Sixth Circuit Issues Stay of WOTUS; Senate Fails to Muster Votes to Defeat It

The U.S. Circuit Court of Appeals for the Sixth District in Cincinnati issued a stay against the EPA’s Waters of the United States (WOTUS) rule on October 9th, temporarily halting the concern and confusion of landowners, farmers and businesses nationwide.

In the opinion, Judge David McKeague of the U.S. Court of Appeals for the Sixth Circuit, said the plaintiffs, 18 states in this case, “have demonstrated a substantial possibility of success on the merits of their claims” and that a stay will not cause undue harm to either the states or the environment. Judge Richard Griffin joined in McKeague’s opinion, providing the two-to-one majority.

“There is no compelling showing that any of the petitioners will suffer immediate irreparable harm - in the form of interference with state sovereignty, or in unrecoverable expenditure of resources as they endeavor to comply with the new regime - if a stay is not issued pending determination of this court’s jurisdiction,” McKeague wrote. “But neither is there any indication that the integrity of the nation’s waters will suffer imminent injury if the new scheme is not immediately implemented and enforced.”

“The judges expressed deep concerns over the basic legality of this rule,” AFBF President Bob Stallman said in a statement. “We’re not in the least surprised. This is the worst EPA order we have seen since the agency was established more than 40 years ago. The court clearly understood our arguments. We are confident that the courts will strike down this rule. Unfortunately, we also know stays don’t last forever, and cases like this almost always take years to win.”

Hopes were that the U.S. Senate would settle the issue once and for all, through the passing of legislation ordering the EPA to scrap the rule and start over. However, a vote on November 3rd fell three votes short.

At the moment, the stay remains in place. Farmers and others are advised to stay informed to further developments to avoid putting themselves at risk of large fines should the stay be lifted and enforcement of WOTUS commences.

Articles for NewsBytes must be submitted by the 15th of the month prior to publication. Time-sensitive announcements must be submitted no less than 8 weeks prior to the date of the event. Electronic submissions, including photos, are preferred. Send to joanh@wvfarm.org.
Remembering the Flood of ‘85

Charles Wilfong, President, West Virginia Farm Bureau

It’s hard to believe that it has been 30 years since the November 5, 1985 flood that so devastated much of West Virginia. I remember the helpless feeling of being stranded at Jackson’s Mill at our WVFB Annual Meeting, along with many of you, while the storm was destroying our farms at home. I guess the main reason for thinking about that time so much lately was the prediction by some weather forecasters that the storms that hit the Carolinas so violently last month could track our way and create flooding as bad or worse than 1985. Thank God that prediction was wrong. I hope we never have to deal with another such disaster.

The most tragic results of that storm were the 47 lives that were lost, and the families who were affected by those losses. The property damage, too, was unimaginable. Towns like Rowlesburg, Marlinton, Petersburg, Moorefield, Parsons, Ronceverte, Alderson and Glenville were among those that would take years to recover.

The agricultural losses were staggering as well. Not only did farmers lose things like buildings, fences, livestock, machinery and feed supplies, but many also lost some of their land – or at least the topsoil from it. Looking at many of these farms then and now, it’s amazing to see the recovery that has been achieved.

Immediately following the flood, there was true cooperation between government agencies and landowners to address the issues at hand. It’s sad to think that kind of cooperation might be much more difficult today.

Personally speaking, it took a long time to get

see Wilfong, page 7

Local Efforts Protect Species and Respect Landowners

Bob Stallman, President, American Farm Bureau Federation

We recently sponsored a poll concerning the Endangered Species Act, and it opened our eyes. As it turns out, farmers and ranchers aren’t alone in thinking there’s something not quite right with the Endangered Species Act. More than 60 percent of Americans told pollsters they, too, think it needs an overhaul. And they’re right. With a recovery rate of less than 2 percent, the ESA has failed to achieve its primary goal of recovering at-risk species.

There are many things we can do to make environmental policy better, but local control is near the top of the list. Americans trust local and state government to protect the environment far more than they trust Washington to get the job done.

Right now, farmers and ranchers across the country are working with local groups and officials to prove it is possible to protect species and respect property owners at the same time. And here again, most people agree with us. In the poll, conducted for AFBF by Morning Consult, only 31 percent of those surveyed actually think the federal government should be taking the lead in recovery efforts. Why? Because state and local wildlife management programs are getting results that the feds haven’t. Most recently, the greater sage grouse and the Sonoran desert tortoise were spared from ESA listings thanks to the efforts of farmers and ranchers, landowners, and state wildlife agencies across the West. They saved these at-risk animals, and they did it without sacrificing their local businesses and economies. So instead of

see Stallman, page 21
Reflections – Time flies when you are having fun, and the past nine legislative sessions have truly been a treat serving as your advocate for agriculture. In reflecting on those nine sessions and the year-round activities driving the process, I found myself pondering on what I would deem our “inventory of key assets” in providing a voice for agriculture in the Mountain State:

• First and foremost is the “grass roots” nature of our organization. Unlike many other organizations, Farm Bureau is truly driven by grass roots action. Quality local, regional and state activities provide a forum for education, leadership development and great fellowship. Member involvement is exemplified through policy development, as well as the candidate endorsement process.

