Hello Northeast Ohio Counties!

Harvest is continuing steadily across the area. Todays drizzles will provide a delay but hopefully we will receive cooperating weather through the rest of the week. Look at the first article for short- and long-term weather forecast trends for the rest of this year.

Get you tickets today for the 30th annual Ashtabula County Cattleman's Association Beef Banquet on November 2nd. Banquet activities will include a prime rib dinner; business meeting; election of director(s); entertainment; door prizes; and fine fellowship. Check out the last article to find out how to get your tickets!

Stay safe!

Lee Beers
Trumbull County Extension Educator

Andrew Holden
Ashtabula County Extension Educator
**Typical autumn weather changes ahead**

By Jim Noel

Source: https://agcrops.osu.edu/newsletter/corn-newsletter/2019-36/typical-autumn-weather-changes-ahead

A more active weather pattern is ahead. We expect a weak to moderate storm with some rainfall every 3-4 days over the next few weeks.

For the week of Oct 22 expect slightly above normal temperatures by a degree or two and rainfall between 0.25-0.75 inches on average. There could be some scattered freezing temperatures in the north and west sections of Ohio especially come Saturday morning.

For the last week of October, there should be early to mid week rainfall with another 0.25-1.00 inches followed by a surge of cold weather and the real possibility of the first widespread freeze toward Halloween.

The outlook for November is above normal temperatures after a cold start to the month and rainfall normal to above normal.

The early trends suggest a turn to a wetter late winter and spring of 2020, but we will need to simply monitor that. The wetter spring trends may continue into 2020.

The next two weeks rainfall totals will generally range from 0.50 to 2.00 inches across the state.

**Ohio Certified Crop Adviser Pre-Exam Training Seminar**

By: Harold Watters, CPAg/CCA

Source: https://agcrops.osu.edu/newsletter/corn-newsletter/2019-36/ohio-certified-crop-adviser-pre-exam-training-seminar

The Certified Crop Adviser (CCA) Exam Training program, sponsored and delivered by the OSU Agronomic Crops Team, will be offered at the Shelby County Ag Building, 810-820 Fair Rd, Sidney, Ohio 45365 on January 8th and 9th beginning at 9:00 a.m. on the 8th and adjourn by 5:00 p.m. on the 9th. This is an intensive two-day workshop somewhat directed toward the local exam – to be used as a reminder on what best to study in preparation for the CCA exams. Exams will
be given in 2020 on February 7th and August 7th. Register for the exams at least six weeks before the exam date: https://www.certifiedcropadviser.org/exams. The exams are not given during the preparation class.

The price for the exam preparation class is $250.

Secure on-line registration via credit card, debit card or check is available: https://associationdatabase.com/aws/OABA/input_form/display_form_01_show?form_no=74&host=retain.

Course contact:
Harold Watters, CPAg, CCA
Ohio State University Extension
1100 S. Detroit St
Bellefontaine, OH 43311
Phone 937 604-2415 cell. Or by email: watters.35@osu.edu.

We recommend for study and will provide at the program the following publications in addition to the lectures:

• Ohio Agronomy Guide
• Ohio, Indiana & Illinois Weed Control Guide
• The Ohio Corn, Soybean, Wheat and Forages Field Guide
• Tri-State Fertilizer Recommendations and recent updates
• Modern Corn & Soybean Production
• Many handouts, and access to all digital content

Additional information about CCA certification:

The Certified Crop Adviser (CCA) and Certified Professional Agronomist (CPAg) programs of the American Society of Agronomy are the benchmarks of professionalism. The CCA certification was established in 1992 to provide a benchmark for practicing agronomy professionals in the United States and Canada.

Certification is the standard by which professionals are judged. The purpose of a certification program is to protect the public and the profession. It is a voluntary professional enhancement to a person’s career credentials. Farmers and employers prefer to work with Certified Crop Advisers (CCA) because CCAs have demonstrated they have the commitment, education, expertise, and experience to make a difference in a client’s business.
Steps to Certification:
- Pass two exams – local and international. Registration information can be found at: https://www.certifiedcropadviser.org/exams
- Document education and experience.
- Sign and agree to uphold CCA code of ethics.

