

# NORTHEAST OHIO AGRI-CULTURE NEWSLETTER

Your Weekly Agriculture Update for  
Ashtabula, Portage and Trumbull Counties

September 13, 2022



**WATERHEMP  
(*AMARANTHUS RUDIS*)**

*Waterhemp in Ashtabula County, Scout Now so You Know What to Expect!*

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## ***Hello Northeast Ohio Counties!***

We have a jam-packed newsletter this week with some great articles, make sure to check them out!

Also, take a look at some new upcoming programs here in NE Ohio, including a Beef Twilight Tour on October 5th, Livestock Trailer Rollover and Emergency Training for First Responders on October 22nd, and a Farm Business Planning 101 Series starting November 2nd!

We found more Waterhemp in Ashtabula. Make sure to scout for resistant weeds before harvest so you can make a plan not to spread them and control in the spring.

Stay safe and have a great week!

**Lee Beers**  
Trumbull County  
Extension  
Educator

**Andrew Holden**  
Ashtabula County  
Extension Educator

**Angie Arnold**  
Portage County  
Extension  
Educator

## Assessing yield-limiting factors in corn, when do yield components develop?

By: Osler Ortiz, Greg LaBarge, CPAg/CCA, Alexander Lindsey

Source: <https://agcrops.osu.edu/newsletter/corn-newsletter/2022-31/assessing-yield-limiting-factors-corn-when-do-yield-components>

Inspecting fields and troubleshooting yield-limiting factors is not an easy task. Yield estimations are a function of factors that develop throughout the growing season. The yield component method is a popular method to estimate crop yields ahead of harvest; it is recommended as early as the milk stage of kernel development (R3). Earlier estimates can be too optimistic since stress issues can still occur, and they can have a larger negative footprint.



The main components of corn grain yield include **ear number** per unit of area (item #1 in the list below), **kernel number** per ear (items #2 & 3), and **kernel weight** (item #4). These components are determined at different times during the growing season (**Figure 1**); when it comes to the formation yield, all season-long conditions are critical for reaching good outcomes.

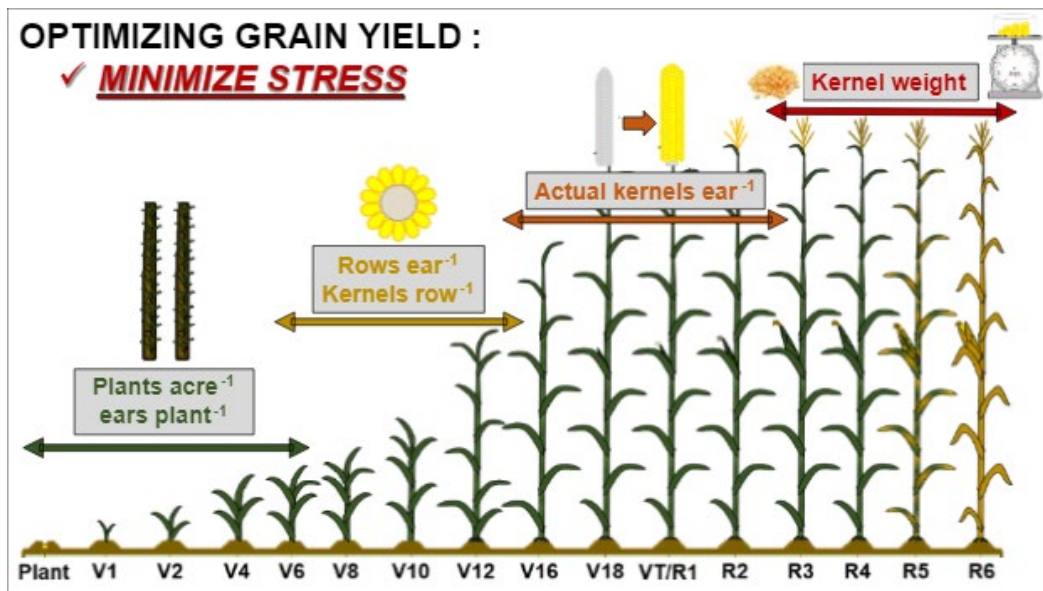


Figure 1. Corn growth and development, yield components, and timing through the growing season.

**1. Number of ears per area:** the number of plants per acre and the number of ears per plant primarily determine the total number of ears per area. The success of germination, emergence, and stand establishment early in the growing season define this yield component. In most hybrids grown in the U.S. Corn Belt, only the upper one or two ear shoots result in ears with harvestable grain, but hybrids have been bred to develop a single ear on the corn plant. Atypical conditions later in the season can reduce the number of ears per area; think of a hailstorm or green snap later in the season.

**2. Number of kernel rows per ear and the potential number of kernels per row:** ovule formation (potential kernel number) occurs during the mid-to-late vegetative stages, approximately V7 through V14 (seven and fourteen collared leaves, respectively). Potential kernels are arranged in an even number of rows (versus odd), usually 16 or 18. Row number is always an even number because initial rows divide laterally, forming two rows each. Each row can have up to 50 to 55 viable ovules (potential kernels). Plants with a low number of kernel rows per ear would reflect conditions during the mid-vegetative stages, approximately V6 to V14.

**3. The number of actual kernels per ear:** the success of pollination, kernel fertilization, and kernel retention determines the actual number of harvestable kernels through about R3 (milk stage). Normal ears have the potential to produce about 800 to 900 kernels in each ear. However, due to pollination issues or kernel abortion during grain formation, the number of harvested kernels per ear is generally lower. By the R3 stage, the kernels that will continue to fill will increase in depth and those that were pollinated but aborted will appear yellow and will begin to shrivel. Large issues with unpollinated ovules or aborted kernels suggest stress during the VT/R1 to R2 growth stage.