• Our organization is guided by a board of directors and leadership team truly committed to making a positive difference for our members and the agriculture industry we serve.

• Organization and member efforts are enhanced by competent, dedicated and responsive state staff. This group goes the extra mile to meet the needs of Farm Bureau members.

• We have numerous friends on both sides of the aisle “under the Dome” and “inside the Beltway” who labor tirelessly to protect and promote rural West Virginia and our industry of agriculture. These friends – lawmakers, administrative and legal staff, etc. – deserve our utmost respect, even if we differ with their thinking at times or perhaps don’t understand the intricate details involved.

• The House Rural Caucus, under the leadership of Delegate Bill Hartman from Randolph County, continues to be one of the most refreshing aspects of the legislative process. The group leaves politics at the door to unite their efforts in making a positive difference on issues impacting rural West Virginia. In most cases their focus involves actions to promote our agriculture and forest industries.

• Our collaboration with business partners has yielded many benefits for all involved. I truly appreciate the door Farm Credit of the Virginias opened years ago to unite our talents and energies in promoting our industry with legislative and congressional leaders.

• Our efforts in dealing with economic and environmental issues, as well as private property rights, have been strengthened through our cooperation with coalition friends – coal, forestry, land and minerals, oil and gas, royalty owners, surface owners, etc.

• Farm Bureau has many friends with state agencies, government organizations and other agriculture industry associations, including DEP . . . yes, DEP! There are folks at DEP who understand agriculture and work with us to produce reasonable outcomes.

• The Davis College of Agriculture, Natural Resources and Design and the WVU Extension Service have been solid friends to Farm Bureau on all levels over the years.

• Farm Bureau’s close working relationship with the 4-H and FFA aids in the development of productive citizens, as well as potential Farm Bureau members.

Given the aforementioned inventory, which is by no means complete, there is no limit to what we can accomplish if we live by our motto – “We pull the most when we pull together.” The results can be amazing. Speaking of amazing, my wife and I were blest to be among the record attendance of 64,409 at the 88th National FFA Convention and Expo in Louisville, Kentucky, October 28-31. The sea of blue and gold was astounding, as was the record $24.5 million raised this year by the National FFA Foundation to support FFA programming and strengthen agriculture. The event was a real “battery-charger” and made us feel very positive about America’s future. Until next time, here’s wishing you and your loved ones God’s richest blessings for Thanksgiving and the CHRISTmas Season ahead – KEEP SMILING FRIENDS.
Fireplace Safety Tips to Start the Season Right

5 questions to ask

• Is your fireplace/chimney inspected and cleaned by a professional at least once a year?
• Is your wood well-seasoned – stored outdoors for at least 6 months?
• Do you look for signs of creosote or soot buildup?
• Has your chimney cap been inspected regularly or on a routine basis?
• Do you regularly clean the fireplace interior, including the floor?

How to safely build a fire

• Make sure the area surrounding the fireplace is free of flammable objects.
• Open the chimney flue prior to starting the fire to let fresh air feed the flames and allow smoke to exit. Close once the fire is put out.
• Have a metal container handy when removing and storing hot ashes. Store it outside at a safe distance from your home, since embers and ashes can stay hot for awhile.
• Start your fire with newspaper, dry kindling or organic fire starters. Never use gasoline, kerosene or charcoal starter.
• Set up a stainless steel liner to help keep the fire and ashes contained.
• Install heat-proof glass doors to keep live embers from escaping the fireplace.

As the weather gets colder and your fireplace becomes more than a decorative focal point, be sure it’s up for the task of keeping your family warm and toasty – and safe.

Share these safety tips from Nationwide with your loved ones and enjoy the holidays!

Photo credit: candyboximages/dollarphotoclub.com
things back to anything resembling “normal” on our farm. Re-channeling streams, cleaning up tons of rock, silt and debris that covered many fields seemed an insurmountable task. On top of that, miles of fencing had to be replaced. Maybe that is why I’m thinking so much about the ’85 flood lately; as it seems so much of the fence we re-built back then is in need of being replaced again.