Once certified:
- Earn 40 hours of continuing education every two years and pay an annual renewal fee (fees are subject to change).
- Next CCA Exam Date: February 7, 2020 -- Registration period October 7 - December 13, 2019

Specialty Certifications are also available to add to your CCA qualifications:
- 4R Nutrient Management Specialty (4R NMS) Certification
- Precision Agriculture Specialty (PASp) Certification
- Resistance Management Specialty (RMS) Certification
- Sustainability Specialty (SSp) Certification

Case illustrates importance of transition planning for farmers
By: Peggy Kirk Hall, Associate Professor, Agricultural & Resource Law, Associate Professor, Agricultural & Resource Law
Source: https://farmoffice.osu.edu/blog/mon-10212019-119pm/ohio-ag-law-blog-case-illustrates-importance-transition-planning-farmers

Unfortunately, the death of a farmland owner can create conflict within a family. Often, transition planning by the deceased could have prevented the conflict. Such is the case in a family disagreement that ended up before Ohio’s Third District Court of Appeals. The case pitted two brothers against one another, fighting over ownership of the family farm.

When their mother passed away in 2006, the five Verhoff siblings decided to sell the family farm. Two of the brothers wanted to purchase the farm, but one of them was also the executor of the estate. The estate’s attorney advised the executor brother that he should not buy the land directly from the estate due to his fiduciary duties as executor. The attorney recommended that the executor wait and purchase one-half of the farm from the other brother after it was transferred from the estate to the other brother.

Following a series of discussions between the two brothers, the executor brother sent half of the farm’s purchase price to the other brother and issued the farm’s deed to the other brother. Over the next eight years, the two brothers shared a
joint checking account used to deposit rental income from the farmland and to pay for property taxes and utilities on the property. But when the executor brother asked the other brother for a deed showing the executor brother's half-interest in the farm, the other brother claimed that the executor brother did not have an ownership interest. The money rendered by the executor brother was a loan and not a purchase, claimed the other brother. The other brother then began withholding the farm rental payments from the joint checking account. The relationship between the two brothers broke down, and in 2016, the executor brother filed a lawsuit to assert his half-ownership of the farm and his interest in the rental payments.

At trial, a jury found that the brothers had entered into a contract that gave the executor brother half ownership of the farm upon paying half of the purchase price to the other brother. The trial court ordered the other brother to pay the executor brother half of the current value of the farm and half of the rental income that had been withheld from the executor brother. The other brother appealed the trial court’s decision. The court of appeals did not agree with any of the other brother’s arguments, and upheld the trial court’s decision that a contract existed and had been violated by the other brother. Two of the arguments on appeal raised by the other brother are most relevant: that Ohio’s statute of frauds required that the contract be in writing and that the contract was illegal because an executor cannot purchase land from an estate.

A contract for the sale of land should be in writing, but there are exceptions.

Ohio’s “Statute of Frauds” provides that a contract or sale of land or an interest in land is not legally enforceable unless it is in writing and signed by the party to be charged. The other brother argued that because there was no written agreement about the ownership of the farm, the situation did not comply with the Statute of Frauds and could not be enforceable. However, the court focused on an important exception to the Statute of Frauds: the doctrine of partial performance. The doctrine removes a verbal contract from the writing requirement in the Statute of Frauds if there are unequivocal acts of performance by one party in reliance upon a verbal agreement and if failing to enforce the verbal agreement would result in fraud, injustice, or hardship to that party who had partly performed under the agreement.

Based upon evidence produced by the executor brother, the appeals court agreed with the trial court in determining that an oral contract did exist between the two brothers and that the executor brother had performed unequivocal acts in furtherance of the verbal contract. The court explained that the executor brother had endured “risks and responsibility” by giving the other brother money with the expectation that he would receive rental income from the farm and own a one-half
interest in the property. An injustice would occur if the verbal contract was not enforced because of the Statute of Frauds, as the other brother would receive a windfall at the executor brother’s expense, said the court. The court concluded that because the doctrine of partial performance had been met, the writing requirement in the Statute of Frauds should be set aside.

Did the executor brother violate his fiduciary duties by purchasing the land?

The other brother also claimed that the verbal contract was illegal because the executor brother made a sale from the estate to himself. According to the other brother, the sale violated Ohio Revised Code section 2109.44, which prohibits fiduciaries from buying from or selling to themselves or having any individual dealings with an estate unless authorized by the deceased or the heirs.