**4. Kernel weight (or so-called test weight):** kernel weight is determined during the latter half of the season from about R2 (blister stage) through to R6 (right before physiological maturity or black layer). Ears with low kernel weight would reflect conditions during the second half of the reproductive stages (R3 to R6). At this time of the crop cycle, moisture in the grain is going down, while dry matter accumulation is going up. Approximately 40-45% of grain weight is gained during the first half of the dent stage (R5) alone. By R6 (physiological maturity), kernels have no longer milk line and have reached maximum dry matter. Following physiological maturity (R6), black layer formation takes place. Common values used for yield estimates can be 80,000-85,000 kernels per 56-lb bushel. Smaller kernels would increase this value (approaching 90,000 kernels/bu), whereas strong filling conditions and greater kernel depth may reduce this value to 70,000-75,000 kernels/bu. Special attention and adjustment of kernel weight assumptions are necessary to improve accuracy in yield estimations.

For yield estimations, the first components can be easily measured in the field (ear number, number of kernel rows per ear, and number of kernels per row), but be aware



that the final kernel weight uses assumptions. Its final weight is not achieved until physiological maturity and back layer. Due to this and other unknowns, these are just estimations. It is expected to have results within +/-20 bushels per acre of actual yield. An article describing two yield estimation methods can be accessed [here](#).

All this is to say that the crop's exposure to unfavorable conditions during the growing season can negatively impact ear formation and yield. Adverse conditions can expand from flooding, drought, nutrient deficiencies, low solar radiation, storms, pests, disease, and much more. Understanding the timing at which each yield component develops, and good records of any unfavorable conditions can better inform our diagnostics. Some resources that can help to sort out the management or stress and timing that can impact corn yield are available here 1) [troubleshooting abnormal ears](#), 2) [incomplete kernel set and tipped-back: how do they differ?](#), 3) [arrested ears: how to avoid them?](#), and 4) [other ear abnormalities: when and why they develop?](#).

## ***Small Farm Ruminant Production Field Day***

By: Dr. Brady Campbell, Assistant Professor, OSU State Small Ruminant Extension Specialist and Garth Ruff, Beef Cattle Field Specialist, OSU Extension

Source: <https://u.osu.edu/beef/2022/09/07/small-farm-ruminant-production-field-day/>

Have a small herd of beef cattle, goats, or a flock of sheep? Are you a new or beginning ruminant livestock producer? If yes to either of these questions, this program is for you!

Join OSU Extension educators and state specialists for an all-day workshop covering topics every ruminant livestock producer needs to know from grazing and nutrition, livestock marketing, facilities, and housing. This event is slated to be held on Saturday, October 8th from 9:00 am – 3:00 pm at the OSU ATI Beef Center located at 2736 S. Apple Creek Road, Apple Creek, Ohio 44606. After lunch, those who have an interest in sheep or goats will depart to the Small Ruminant Research Unit located on Fredericksburg Road (5651 Fredericksburg Road, Wooster, Ohio 44691), while those focused on beef cattle will remain at the ATI Beef Center.

Afternoon training sessions will be species-specific that include hands-on training in animal care and handling, basic animal health, livestock evaluation, and much more.

Cost: \$30 per person lunch Included.

Limited to first 40 Registrations.

Register at <https://go.osu.edu/smallfarmruminantfieldday>

### **Agenda**

- 9:00 Registration Opens

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- 9:30 Welcome and Introductions
- 9:45 Morning Discussions:
  - Nutrition and Forages
  - Housing, ventilation, manure management
  - Livestock marketing
- 12:00 Lunch
- 1:15 Hands on
  - Efficiency (tools, equipment, and facilities)
  - Record keeping
  - Birthing supplies and simulators
  - Sheep – demo shearing, drench gun, trimming feet, FAMACHA
  - Beef – calving simulator, calf processing, BCS, cattle evaluation

For more information, please contact Morrow County OSU Extension Educator, Carri Jagger at [jagger.6@osu.edu](mailto:jagger.6@osu.edu) or Garth Ruff at [ruff.72@osu.edu](mailto:ruff.72@osu.edu)  
We look forward to seeing you at the event!

## ***The “letter of intent” for solar and wind energy development: considerations for landowners***

By: Mark Sulc

Source: <https://agcrops.osu.edu/newsletter/corn-newsletter/2022-31/autumn-forage-harvest-management>

Every year we remind forage producers that the best time to take a last harvest of alfalfa and other legumes is in early September in Ohio, for the least risk to the long-term health of the stand. These forages need a fall period of rest to replenish carbohydrate and protein reserves in the taproots that are used for winter survival and regrowth next spring. And every spring we hear of weak stands coming out of the winter, and after asking questions we learn that in many of those cases of weak stand in the spring, they had been harvested the previous autumn during the fall rest period, which weakened the stand going into the winter.

Forage producers around the state have been finishing the third cutting of alfalfa and a few have taken the fourth cutting the past week or two. It will be ideal if these harvests are the last of the season. But some growers might try to squeeze out another late cutting, and others have fields that are not quite ready for harvest right now. Like most farming decisions, there are trade-offs and risk factors to consider when making a fall harvest of forage legumes after the first 10 days or so of September. This article reviews best management practices and risk factors affecting fall cutting management of alfalfa and other tall forage legumes.

The decision of when to take the last harvest with the least risk to the stand can be boiled down to two choices:

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1. Cut early enough in the fall (generally early September) to permit alfalfa to regrow and replenish carbohydrate root reserves, or
2. Cut late enough so that alfalfa does not regrow and use up root reserves prior to winter dormancy.