If you look closely, you can still see scars left behind by the flood. It is evident how little control we have over the forces of nature. Hopefully, if we ever have to face that type of storm again, our warning and protection systems are better now than they were in 1985, so we can prevent the loss of human lives and minimize property damage as much as possible.
Bright Lights of the Big City
(or, How a Country Gal Learned About the Farm Bureau Policy Process and Lived to Tell About It)

Becky Crabtree

I attended my first West Virginia Farm Bureau Resolutions Committee meeting in Flatwoods, West Virginia on October 13. It was the second Farm Bureau gathering of any kind I had ever visited - the first being our local county board meeting a few weeks earlier.

My husband and I have been members of Farm Bureau for a couple of years because we feel like this organization supports a way of life that we love. We don’t make a living off our 30 acres; shoot, we don’t even break even, but it gives us a reason to be outdoors and to be lifelong learners. The difference between reading about sheep care and actually delivering lambs, for instance, is quite a steep learning curve. Plus, we want our grandchildren to at least know where their food comes from and be able to make animal sounds because they’ve actually heard them - not from listening to an electronic toy. We love the way we live and try to protect our lifestyle. Our involvement prior to this fall was to pay our dues and read the news magazine each month.

So, when we felt threatened by a planned pipeline route across our pasture, I turned to the West Virginia Farm Bureau for information. Our pipeline policy, set by the American Farm Bureau Federation, is to support all pipelines. Our news magazine does not feature articles that promote thoughts contrary to policy so the only information available from WVFB is pro-pipeline. Good business, but not as informative as I would’ve liked. I bickered and groaned a day or two and made phone calls and got the exact policy and read it. It is on page 140 of the American Farm Bureau Federation Policy book and reads:
“5.5.5 We urge Congress and the administration to enact policies that will: Encourage exploration, extraction, pipeline and port facility construction to ensure gas and oil supplies meet demand, i.e., Keystone.”

I wanted to qualify this blanket approval with at least a nod to agricultural lands and proposed the addition of this phrase within the existing policy:

“(to the extent that it does not impact agriculture negatively).”

Then I called back and asked how one went about changing an outdated policy. The person at the other end of the phone fairly bloomed with information. “We are a grass roots organization,” I was told. “Our strength is in the participation of members” was repeated more than once. The process was explained to me – ANY member can bring a policy proposal to their county Farm Bureau to be heard and voted upon.

I gathered my courage and called our county president, Mr. Jim Gore, whom I had known since high school. He was welcoming and encouraging so there was no fear factor there, but when I learned that the Monroe County Farm Bureau board was to meet the next week and I could attend and bring my proposal, I was ready to turn and run. I didn’t know these men – their reputation was of strong, outspoken personalities. I made a list and asked around about who would be hard on me and who would listen. There are lots of opinions about the Farm Bureau and their leaders, just like in every active organization. I was on edge that week. I chewed my nails. I polished my remarks dozens of times. If I hadn’t been seated at the board meeting, my knees would have knocked. When I was finished, you could’ve knocked me over with a feather. These men were knowledgeable, and as kind as could be. They discussed my policy amendment and voted, unanimously, to support it.

I danced to my car that night.

Then, I got the opportunity to attend the big state resolutions conference to work on policies, perhaps because no one else was available to go. I needed answers to what to wear, what to study beforehand, even how to get to Flatwoods.

I easily found the Day’s Inn on that clear fall day. I thought I looked all right. I was familiar with all 13 proposed policies and some reasoning behind each of them.

Each of the participants were assigned a committee to work on current and proposed policies. I was with the Public Issues group and I learned quite a bit about our existing policies, some history on them, and what others in my group thought. It was an interesting exchange of ideas. I had a blast.

There were so many people who knew about the issues we face on little farms, from sheep foot rot to mineral rights, that I felt like I was in a living farm encyclopedia. I met a man from Roane County who explained the terrain there, “most of our farms are turned up on their edge,” and a lady from Wood County who described a recent fire fee meeting so clearly that I could see the fiery drama inside my head.

After lunch, all committees came together and the entire policy handbook was revisited. Most policies were reaffirmed, some were changed, some were removed, and a few new ones were added. Those in charge were polite and leaders were careful to give credit and thanks where it was due. In fact, had I been the moderator, I might have told someone to hush, but the man in charge politely told the member that the comments were “related but not to the point,” and moved on.

The icing on the cake for me was at the end of the day, when the tiny policy amendment I had suggested was read before the group. We voted to send it to the American Farm Bureau Convention for consideration. Whatever happens there with the proposal will not dim the new appreciation I have for our Farm Bureau policy-making system. I use the word “our” because now I feel like I am really a part of the West Virginia Farm Bureau and that my voice matters.

Above, left: Author Becky Crabtree (in green vest) discussing policy during the committee meeting.
Do I Owe Uncle Sam?