The court pointed out, however, that the executor brother did not buy the farm from the estate. Instead, the executor brother purchased the farm through a side agreement with the other brother who purchased the farm from the estate. The court noted that this type of arrangement could be voidable if other heirs challenged it. But since no other heirs did so, the court determined that the executor brother had not violated his fiduciary duties to the estate and allowed the side agreement to stand.

Estate and transition planning can help prevent family disputes

Imagine the toll this case took on the family. It’s quite possible that parents can prevent these types of conflicts over what happens to the farm when they pass on. An initial step for parents is to determine which heirs want to transition into owning and managing the farm, and what their future roles with the farm might be. This often raises other tough questions parents must face: how to provide an inheritance to children who don’t want the farm when other children do want the farm? Must or can the division of assets be equal among the heirs? What about other considerations, such as children with special issues or not having heirs who do want to continue the farm? These are difficult but important questions parents can answer in order to prevent conflict and irreparable harm to the family in the future.

The good news is that there are legal tools and solutions for these and the many other situations parents encounter when deciding what to do with the farm and their assets. An attorney who works in transition planning for farmers will know those solutions and can tailor them to a family’s unique circumstances. One agricultural attorney I know promises that there’s a legal solution for every farm family’s transition planning issues. Working through the issues is difficult, but identifying
tools and a detailed plan for the future can be satisfying. And it will almost certainly prevent years of litigation.


**Is the Endangered Species Act under threat?**

By: Ellen Essman, Senior Research Associate


In August, the Secretary of the Interior announced that the Trump Administration would be making revisions to the way the Endangered Species Act (ESA) is carried out under federal regulations. The move was made in part to further the Administration’s goal to “ease the regulatory burden” on citizens. The revised regulations apply to sections 4 and 7 of the ESA, which means they make changes to how species are listed as endangered, how critical habitat for species is determined, how threatened species are treated, and how the different federal agencies cooperate to carry out the ESA.

Revision of endangered, threatened, and critical habitat protections

The changes to how the ESA is carried out were made in three rulemakings published on August 27, 2019. One of the rules, available here, is meant to increase cooperation between federal agencies when carrying out the ESA (this rule is set to become effective on October 28). Changes made by the other two rules, available here, and here, are much more controversial because they have a great impact on how endangered and threatened species and their habitats are treated under federal regulations. The new rules went into effect on September 26, 2019. We discuss some of the biggest modifications below.

First, the rules change the term “physical or biological features” to “physical or biological features essential to the conservation of the species.” This change will likely diminish the number of natural features and areas that will be protected, since only those deemed essential to an endangered species will be protected. Similarly, the new rules give the federal government more leeway to determine when habitat is not critical habitat for species, which may result in less habitat being protected under the new iteration of the rules.
In yet another change, the new rules separate the discussion of “threatened” and “endangered” species within the regulatory text. Due to this uncoupling, some read the new version of the rule as stripping threatened species of protections they enjoyed when they were more closely related to endangered species. The new edition of the rules instead includes factors for determining whether a species can be listed as threatened, such as whether it is likely the species will become endangered in the “foreseeable future,” which will be determined on a case by case basis. Critics of the new rules believe that this language will give the government the discretion to overlook the effects of climate change on a species, which could play out over a period of time longer than the “foreseeable future.” Along the same lines, the rules also make it harder to ban certain activities in order to protect threatened species.

The rules weaken the ESA by allowing the federal government to take into account the actions of states, other nations, and local jurisdictions when listing and delisting species. In other words, if the species is being protected on another level of government or by another country, the U.S. government may be less inclined to protect the species; either by choosing not to list the species, or by removing its threatened or endangered status. Importantly, the new rules also allow “commercial information,” not just scientific information, to be considered when making a decision. Under the old rules, agencies were not allowed to consider the economic impacts of listing or delisting a species. On the whole, the rules seem to give the federal government a lot more discretion to determine that species or habitats should not be protected.