Cutting in between these times (mid-September to mid-October) means more risk to the stand. Factors such as previous cutting management, age of stand, soil fertility, variety, and soil moisture affect the level of that risk.

For those who are risk adverse, following the last cutting date recommendations offers the highest probability of promoting good winter survival and vigorous growth next spring. The recommendation in the 15<sup>th</sup> edition of the Ohio Agronomy Guide is to complete the last regular harvest of alfalfa by September 7 in northern Ohio, September 12 in central Ohio and by September 15 in southern Ohio. The corollary is to delay final harvest until a killing frost (25F for several hours) has occurred.

Another approach to fall harvest management uses growing degree-days (GDD) rather than calendar dates. Research conducted in Canada showed that alfalfa needs 500 GDD (based on degrees Celsius and base 5 C for alfalfa growth) between the last cutting and a killing frost to generate sufficient regrowth to provide good winter survival and yield potential the following year. Dan Undersander, University of Wisconsin Extension retired forage specialist, wrote in a 2012 article "...we do not need to wait for a killing frost to take the last cutting. We must only wait until it is so cool so that little or no regrowth will occur. Thus, harvesting in late fall, when less than 200 GDD will accumulate, minimizes winter injury."

The period between likely accumulation of 200 GDD to less than 500 GDD is a DO NOT CUT period (GDD calculated from degrees Celsius scale with base 5C). During this time period, there will be enough warmth and GDD accumulation for alfalfa to grow back and in so doing it will burn some root reserves without enough time (or GDDs) to replenish the reserves before winter sets in.

This GDD approach provides more exact timing for the date of last harvest, but it involves more risk because the grower must predict or consider the probability of either accumulating enough GDD for energy replenishment or GDD not accumulating enough to trigger regrowth that uses up energy reserves. Historic weather data, like that available from the OSU weather stations (<http://www.oardc.ohio-state.edu/weather1/>), is useful to calculate those probabilities.

Based on this GDD approach, we studied 5 years (2013-2017) of weather data at Wooster, OH. The date of a killing frost (25 F for several hours) ranged from November 3 to 22. The no cut period of 500 to 200 GDD accumulation prior to those killing frost

dates was September 17 to October 13 for three of the five years, but September 4 to 30 in 2014 and September 10 to October 4 in 2013.

So, the period of most risk for cutting alfalfa based on this GDD criterion agrees well with past recommendations **to not cut alfalfa from early September to mid-October**. Therefore, cutting in late October prior to a true killing frost of forage legumes, is likely to result in little to no regrowth and no significant depletion of root reserves. However, there is still the risk of frost heaving with the late removal of forage cover (discussed more below).

Previous harvest management should be a part of the risk assessment for fall cutting. The cutting frequency during the growing season affects the energy status of the plant going into the fall. Frequent cutting (30-day intervals or less) results in the plant never reaching full energy reserve status during the growing season. A short regrowth period just prior to the fall harvest can be especially risky if the fall harvest occurs between mid-September and early October because the regrowth uses root reserves and there won't be enough growing weather remaining for the plants to restore a high level of root reserves before cold weather shuts down the plants. This lower root reserve status may limit winter survival and spring regrowth, depending on the winter and early spring growing conditions. **In general, there is more risk in taking a fourth and especially a fifth cutting of alfalfa during the fall rest period compared with taking a third cutting during that time.**

Variety selection may also affect the fall cutting risk assessment. Today's top varieties have genetics selected to better withstand intensive cutting schedules. **Alfalfa varieties with high disease resistance and good levels of winter hardiness will be more tolerant of a fall cutting. Adequate fertility, especially soil potassium, and a soil pH near 6.8 will improve plant health and increase tolerance to fall cutting. Stands under 3 years of age are generally more tolerant of fall cuttings than older stands where root and crown diseases are setting in. However, you have more productive stand life to lose if younger stands are harmed by fall cutting.**

Soil drainage and soil moisture affect the risk of fall cutting. **High soil moisture slows down the cold hardening process, increasing the risk of winter injury. Alfalfa on well-drained soils tolerates late fall cuttings better than on moderately or poorly drained soils. But a word of CAUTION** - Removing the top growth of alfalfa plants going into the winter on heavy soils and poorly drained soils **increases the risk of spring frost heaving**. Heaving is a significant risk on many Ohio soils with higher clay content. This would be a concern when cutting very late after the 200 GDD threshold date. We have had heavy rains in some areas of the state, so be aware of the soil moisture status on alfalfa fields before taking a harvest during the autumn rest period or even late in the autumn which could increase the risk of frost heaving later in the winter.

Finally, consider the economics of a fall harvest. **Often the lush fall growth of the alfalfa is deceptive and appears to have more tonnage than is actually there.** The resulting windrow after cutting is often sparse. Thus, the cost of mechanical harvesting is high on a per ton of dry matter basis.

**Fall cutting risk can be reduced but not eliminated.** Nature bats last and alfalfa stand health and survival will suffer more from fall cutting when we have early fall freezes, open and very cold winters, early springs with ice, late spring freezes that hit alfalfa after it uses up energy reserves to initiate early spring growth, and/or extreme rainfall and temperature variations. If possible, I urge producers to observe the fall rest period for forage legumes. And if you do harvest during the fall rest period, leave some strips of uncut forage to compare next spring. You might see something useful that will inform future fall cutting decisions!