The Income Tax Consequences of a Conservation Easement

David A. DeJarnett
You know what a conservation easement is, right? It is a nonpossessor interest of a holder in real property. (A nonpossessor interest in land is a term of the law of property to describe any of a category of rights held by one person to use land that is in the possession of another.) A conservation easement is granted by a voluntary deed conveying an interest in real property from a landowner to a grantee that restricts future uses of the real estate as negotiated between the parties. Many people refer to this giving away or selling your development rights. The land subject to the easement may be thereafter sold, given or willed by the landowner – subject, however, to the restrictions in the easement.

Any landowner can grant a conservation easement – an individual, a corporation, an LLC, a partnership, an estate or a trust. The landowner should seek advice from her lawyer, accountant and financial planner, and may wish to hire her own appraiser. The grantee of the easement can be the County Farmland Protection Board, a statewide or local land trust or other conservation organization or a Federal agency.

However, what are the income tax consequences? A conservation easement can be donated to the grantee, sold for fair value, or sold for less than fair value (known as a bargain sale). The fair value of a conservation easement is the difference between the market value of property before the easement and the market value after the easement is applied. A bargain sale is both a sale and a donation.

If an easement is sold, the landowner will recognize taxable gain if her basis in the easement is less than the sale price. Her basis in the easement is a proportion of the pre-easement basis in the land bearing the same relationship as the value of the conservation easement has to the pre-easement value of the land.

For example, if the landowner inherited 100 acres of farmland from her mother in 1990, when the land value was $1,000 per acre, her basis in the land is $100,000. If she sells the conservation easement for its fair value ($100,000), she will have taxable gain of $50,000.

If an easement is entirely donated, the landowner will be entitled to a charitable deduction (subject to applicable limits such as AGI) if many requirements are met. Those requirements will be the subject of a later article. For now, let me just say that not every donated easement entitles the landowner to a deduction.

If an easement is sold for less than its fair value, then the landowner will have taxable gain and will be entitled to a charitable deduction if many requirements are met. If we modify the previous example slightly, you can see the effect. Instead of selling the easement for $100,000, the landowner sells it for $50,000. Her basis must be apportioned between the donation element and sale element. So the $50,000 sale price is compared to the apportioned basis of $25,000 and she will have a taxable gain of $25,000 and a charitable deduction (if the requirements are met) of $50,000.

However, are income taxes due on gain from a sale of a conservation easement if the landowner invests the sale proceeds in another farm? No, income taxes are not due on gain from a sale of a conservation easement, as long as all of the requirements of a like-kind exchange are satisfied. I will write about like-kind exchanges (also known as 1031 exchanges) in a future article. One of the simple keys to qualifying a sale of your land as part of a like-kind exchange is to make arrangements with a qualified intermediary before the closing and be sure the closing attorney makes the net proceeds check payable to the intermediary.

David is a partner in the Martinsburg office of Bowles Rice LLP. He has over 20 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.
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Maintaining food safety during a power outage

Each year thousands of West Virginians experience electrical power loss for extended periods of time in their homes, businesses and communities. In addition to being inconvenient, this particular situation increases the chances of getting a food-borne illness. Safeguarding your friends, family and community from food-borne illness during an extended power outage requires a proactive three phase approach.

Prepare for the unexpected

There are a few simple things that can be done to prepare your family for a power outage. Already having appliance thermometers in your refrigerator and freezer allow for easy and accurate temperature control monitoring of foods. The United States Department of Agriculture recommends that frozen foods be kept at or below 0 degrees Fahrenheit, while refrigerated items should be kept at or below 40 degrees Fahrenheit.

It is important to get into the practice of properly storing food items. To decrease the chances of a food-borne illness the following guidelines are suggested:

- Place all ready-to-eat foods on the top shelf in your refrigerator and freezer units. Leftovers should be stored in smaller, airtight containers above seafood, eggs, meat and poultry.
- When packing food into your unit, be sure to allow adequate space in between foods to ensure that the cool air circulates evenly around food.
- Use the same guidelines for food stored in the freezer unit. Once foods are frozen, pack items tightly together.
- It is recommended to keep ice packs and filled ice trays prepared in your freezer unit and to have coolers on hand.
- It is important to know where you can purchase dry ice in the event of an outage. According to the Food and Drug Administration, one 50-pound block of dry ice will keep items cold in an 18-cubic-foot fully stocked freezer for up to two days. It is not recommended to store food outside during the winter, because outdoor temperatures may fluctuate and you could expose your food to pests and animals.

