite barbeque sauce. Let simmer 6 to 8 hours.
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