## ***Ohio State University (OSU) Extension's Ohio Women in Agriculture Program announces opportunities to Learn, Grow, Connect, Inspire and Empower at the 2022 Farm Science Review!***

Source: <https://u.osu.edu/ohioagmanager/2022/09/06/ohio-state-university-osu-extensions-ohio-women-in-agriculture-program-announces-opportunities-to-learn-grow-connect-inspire-and-empower-at-the-2022-farm-science-review/>

**Some of the best conversations and discussions have occurred around the family kitchen table. Grab a cup of your favorite beverage, lunch, or snack and join us from our kitchen table or yours to engage in conversations in-person or “virtually” on September 20, 21, and 22, 2022 for “Kitchen Table Conversations” hosted by the Ohio Women in Agriculture of Ohio State University Extension.**

These sessions are offered during the Farm Science Review daily from 11:30 AM-12:30 PM. In-person sessions will be located on the north side of the Firebaugh Building at 384 Friday Avenue at our kitchen table. ZOOM session registration is required to participate. Register @ <https://go.osu.edu/2022fsrkitchentableconversation> Programs will focus on key topics related to health, marketing, finance, legal, and production for women in agriculture. Each topic will feature a leading expert and moderators to generate dialogue and empower discussion among participants. A list of daily topics and leaders is provided below.

### **TUESDAY**

#### **When Death Happens- Managing the Farm Without Your Business Partner**



Death can change everything, especially your ability to manage the farm without your business partner. How can you better prepare to manage your farm business without your spouse or sibling? Learn some strategies that can help you plan for the challenge of managing a farm alone.

**SPEAKER:** David Marrison, OSU Extension Educator, Coshocton County

## **WEDNESDAY**

### **Female Farmer Financing Options: Opportunities with USDA Farm Service Agency (FSA) Loans**

Come participate in this kitchen table conversation on how you can find unique farmland financing options for females, veterans, and minority farmers. Learn a little bit more about the requirements, normal rates, and roles.

**SPEAKER:** Eric Richer, OSU Extension Educator, Fulton County

## **THURSDAY**

### **The Devil is in the Details: Communication and Record Keeping for Improving Farm Management**

Family farms are only as good as their communication. A record-keeping system is a valuable form of communication when the level of detail fits the needs of the farm decision-makers. Useful record keeping can move a farm management team beyond the basic tax return to exploring problem-solving and strengthening the family farm business.

**SPEAKER:** Bruce Clevenger, OSU Extension Educator, Defiance County

Your host for the event will be Extension Professionals of the OSU Extension Ohio Women in Agriculture Team. Visit our display inside the Firebaugh Building for additional women in agriculture opportunities.

**For more information:** Gigi Neal, [neal.331@osu.edu](mailto:neal.331@osu.edu), 513-732-7070 or Heather Neikirk, [neikirk.2@osu.edu](mailto:neikirk.2@osu.edu), 234-348-6145

Blog site: [u.osu.edu/ohwomeninag](http://u.osu.edu/ohwomeninag)

## ***When can a county or township prohibit renewable energy facilities from locating in the community?***

By: Peggy Kirk Hall, Associate Professor, Agricultural & Resource Law

Source: <https://farmoffice.osu.edu/blog/fri-09092022-900am/when-can-county-or-township-prohibit-renewable-energy-facilities-locating>

The siting of renewable energy projects on Ohio farmland is a divisive issue these days, pitting neighbors against neighbors and farmers against farmers. Some support expanding renewable energy capacity while others oppose losing productive farmland or changing the rural landscape. A common question arising in this conflict is this: when can a county or township say “no” to a proposed renewable energy

development? Several new laws, old laws, and recent court cases can help answer this question, although the answer is not always clear.

**The “public utility exemption” from zoning.** A long-standing provision of Ohio law that limits county and township land use power is the “public utility exemption” from zoning. Ohio Revised Code Sections [303.211](#)(counties) and [519.211](#) (townships) specifically state that counties and townships have no zoning authority “in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utilities.” The historical reason for this exemption is to keep local regulations from interfering with the provision of public utility services to Ohio residents. But what is a “public utility”? The exemption does not define the term, leaving Ohio courts to determine what is and is not a public utility on a case-by-case basis. More on that later.

**New powers in Senate Bill 52.** Effective in October of 2021, [Senate Bill 52](#) gave new powers to county commissioners over certain renewable energy developments, setting aside the “public utility exemption” in those situations. The new law states that counties can designate restricted areas where wind and solar development is prohibited and can prohibit an individual proposed wind and solar facility or limit its size. These new powers, however, apply only to facilities with a single interconnection to the electrical grid and beyond a certain production size. For solar facilities, that size is 50 MW or more of energy production and for wind facilities, it’s 5 MW or more. Facilities that aren’t connected to the grid or are beneath those amounts are not subject to the new powers granted in S.B. 52. Additionally, facilities that had reached a certain point in the state approval process aren’t subject to the new law. Several Ohio counties have already established restricted areas or worked with townships to determine whether the county will approve individual projects as they come forward.

**Authority over “small wind farms.”** New wind power development in Ohio a decade ago led to the “small wind farm” provision in Ohio Revised Code Sections [303.213](#) (counties) and [519.213](#) (townships). This law allows counties and townships to use their zoning powers to regulate the location and construction of publicly and privately owned “small wind farms,” regardless of the public utility exemption. A “small wind farm” is any wind turbine that is not subject to Ohio Power Siting Board jurisdiction, meaning that it produces less than 5 MW of energy. Some counties and townships have utilized this provision of law to establish setback distances for wind turbines in residential areas.

**The “bioenergy” exemptions.** Yet another Ohio law limits county and township zoning authority over bioenergy facilities. Found in the “agricultural exemption from zoning” statute, Ohio Revised Code Sections [303.21\(C\)](#) (counties) and [519.21\(C\)](#) (townships) states that county and township zoning cannot prohibit the use of any land for biodiesel production, biomass energy production, electric or heat energy production,

or biologically derived methane gas production if the facility is on land that qualifies as “land devoted exclusively to agricultural use” under Ohio’s Current Agricultural Use Valuation program and if, for biologically derived methane gas, the facility does not produce more than 5 MW or 17.06 million BTUs of energy. Ohio now has several facilities that fit within this exemption from zoning authority.