Avoid the danger zone

During a power outage, it is important to maintain a temperature of 40 degrees Fahrenheit or below to ensure that food is safe to eat. To accomplish this, keep your unit’s doors closed as much as possible. Opening and closing your refrigerator and freezer during an outage allows the cold air to escape, affecting the inside temperature of the unit. Food stored at 40 degrees Fahrenheit or below can safely be stored for up to four hours. If the temperature of the food has risen above the recommended temperature, it must be discarded even if signs of spoilage aren’t present.

Storing refrigerated items, such as leftovers and milk, in the freezer during a power outage may help to increase the safety of those foods by extending the time which they are kept out of the temperature danger zone. According to the USDA, a fully stocked freezer can maintain its temperature for approximately 48 hours, while a

— continued on page iv —
Forage testing: the first step in winter feed management

Because of the recent year's wet weather, many farmers put up late cut hay that is of questionable quality. However, forage testing can tell us the actual nutritional quality of the hay so that we can determine what supplements, if any, are needed.

The right tool
In order to collect a proper forage sample, you need to start with the right tool. Purchase or borrow a forage sampler, such as the Penn State Forage Sampler (Fig. 1). This sampler is a sharpened tube that drills into a hay bale to cut out a small subsample. Forage samplers are relatively inexpensive and are a vital part of your farm management kit.

Proper sampling
Proper collection and preparation of the sample is important. Divide the hay into lots based on field and date of cut, making note of any special characteristics of the field such as forage species and rain damage. For each lot, randomly select 12 to 20 bales taking a cored subsample from each. When sampling round bales stored outdoors, take the sample from below the weather-damaged cap if the animals will not be forced to eat this material.

Combine these 12 to 20 cores in a plastic bag. Press the bag to remove all the air and then seal it. It is important not to dry haylage samples since the organic acids that preserve these feeds evaporate during drying. Instead, freeze the sample and ship it to the testing laboratory by overnight delivery to ensure a fresh sample is provided.

Testing process
Forage testing laboratories can measure many nutritional components and offer different testing packages. To ensure proper testing, fill out the information sheet provided by the laboratory. The testing package that should be requested depends on your farm management. For example, a beef operator may only need a measure of digestible energy, protein and major minerals. This analysis can be conducted at a low cost using near infrared (NIR) analysis. However, a dairy operator may also want neutral detergent fiber, protein fractions and trace minerals, which will require a more costly combined NIR and wet chemistry procedure.

After completing the information sheet and properly preparing the samples, you can send them to the laboratory. A copy of the results will be returned to the address listed on the sample information sheet. Once you have the nutrient analysis of your hay crops, you can develop a feeding program to meet your livestock needs. Further information on this process is available from your local WVU Extension Service office.

By Ed Rayburn, WVU Extension Specialist – Agronomy

A childhood spent on a small farm in Greenbrier County gave Jordon Masters a grounding in agriculture and horticulture. That lifelong interest earned the West Virginia University student a national scholarship from the Garden Club of America.

Masters, a fifth-generation farmer, earned the Katharine M. Grosscup Scholarship, created to encourage the study of horticulture and related fields. Masters will complete his B.S. in horticulture, take a semester off to further establish his business, Allegheny Genesis (which focuses on research and education in gastronomy and agriculture) and return to WVU’s Davis College to pursue a Ph.D.
### Visit winter farmers markets

Even though temperatures are cooling down, don’t let it discourage you from supporting local producers at your favorite farmers markets. Many markets through the state are responding to consumer demand for fresh, seasonal goods by staying open through the cooler months, featuring fall-hearty varieties of fruits and vegetables.