Lawsuits

On September 25, 2019, the day before the new rules became effective, the attorneys general from 17 states, including Ohio’s neighbors Michigan and Pennsylvania, sued the Trump Administration in federal court over the changes to the rules. You can find the complaint here. The states assert that the rulemaking violates several federal statutes, including the Administrative Procedure Act, which governs federal administrative agencies. The states further claim that the weakening of protections for endangered and threatened species and their habitats will cause harm to their natural resources, harm to their citizens through environmental degradation, take away the current and future economic benefits of protected species, and increase costs for state governments.

Congressional action

Amidst all the rule changes and lawsuits, members of Congress have been working on their own potential changes to the ESA. Recently, the Congressional Western Caucus, a group of congress members from all around the country who...
are concerned with land use and resource rights, among other causes, introduced nineteen bills meant to “modernize” the ESA. If you’re interested in the specifics of each bill, they are listed on the Caucus’ website, here. Overall, the bills focus on fixing the ESA by implementing “defined recovery goals” for species, relying on “standardized…publicly available” science, and allowing more involvement from states and stakeholders on endangered species decisions.

With action taking place on the administrative, legislative, and judicial levels of the federal government, the way the ESA is written and interpreted seems to be up in the air at present. We will be sure to update the Ag Law Blog with any developments.

Ohio farm incomes forecast to rise—again

By: Alayna DeMartini
Source: https://cfaes.osu.edu/news/articles/ohio-farm-incomes-forecast-rise%E2%80%94again

COLUMBUS, Ohio—Even during a growing season when 1.5 million fewer acres of soybeans and corn were planted in Ohio, average farm incomes in the state are likely to increase compared to last year, according to an agricultural economist with The Ohio State University.

That’s primarily because of higher government payments made to farmers nationwide in 2019, said Ani Katchova, an associate professor and chair of the farm income enhancement program at the College of Food, Agricultural, and Environmental Sciences (CFAES).

Across the country, government funds paid to farmers through the Market Facilitation Program (MFP) more than doubled this year to $10.7 billion. That money is intended to help compensate farmers for a decline in demand for crops and livestock sold abroad because of recent hikes in international tariffs on those goods.

On average, government payments for farmers nationally this year are expected to make up 17% of farmers’ net cash income, which is the highest in recent years, Katchova said. Net cash income is what a farmer earns in cash receipts, other farm-related income, and government payments minus cash expenses.
“That’s a significant portion,” said Katchova, who will address Ohio and national farm income trends and forecasts at the Nov. 12 Agricultural Policy and Outlook Conference at Ohio State’s Columbus campus. She is one of several faculty who will speak at the event sponsored by CFAES.

“Overall, farmers expect to have lower yields this year, particularly in Ohio, because of the amount of rainfall in the spring, which prevented or delayed planting. But it seems like their incomes, on average, are going to be fine,” she said.

Record levels of rain this past spring kept many Ohio farmers from planting, and some were never able to plant a cash crop in time. Even for those who could plant, the late start to the planting season stunted growth in many corn and soybean fields across Ohio. Yields for both crops are expected to be the state’s smallest since 2008, according to U.S. Department of Agriculture projections.

The USDA has forecast that national net farm income will be up by 4.8% this year. Net farm income is a broader measure of income that includes depreciation and changes in inventories.

Ohio’s net farm income typically follows national trends, which is why Katchova expects to see Ohio’s net farm income go up again this year. Like national net farm income, Ohio’s net farm income has increased annually since 2017 and likely will continue to do so this year, the third year in a row, Katchova said.

“We can be cautiously optimistic right now,” she said. “Farm incomes have stabilized. If anything, they’re slightly improving,” she said. “But while net farm incomes in Ohio are expected to increase, many farms, particularly highly indebted farms, are still struggling.”

In 2013, Ohio farm incomes reached a historic peak, then experienced a steep decline for three years until they began to recover in 2017.

For more information about the Nov. 12 Agricultural Policy and Outlook Conference and to register, visit go.osu.edu/outlookconference
**2019 Ashtabula County Beef Banquet Tickets**

OSU Extension and the Ashtabula County Cattlemen’s Association will be holding the 30th Ashtabula County Beef Banquet on Saturday, November 2nd at the Lenox Community Center beginning at 7:00 p.m. Banquet activities will include a prime rib dinner; business meeting; election of member(s) to the Ashtabula County Cattlemen’s board of directors; entertainment; door prizes; and fine fellowship.