**Two recent cases examine when a renewable energy facility a “public utility.”** The “public utility exemption” from county and township zoning was at issue in two similar Ohio cases concerning biodigesters, facilities that process manure and other solid wastes into methane gas that is used to generate electricity. The most recent is [\*Dovetail Energy v. Bath Township\*](#). The township claimed that the Dovetail biodigester located on farmland in Greene County was an “industrial use” that violated township zoning regulations. The owners argued that the biodigester was exempt from township zoning under both the “public utility” exemption and the “bioenergy” exemption.

The case reached the Second District Court of Appeals, which focused a large part of its analysis on the issue of whether the biodigester is a “public utility” that is exempt from township zoning under Ohio Revised Code 519.211. Relying on earlier cases from the Ohio Supreme Court, the court explained that an entity is a public utility if “the nature of its operation is a matter of public concern” and if “membership is indiscriminately and reasonably made available to the general public” as a public service.

The court analyzed the “public service” and “public concern” factors for the Dovetail biodigester, examining first whether Dovetail provides a public service, which requires a showing that the facility indiscriminately provides essential goods or services to the public, which has a legal right to demand or receive the goods or services, and that the goods or services can’t be arbitrarily withdrawn. Because Dovetail generates electricity that is sold into the wholesale energy market and used to provide energy to local utilities and customers and because Dovetail is also required to provide renewable energy credits that it cannot arbitrarily or unreasonably withdraw, the court concluded that the facility is a “public service.”

Factors determining whether Dovetail’s operation is also a matter of “public concern” that the court analyzed included whether Dovetail “serves such a substantial part of the public that its rates, charges and methods of operation become a public concern.” The court looked to Ohio’s incentives for renewable energy development, the lack of competition in the electric grid, the “heavy” regulatory environment for Dovetail, and its payment of public utility taxes as indications that Dovetail and the energy it produces are “public concerns.” Meeting both the “public service” and “public concern” components, the appeals court agreed with the lower court’s ruling that Dovetail is a public utility and is exempt from Bath Township zoning regulations.

The *Dovetail* decision echoes an earlier decision in the Fifth Appellate District, [\*Westfield Township v. Emerald Bioenergy\*](#), where the appellate court examined a biodigester on farmland in Morrow County and found that the township could not regulate it because it is a “public utility.” The court cited factors such as Emerald’s provision of electric to the general public through interconnection agreements that distribute the energy to the energy grid, its lack of control over which customers receive or use the energy, its renewable energy credit requirements that can’t be arbitrarily or unreasonably withdrawn, its acceptance of waste from any customer, its governmental regulations and oversight, and its public utility taxes. The court also noted that it need not address the “bioenergy” exemption because it found the enterprise to be a “public utility.”

Both townships in the *Dovetail Energy* and *Emerald Bioenergy* cases requested a review of the decision by the Ohio Supreme Court. But the Supreme Court decided not to hear either case, although several of the justices dissented from that decision in each case. Without further review by the Supreme Court, the appellate court decisions stand.

**What do these cases mean for solar energy facilities under 50 MW?** Recall that S.B. 52 allows counties to prohibit or restrict solar facilities that are 50 MW or higher, but no other law addresses solar facilities with a single interconnection point to the energy grid that produce less than 50 MW. Would such a facility be a “public utility” under the public utility exemption? As with *Dovetail* and *Emerald*, a court would have to examine the solar facility and determine whether “the nature of its operation is a matter of public concern” and if “membership is indiscriminately and reasonably made available to the general public” as a public service. If so, a county or township could not use zoning to prohibit or regulate the location or construction of the solar facility.

Learn more about renewable energy laws in the Farm Office Energy Law Library at <https://farmoffice.osu.edu/our-library/energy-law>.

## ***When can a county or township prohibit renewable energy facilities from locating in the community?***

By: Peggy Kirk Hall, Associate Professor, Agricultural & Resource Law

Source: <https://farmoffice.osu.edu/blog/wed-09072022-1000am/when-someone-harms-your-crops-ohio-laws-provide-remedy>

Farm neighbor laws have been around nearly as long as there have been farm neighbors. From trees to fences to drainage, farmers can impact and be impacted by their neighbors. In the spirit of managing these impacts and helping everyone get along, our courts and legislatures have established a body of laws over the years that allocate rights and responsibilities among farm neighbors. Explaining these laws is the goal of our new series on farm neighbor laws.



Here's a timely farm neighbor problem that we've heard before: Farmer's soybeans are looking good and Farmer is anxious for harvest. But some neighbors drive their ATV into the field and flatten a big section of Farmer's beans. What can Farmer do about the harm?

**Ohio's "reckless destruction of vegetation law" might be the solution.** The law, Ohio Revised Code Section 901.51, states that "no person, without privilege to do so, shall recklessly cut down, destroy, girdle, or otherwise injure a vine, bush, shrub, sapling, tree, or crop standing or growing on the land of another or upon public land." This law could provide a remedy if its three components fit Farmer's situation:

1. Recklessness
2. Destruction or injury to a vine, bush, shrub, sapling, tree, or crop on the land of another
3. No privilege

**A key requirement of the law is "recklessness."** Under Ohio law, a person is "reckless" if the person acts with heedless indifference to the consequences or disregards the risk that the person's conduct is likely to cause a certain result. For example, if the neighbors were out driving the ATV at night and simply didn't care where they were and that their actions could be harming Farmer's property, that behavior is likely to rise to the level of "recklessness." Alternatively, if another driver ran the neighbors off the road and the neighbors tried but could not avoid going into the bean field, their behavior isn't likely to be deemed "reckless."