<table>
<thead>
<tr>
<th>County</th>
<th>Market Name</th>
<th>Hours of Operation</th>
<th>Typical Fall/Winter Crops</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbour</td>
<td>Barbour County Community Garden Market*</td>
<td>Tuesday – Friday 7 a.m. – 5 p.m.; Saturday 7 a.m. – Noon (Winter 7 p.m. – 4 p.m.)</td>
<td>Winter squash, lettuce, tomatoes, kale, salad greens, turnips, beets, carrots, potatoes</td>
</tr>
<tr>
<td>Cabell</td>
<td>The Wild Ramp*</td>
<td>Monday – Friday 9 a.m. – 7 p.m.; Saturday 8 a.m. – 3 p.m.</td>
<td>Squashes, cantaloupe, peppers, watermelon, pumpkins, potatoes, sweet potatoes, onions, cauliflower, bok choy</td>
</tr>
<tr>
<td>Calhoun</td>
<td>Calhoun County Farmers Market</td>
<td>Wednesday 9 a.m. – 1 p.m. (April – late November)</td>
<td>Kale, Swiss chard, broccoli, potatoes, sweet potatoes, pumpkin, winter squash</td>
</tr>
<tr>
<td>Greenbrier</td>
<td>Alderson Green Grocer*</td>
<td>Monday – Saturday 10:30 a.m. – 7 p.m.</td>
<td>Salad greens, kale, spinach, root vegetables, potatoes, sweet potatoes, winter squash</td>
</tr>
<tr>
<td>Greenbrier</td>
<td>Lewisburg Farmers Market</td>
<td>Saturday 8:30 a.m. – 1 p.m. (November – March)</td>
<td>Spinach, lettuce, salad greens, micro greens, onions, garlic, winter squash, beets, turnips</td>
</tr>
<tr>
<td>Greenbrier</td>
<td>The Winter Market</td>
<td>Saturday 8:30 a.m. – 1 p.m. (November – March)</td>
<td>Spinach, lettuce, salad greens, micro greens, butternut squash, winter squash, garlic, onions, beets, turnips</td>
</tr>
<tr>
<td>Hampshire</td>
<td>The Farmers Daughter and Butcher Market*</td>
<td>Sunday 11 a.m. – 5 p.m.; Tuesday – Saturday 9 a.m. – 7 p.m.</td>
<td>Salad greens, root vegetables, winter squash</td>
</tr>
<tr>
<td>Harrison</td>
<td>Bridgeport Farmers Market</td>
<td>Second Sunday each month 11 a.m. – 2 p.m. (November – April)</td>
<td>Potatoes, carrots, beets, assortment of greens, mushrooms, other root vegetables</td>
</tr>
<tr>
<td>Kanawha</td>
<td>Capitol Market*</td>
<td>Monday – Saturday 10 a.m. – 6 p.m./ Noon – 5 p.m. (Jan. – March); Sunday 9 a.m. – 6 p.m. (April – Dec.)/ Noon – 5 p.m.</td>
<td>Squashes, gourdes, pumpkins, ornamental corn</td>
</tr>
<tr>
<td>Logan</td>
<td>Logan Farmers Market</td>
<td>Monday – Saturday 9 a.m. – 5 p.m.</td>
<td>Apples, carrots, potatoes</td>
</tr>
<tr>
<td>Marion</td>
<td>All Things Herbal Local Market*</td>
<td>Monday – Friday 9 a.m. – 7 p.m.; Saturday 9 a.m. – 5 p.m.</td>
<td>Potatoes, winter squash, onions, hydroponic tomatoes and cucumbers</td>
</tr>
<tr>
<td>Monongalia</td>
<td>Morgantown Farmers Market</td>
<td>Saturday 11 a.m. – 1 p.m.</td>
<td>Potatoes, carrots, kale, Swiss chard, salad greens, dry beans, winter squash, hydroponic tomatoes, garlic, beets, radishes, pea shoots, turnips, fava beans</td>
</tr>
<tr>
<td>Wood</td>
<td>Point Park Marketplace*</td>
<td>Wednesday – Saturday 10 a.m. – 6 p.m.</td>
<td>Pumpkins</td>
</tr>
</tbody>
</table>

* Consignment model markets/independent groceries

Compiled by Lisa Lagana, Program Coordinator, WVU Extension Service Small Farm Center
Low tunnels for fall and winter production

Extending the traditional growing season should be a high priority for West Virginia produce growers. One low-cost method of accomplishing this is to use low tunnels, which are essentially scaled-down high tunnels.

How it works
Low tunnels are easy to install and are more cost effective than high tunnels. Hoops constructed of wire or pipe can be used to support row cover spun-bonded fabric or polyethylene plastic to create a mini-greenhouse over the crops. Most low tunnels cost about $0.40 per square foot.

In the fall, low tunnels are used to raise the average daily temperature, making it possible to grow and harvest crops such as broccoli, carrots, spinach, leeks, peas, radishes, onions, beets, turnips, lettuce and kale. During the winter, the low tunnel protects the crops from low temperature injury allowing them to be harvested the following spring.

How it’s constructed
Construction of the low tunnel is relatively easy. Small low tunnels are usually constructed of wire hoops approximately 18 inches in height. These types of low tunnels are best suited to short-term frost protection but not overwintering.

A potentially more effective low tunnel design is a larger hoop constructed from metal or plastic pipe. The hoop is 4 to 6 feet wide and approximately 40 inches in height at the center. A row cover 10 to 14 feet wide is placed over the hoops to create a protected environment. For overwinter protection, a sheet of plastic is placed over the row cover. Remember to make sure the row cover and plastic are secured against wind.

For more information on constructing a low tunnel, contact WVU Extension Commercial Horticulture Specialist Lewis Jett (Lewis.Jett@mail.wvu.edu; 304-293-2634).

Maintaining food safety during a power outage

Half full freezer will maintain its temperature for approximately 24 hours.

Evaluate for safety
Once power has been restored, it is important to assess the safety of your food. The best way to evaluate the safety is to check the temperatures of individual foods. This will provide assurance that foods have been held at the required temperatures for safety. If for any reason, you have doubts about the safety of foods, throw them away!

By Dana Wright, WVU Extension Families and Health Agent, Mingo and Logan Counties
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Quality for Generations

The Young Farmer Committee enjoyed a perfect fall day for their Annual Farm Tour in Randolph County on Sunday, October 11. The day began at the Portia Dean farm in Beverly, where Portia and her family raise beef cattle and sheep. The group proceeded to the Steve Warner farm as well as a mountain goat farm. The afternoon was spent visiting the Do Farm and Charm Farm, owned and operated by the Kwasniewski Family. Between both farms, family members operate a year-round CSA and raise and process 1200 chickens each year. Lunch was enjoyed at the Big Timber Brewing Company in Elkins, followed by a tour of the onsite brewery.
Opposite page, far left, top: Feeding cattle at Portia Dean’s farm; below, Mike Kwasnewski explains his seasonal vegetable crop. Opposite page, right, top: A lone turkey, separated from a flock of 1400, struts for the photographer; below, A guard llama stands watch over a goat herd.

This page, top left: farm tour participants enjoy a hearty lunch at Big Timber Brewery in Elkins; Center left: future Sunday chicken dinners; below, touring Big Timber’s brewery.

Above: future farmers plot their course.

If you’d like to be a part of the Young Farmers & Ranchers, or are interested in attending future Farm Tours, contact chairperson Susan Wilkins at 800-398-4630 x. 306.

photos courtesy of Susan Wilkins
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stallman, continued

stepping in where others are getting the job done, 69 percent of Americans think the federal government should offer resources to third parties to boost these efforts.

It’s time for the federal government to give credit where it’s due and reward the hard work private businesses and landowners are putting into conservation efforts.

These state plans work because they are created by officials and business owners who know the local landscape far better than any federal agency does. And while federal plans and listings burden landowners with costly permits and red tape, state-led plans actually create incentives for landowners to enhance habitats on their land.

The outdated ESA stands in the way of greater success. Fixing it means focusing on what actually works instead of piling on more permitting requirements that hurt business but do nothing to protect wildlife. Today, landowners face wrong-headed restrictions that actually discourage creating habitat for endangered species lest the simple presence of protected wildlife means they can no longer use part or all of their own land. Neither farmers, ranchers, businesses nor anyone else should face extinction themselves for stepping up to protect local wildlife.

Real recovery is possible, but not without a common-sense, science-based approach to preserving wildlife and protecting private property rights. The ESA should be modernized, and Congress must take the lead.
With 37,716 supermarkets to choose from in the U.S., shopping for groceries is a breeze for most consumers. They can pick up a gallon of milk at the convenience store; do the weekly shopping at their favorite nearby supermarket; stock up at a big box discount store; or treat themselves to visual and culinary delights at an upscale, gourmet market.

Yet in a country with the most productive, diverse agricultural production in the world and a grocery industry that generates $638 billion in annual sales, some 23.5 million Americans not only don’t have those choices, they have little or no access at all. They live in “food deserts”—communities without ready access to fresh, healthy, affordable foods. Instead, their only options—if any—are fast food outlets or convenience stores.
USDA defines a food desert as a low-income community where the nearest supermarket is at least one mile from a populated zone. Many inner-city residents don’t have cars or access to reliable public transportation. In rural areas where vehicle ownership is higher and the population is more widespread, food deserts are low-income areas more than 10 miles from a supermarket. Food deserts are in every state: They can be within a major urban area, but more than 98 percent are in rural areas, especially in the South and West.

The reasons for food deserts are many, but the bottom line is economics. Supermarkets need to make money to stay in business. While consumers with good access to supermarkets may gasp when looking at the final bill at the checkout counter, the average grocery store generates only 1.5 percent profit after taxes and operating costs. Those thin margins can quickly erode to severe losses when trying to serve thinly-populated and distant rural areas, or inner-city areas with high costs for real estate, logistical challenges and crime.

Federal, state, local and private initiatives are underway to try to eliminate food deserts. USDA is working with the Treasury Department and the Department of Health and Human Services on the Healthy Food Financing Initiative. Launched in 2010, the initiative is trying to attract private investment through tax credits, low-interest loans, loan guarantees and grants. Major supermarket chains have committed to invest in under-served areas. Several foundations have pledged and donated hundreds of millions of dollars. States and cities have also followed through with local incentives.

Projects range from construction and expansion of supermarkets to small-scale programs, such as city gardens, refrigeration units for fresh products in convenience stores, mobile mini-markets and weekly farmers’ markets.