**A second requirement is destruction or injury to vegetation on another's land.** In the unlikely event that Farmer's soybeans aren't actually injured or destroyed, the law wouldn't apply. Note that the law doesn't just apply to a crop like soybeans, but also includes other vegetation such as vines, bushes, shrubs, and trees, recognizing that all of these types of vegetation have value for a landowner.

**The final requirement is "without privilege to do so."** Privilege in the context of this law means "permission." As long as Farmer didn't tell the neighbors they could drive their ATV through his field, Farmer could prove that the neighbors did not have privilege or permission to cause the destruction and injuries to Farmer's beans.

**So what?** The law clearly prohibits the neighbors from recklessly destroying Farmer's beans, but what happens if they do? The law also addresses this question by stating that a violator of the law is liable "in treble damages." Attorneys always take notice of treble damages language because it requires the damages award to be tripled after a judge or jury determines the amount of the actual harm. This tripling of damages is intended to punish the person for their "recklessness." So, if a jury decided that the

value of Farmer's lost beans is \$1,000, the treble damages would result in a \$3,000 award against the neighbors due to their reckless destruction of Farmer's crop.

There is also a criminal element to the law. The law states that a violator is also guilty of a fourth-degree misdemeanor. That would require a criminal proceeding by the local law enforcement, and the result could be no more than 30 days in jail and up to \$250 in fines.

**If the reckless destruction law doesn't apply**, Farmer would need to look to other mechanisms for resolving the harm. If the neighbors were trespassing, trespass laws could provide a remedy but wouldn't award treble damages. Or the Farmer's property insurance might address the harm. But if the neighbors destroyed Farmer's beans by behaving recklessly, the reckless destruction of vegetation law can help resolve this farm neighbor issue.

Find the "reckless destruction of vegetation" law at [Ohio Revised Code Section 901.51](#).

## ***Program Announced: Does it Pencil Out? Farm Business Planning 101***

By: Andrew Holden

Source: [WWW.GO.OSU.EDU/FBP22](http://WWW.GO.OSU.EDU/FBP22)

Whether you are new to farming or just need a refresh on some key farm management topics, look no farther than this Farm Business Planning 101 series. This three-part series will feature a wide range of management topics and offer time for audience participation and questions. Depending on your needs and interest, you may choose any of the programs offered in the series for \$25 a piece or save and attend all three for \$60.

Sign up today to secure your spot at [www.go.osu.edu/fbp22](http://www.go.osu.edu/fbp22) today!

### **November 2<sup>nd</sup>**

**Creating A Business Plan** with Andrew Holden - Ashtabula Co  
**Using Enterprise Budgets** with Eric Richer - Fulton County

### **November 9<sup>th</sup>**

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**Farm Service Agency (FSA) Programs** with Jenna Pollard - County Executive Director for Ashtabula, Geauga, & Lake Co.

## ***Farm Science Review unveils new mobile ticketing option***

By: Sherrie R. Whaley

Source: <https://cfaes.osu.edu/news/articles/farm-science-review-unveils-new-mobile-ticketing-option>

### ***Buy Tickets Here:***

**Ashtabula:** [www.go.osu.edu/fsrosueashtabula](http://www.go.osu.edu/fsrosueashtabula)

**Trumbull:** [www.go.osu.edu/fsrosuetrumbull](http://www.go.osu.edu/fsrosuetrumbull)

**Portage:** [www.go.osu.edu/fsrosueportage](http://www.go.osu.edu/fsrosueportage)

**Gauga:** [www.go.osu.edu/fsrosuegeauga](http://www.go.osu.edu/fsrosuegeauga)

**Even after 60 years, there's always something new at Farm Science Review and, for this year's show set for Sept. 20-22, it starts with how visitors can purchase tickets.**

A new mobile ticketing option will allow visitors to print tickets at home or save to a mobile device for entry. The presale ticket price of \$10 will be available online at [fsr.osu.edu](http://fsr.osu.edu) and at participating sales locations such as county offices of OSU Extension and at participating agribusinesses, until midnight Monday, September 19th. Tickets may still be purchased online during Farm Science Review (FSR) for \$15. Children 5 & under are free. Visitors may also still purchase paper tickets with cash or credit card at the gates. Parking is free.

As always, the premier agricultural education and industry exposition will provide valuable information to farmers and producers, while focusing on continuing to educate for the future.

Hosted by the Ohio State University College of Food, Agricultural, and Environmental Sciences, FSR is held at the Molly Caren Agricultural Center, 135 State Route 38, near London. The 60th FSR will focus on "Embracing Time and Change." Review hours are 8 a.m. to 5 p.m. Sept. 20–21 and 8 a.m. to 4 p.m. Sept. 22.

More than 100,000 people are expected to attend the event, which will feature more than 100 educational sessions including "Ask the Expert" talks, the most comprehensive field crop demonstrations in the United States, 600 exhibits, a career exploration fair, and immersive virtual reality videos of agricultural activities.

## ***Extension Talk: 2022 Beef Twilight Tour Announced***

By: Andrew Holden



Hello Ashtabula County! I woke up to cool temperatures and thick fog this morning. A regular occurrence this time a year, at least this past week. Cool humid weather is not doing any good to area soybeans, as we have observed more white mold and other issues the last few weeks. This is a good time to go scout crop fields so there is no surprises at harvest and plans for treatment can be made for next year. I have also found more glyphosate resistant waterhemp in the county. A weed that has the capability to be more of a problem than maretail. If you have any questions or would like assistance in scouting, pest identification, or yield checks, please call me at 440-576-9008.