While lack of access to healthy foods can result in poor diets and increased health risks, studies have also shown that simply opening a grocery store in a poor area isn’t a quick fix to change food choices. Those living in food deserts tend to be older, lower income and less-educated than those who live in areas with greater access—all factors shown to correlate with diet and health.

Fair pricing is also critical. Studies have shown that low-cost, highly processed foods lead to a higher prevalence of obesity. Fresh foods tend to cost more and require more preparation, which means there is a continuing need for education to teach the skills needed for buying and cooking healthy food. In-store marketing and promotion can also play a part in influencing healthy choices.

American farmers can help by continuing to do what they do best—producing the highest-quality foods, efficiently and economically. Farmers and their families are active members of the communities they live and work in, and they play an important role—along with other businesses in their communities—to help foster thriving rural economies that will be attractive to grocers. Where possible, farmers who sell in local markets can offer great products, at fair prices, along with advice and demonstrations on how to prepare them. They can also help lead efforts to open farmers’ markets where other options may not exist.

For consumers who have long been without healthful, affordable choices, building new habits may be a challenge. Education and promotion can help create the desire and demand, but a motivated consumer can’t act on it without access.

Robert Giblin writes, speaks and consults about agricultural and food industry issues, policies and trends.

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Between gift exchanges, holiday parties and family gatherings, this time of year is full of opportunities for delicious sweet treats.

Add extra cheer to this year’s celebrations with these festive desserts featuring Lucky Leaf Premium Fruit Filling. These quick and simple treats allow you to impress your guests and still have time to enjoy all the activities the season has to offer. A gooey chocolate-cherry cake, a classic cheesecake with a seasonal twist, a bubbly cobbler or traditional, go-to cookies are sure to become guest favorites, costing you minimal prep time. No matter if your favorite flavor is cherry, apple or blueberry, these recipes can be customized to complement any holiday menu or be a great addition to a cookie exchange. With more fruit and many flavors to choose from, Lucky Leaf can help you tackle the hustle and bustle of the season.

Find more flavor-filled recipes to brighten your holiday at www.luckyleaf.com.

Simple and Sweetie Blueberry Cobbler

Cook time: 1 hour
Servings: 12
6 tablespoons butter
3/4 cup sugar
1 cup self-rising flour
1 cup milk
1 can (21-ounces) Lucky Leaf Premium Blueberry Fruit Filling

Heat oven to 350 F.
Melt butter and pour into 2.5-quart casserole or baking pan. Mix sugar, flour and milk. Pour mixture over butter but do not mix. Pour fruit filling on top but do not mix. Bake 1 hour.
Chocolate Cherry Thumbprints

Cook time: 12 minutes  
Servings: 3 dozen cookies

- 1 cup butter, softened
- 2 cups sugar
- 2 eggs
- 2 teaspoons vanilla
- 3 cups flour
- 1 cup cocoa
- 1/2 teaspoon salt
- 1/2 teaspoon baking soda
- 1/2 teaspoon baking powder
- 1 can (21-ounces) Lucky Leaf Cherry Fruit Filling
- 1/2 cup chocolate chips

Heat oven to 350 F.

Cream butter and sugar until light and fluffy. Mix in eggs, one at a time. Add vanilla and mix until combined. Add flour, cocoa, salt, baking soda and baking powder. Mix until combined.

Roll dough into two-inch balls. Place on greased baking sheet or baking sheet lined with parchment paper. Press thumb into center of cookie to make well. Place cherries into each cookie.

Bake for 12 minutes. Allow cookies to cool.

Melt chocolate according to package directions. Drizzle over cookies. Let chocolate set and serve immediately or store in airtight container.

Caramel Apple Cheesecake

Cook time: 35 minutes  
Servings: 12-16

- 1 can (21-ounces) Lucky Leaf Premium Apple Fruit Filling
- 1 9-inch graham cracker crust
- 2 packages (8-ounces) cream cheese, softened
- 1/2 cup sugar
- 1/4 teaspoon vanilla extract
- 2 eggs
- 1/4 cup caramel topping
- 12 pecan halves
- 2 tablespoons pecans, chopped

Heat oven to 350 F.

Reserve 3/4 cup of fruit filling; set aside. Spoon remaining filling into crust.

Beat together cream cheese, sugar and vanilla until smooth; add eggs and mix well. Pour over fruit filling. Bake for 35 minutes, or until center of cake is set.

Cool cake to room temperature. In small saucepan, heat reserved fruit filling and caramel topping for about 1 minute, or until spreadable. Spoon apple-caramel mixture over top of cheesecake and spread evenly.

Decorate edge of cake with pecan halves and sprinkle with chopped pecans. Refrigerate until ready to serve.
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