We have a lot of great agricultural programs in the works for Ashtabula County this fall and winter. I will continue to share them here in this bi-weekly article. For the latest, up to date information, please consider liking our OSU Extension -Ashtabula County Facebook page at <https://www.facebook.com/AshtabulaCountyOSUExtension>, I also have an Agriculture focused page on Facebook and Instagram at Andrew Holden, Ashtabula County ANR Educator or <https://www.facebook.com/AHolden440>. Make sure to follow for the most up to date info on OSU Extension programs!

Today, I wanted to share details on the 2022 Beef Twilight Tour being held October 5<sup>th</sup> at Stackhouse Farm. The Ashtabula County Cattlemen's Association and the Ashtabula County OSU Extension Office are teaming up again to offer another excellent twilight tour at a local beef operation. Those raising beef cattle and those with connections to the industry are encouraged to come to this event. Read below for more details.

\*\*\*\*\*



The Ashtabula County Cattlemen's Association and the Ohio State University Extension invite you to join us for the 2022 Beef Twilight Tour on October 5th, in Orwell, Ohio at Stackhouse Farms. You can find the farm at 7011 OH-45, Orwell, OH 44076, just north of Orwell on the west side of route 45. This event starts at 6:30 and is free to the public. No pre-registration is required, and all questions can be directed to Cattlemen Secretary, Andrew Holden at the OSU Extension Office by calling 440-576-9008 or emailing [Holden.155@osu.edu](mailto:Holden.155@osu.edu).

Stackhouse Farm is beef cattle and row crop operation in Orwell, Ohio that usually keeps between 80 to 160 head of cattle. In addition to their beef and crop operation, the Stackhouse Family also owns Buckeye Quality Meats in Streetsboro, Ohio. Buckeye Quality Meats is a retail butcher shop that sells the beef raised at Stackhouse Farms alongside other locally sourced meats.

The tour will showcase their beef feed-lot operation and the various production practices used at their facility including new cattle loading and handling infrastructure, farm raised feed storage, and manure management. Complimenting the facility tour, the Stackhouse family will share information on their unique operation, daily management, and challenges faced. Additionally attendees will learn about the retail operation as well and the success and challenges faced at the butch shop. There will be time for audience questions and group discussion.

A free beef hamburger and hotdog meal will be served at the conclusion of the program, compliments of Cherry Valley Slaughtering & Processing.

All beef producers and industry individuals are invited to attend. This is a great way to see how other farms operate, take back some ideas to your own farm, and make connections with other industry producers.

Again, no reservations are required. Do not miss this opportunity to visit this outstanding local beef operation. Please contact me, Andrew Holden, with any questions at 440-576-9008 or Email [Holden.155@osu.edu](mailto:Holden.155@osu.edu).

Thank you to the Stackhouse family for hosting this event! We hope to see you there!

\*\*\*\*\*

***Andrew Holden is an Agriculture & Natural Resources Extension Educator for Ohio State University Extension. Andrew can be reached at 440-576-9008 or [Holden.155@osu.edu](mailto:Holden.155@osu.edu)***

*CFAES provides research and related educational programs to clientele on a nondiscriminatory basis. For more information, visit [cfaesdiversity.osu.edu](http://cfaesdiversity.osu.edu)*

Northeast Ohio Agriculture

OHIO STATE UNIVERSITY EXTENSION  
Ashtabula, Portage and Trumbull Counties



## THE OHIO STATE UNIVERSITY

COLLEGE OF FOOD, AGRICULTURAL,  
AND ENVIRONMENTAL SCIENCES

**Lee Beers****Trumbull County Extension****520 West Main Street****Cortland, OH 44410****330-638-6783****beers.66@osu.edu****trumbull.osu.edu****Andrew Holden****Ashtabula County Extension****39 Wall Street****Jefferson, OH 44047****440-576-9008****holden.155@osu.edu****ashtabula.osu.edu****Angie Arnold****Portage County Extension****705 Oakwood St., Suite 103****Ravenna, OH 44266****330-296-6432****arnold.1143@osu.edu****portage.osu.edu**

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Northeast Ohio Agriculture

OHIO STATE UNIVERSITY EXTENSION  
Ashtabula, Portage and Trumbull Counties

**CFAES**

# 2022 Beef Twilight Tour

## Wednesday, October 5<sup>th</sup>, 6:30 P.M.

The **Ashtabula County Cattlemen's Association** and the Ohio State University Extension invite you to join us for the 2022 Beef Twilight Tour on October 5<sup>th</sup>, in Orwell, Ohio at Stackhouse Farm.

Stackhouse Farm is a beef cattle and row crop operation in Orwell, Ohio that usually keeps between 80 to 160 head of cattle. In addition to their beef and crop operation, the Stackhouse Family also owns Buckeye Quality Meats in Streetsboro, Ohio. Buckeye Quality Meats is a retail butcher shop that sells the beef raised at Stackhouse Farms alongside other locally sourced meats.

The tour will showcase their beef feed lot operation and the various production practices used at their facility including new loading and handling infrastructure, farm raised feed storage, and manure storage.

All beef producers and industry individuals are invited to attend. No reservations are required. Do not miss this opportunity to visit this outstanding local beef operation. We hope to see you there!

A **Free Beef Hamburger and Hotdog Meal** will be served at the conclusion of the program, compliments of Cherry Valley Slaughtering & Processing.

*Thank you to the Stackhouse family for hosting this event!*

**DATE:** October 5<sup>th</sup>, 2022      **TIME:** 6:30 PM to 8:30 PM      **COST:** Free

**LOCATION:** Stackhouse Farms - 7011 OH-45, Orwell, OH 44076

**Contact information:** Call Andrew Holden at 440-576-9008 or Email [Holden.155@osu.edu](mailto:Holden.155@osu.edu) with any questions.



THE OHIO STATE UNIVERSITY  
EXTENSION

**Ashtabula County  
Cattlemen's Association**





**CFAES**

**DATE:**  
October 8, 2022

**TIME:**  
9:00 a.m.– 3:00 p.m.  
Registration 8:30 a.m.

**LOCATION:**  
OSU ATI Beef Center  
2736 S. Apple Creek Rd  
Apple Creek 44606



**THE OHIO STATE  
UNIVERSITY**

EXTENSION

# Small Farm Ruminant Production Field Day

Have a small herd of beef cattle, goats, or a flock of sheep? Are you a new or beginning ruminant livestock producer? If yes to either of these questions, this program is for you!

Join OSU Extension educators and state specialists for an all-day workshop covering topics every ruminant livestock producer needs to know from grazing and nutrition, livestock marketing, facilities and housing.

After lunch, those who have an interest in sheep or goats will depart to the Small Ruminant Research Unit located on Fredericksburg Road, while those focused on beef cattle will remain at the ATI Beef Center.

Afternoon training sessions will be species-specific that include hands-on training in animal care and handling, basic animal health, livestock evaluation, and much more.

Cost: \$30 per person lunch Included.

Limited to first 40 Registrations.

Register at <https://go.osu.edu/smallfarmruminantfieldday>

**CFAES Wooster Campus**  
[wooster.osu.edu](http://wooster.osu.edu)

**OSU Extension Beef Team**  
[beef.osu.edu](http://beef.osu.edu)

**OSU Extension Sheep Team**  
[sheep.osu.edu](http://sheep.osu.edu)



**CFAES**

# SAVE THE DATE:

## Saturday October 22, 2022

ASHTABULA COUNTY OHIO STATE EXTENSION PRESENTS

## NE Ohio Livestock Trailer Rollover and Emergency Training for First Responders

**Livestock accidents add a level of complication to an already challenging situation.**

The objective of the Bovine Emergency Response Plan (BERP) is to develop a framework that local law enforcement, first responders, emergency management, and veterinarians can use to more appropriately address accidents involving cattle transport vehicles. This framework is rigid enough to cover all the critically needed areas but flexible enough to fit the needs of local municipalities. Join OSU Extension Beef Specialist, Dr. Stephen Boyles and Ashtabula County Ag Educator, Andrew Holden, for this important 4-hour training that will help make NE Ohio more prepared in the case of livestock emergencies.

**Date:** Saturday, October 22<sup>nd</sup>, 2022

**Time:** 9:00 AM – 2:00 PM, with lunch noon to 1:00

**Location:** Bloomfield Livestock Auction

2211 Kinsman Rd, N. Bloomfield, OH 44450

**Cost:** Free for First Responders

**RSVP:** Please register by October 17<sup>th</sup> to secure your spot

Email Andrew Holden at [Holden.155@osu.edu](mailto:Holden.155@osu.edu) or Call 440-576-9008



**THE OHIO STATE UNIVERSITY**

EXTENSION

# NE Ohio Livestock Trailer Rollover and Emergency Training for First Responders



Just West of North Bloomfield on St. Rt. 87



**Dr. Stephen Boyles**

Extension Beef Specialist  
Animal Science Professor



**Andrew Holden**

Ohio State Extension  
Educator, Ashtabula County

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**Location:** Bloomfield Livestock Auction

2211 Kinsman Rd, N. Bloomfield, OH 44450

**RSVP:** Please register by October 17<sup>th</sup> to secure your spot

Email Andrew Holden at [Holden.155@osu.edu](mailto:Holden.155@osu.edu) or Call 440-576-9008

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**THE OHIO STATE UNIVERSITY**

EXTENSION



**CFAES****DATE:**

November  
2<sup>nd</sup>, 9<sup>th</sup>, & 16<sup>th</sup>

**TIME:**

**Starts: 6:30 PM**  
**Ends: 8:30 PM**

**LOCATION:**

Online via Zoom

**COST:**

**\$25 Each**  
*or*  
**\$60 All Three**

**Register:**

**GO.OSU.EDU**  
**/FBP22**



Ashtabula & Trumbull County Extension Presents

***Does it Pencil Out?*****Farm Business Planning 101**

Whether you are new to farming or just need a refresh on some key farm management topics, look no farther than this Farm Business Planning 101 series. This three-part series will feature a wide range of management topics and offer time for audience participation and questions. Depending on your needs and interest, you may choose any of the programs offered in the series or save and attend all three. Sign up today to secure your spot!

**November 2<sup>nd</sup>**

- **Creating A Business Plan** with Andrew Holden - Ashtabula Co
- **Using Enterprise Budgets** with Eric Richer - Fulton County

**November 9<sup>th</sup>**

- **LLC's and Liability** with Robert Moore - Attorney – OSU Ag Law Program
- **Intro to Insurance** with Tony Nye - Clinton County

**November 16<sup>th</sup>**

- **An Intro to Farm Taxes** with Barry Ward, OSU Income Tax Schools Director
- **Farm Service Agency (FSA) Programs** with Jenna Pollard - County Executive Director for Ashtabula, Geauga, & Lake Co.

To register, visit [WWW.GO.OSU.EDU/FBP22](http://WWW.GO.OSU.EDU/FBP22) or Email: [Holden.155@osu.edu](mailto:Holden.155@osu.edu)