Tickets for the banquet can be purchased from the Directors of the Cattlemen’s Association. Directors are David Nye, Hartsgrove Township; Zach Ward, Austinburg Township; Dr. Bryan Elliott, Cherry Valley Township; Garret Love, Linesville, PA, and Even Flack, Williamsfield Township. Tickets are $25 per person. Call the Ashtabula County Extension office at 440-576-9008 for more information. Pre-reservations should be made by October 24th, 2019. A program flyer can be found below or at:

[http://go.osu.edu/ne-events](http://go.osu.edu/ne-events)
Extended Forecast from NOAA, Weather.gov

Cortland, OH

Jefferson, OH

Northeast Ohio Agriculture

OHIO STATE UNIVERSITY EXTENSION
Ashtabula and Trumbull Counties
Upcoming Events

October 22, 2019
Annual Fall 4-H Kickoff – Trumbull County

November 7, 2019
Early bird PAT – Lake County

November 2, 2018
Ashtabula County Beef Banquet
Ashtabula County

30th Annual Beef Banquet

November 2nd, 2019
7:00 p.m.
Lenox Community Center
2509 Lenox-New Lyme Road
Jefferson, Ohio

Tickets are $25 per person. Includes your farm’s 2020 membership into the Ashtabula County Cattlemen’s Association.

Banquet will include the election of ACCA director(s), live entertainment, door prizes, and a great Prime Rib dinner!

Call OSU Extension at 440-576-9008 for more details on how to purchase banquet tickets. Ticket reservations are required by October 24, 2019 so that adequate meal preparations can be made.
Trumbull County 4-H Presents

6th Annual Fall 4-H Kickoff
Tuesday, October 22, 2019
6:00-7:30 PM
TCTC Cafeteria
528 Educational Highway, Warren

4-H Grows Here!
Activities 🌱 Handouts 🌸 Free Food 🍖 Meet Our Clubs

How can you join 4-H in 2019-2020?
Join us for a county-wide 4-H club open house to kickoff a new 4-H season! Find your fit in one of our 30+ clubs! Ages 5-18.

Questions? Contact 4-H Educator, Ashlee Dietz at dietz.96@osu.edu or 330-638-6783.
This is the meeting for commercial blueberry and raspberry/blackberry growers in the region. Take some time to meet and network with other growers--large and small, experienced and new. The group represents growers in multiple counties. If you are currently growing or considering growing blueberries, raspberries or blackberries this meeting is for you. It, however, is not intended for hobby or home-growers.

**Presenters:**

*James Jasinski*, Associate Professor, Integrated Pest Management Program Coordinator – Spotted Wing Drosophila monitoring efforts and updates on pesticide and exclusion  
*Doug Doohan*, Professor, Department of Horticulture and Crop Science – Weed management in blueberries and brambles  
*Timothy J Malinich*, Assistant Professor, OSU Extension of Erie County – Blueberry and blackberry nutrient management  
*Ann M. Chanon*, OSU Extension of Lorain County – Pesticide mix considerations and jar tests

Seating is limited, register early.
Available Credit: 1 hr. private PAT, fruit and vegetable (category 3)  
*An extra $5 fee will be charged for credit

To register,
complete the below form and mail it and payment to:  
OSU Extension, Lorain County 42110 Russia Rd, Elyria OH 44035  
Make checks payable to OSU Extension
Program Outline (continued)

Krauss Dairy Center

1:00 – 3:30 pm Afternoon Program (15 min/station, 5 min transition)

Reducing Risks of IMI in the Parlor (new parlor) – Dr. Ben Enger

Nutrient Management (feeding area) – Dr. Chanhee Lee

Managing Grazing Systems (grazing area) – Mike Sword & Dr. Tony Parker

Managing for Animal Comfort (flexible free stalls) – Dr. Shaun Wellert

Dealing with the 2019 Forage Crisis (forage storage area) – Dr. Bill Weiss

Calf Management (calf area) – Dr. Maurice Eastridge

Accelerating Genetic Progress (Tie stall area) – Royce Thornton

Strategies for Making Critical Financial Decisions (entrance area) - Rory Lewandowski & Dianne Shoemaker

Register and put the event on your calendar TODAY!

PROGRAM LOCATIONS

AM  Secrest Welcome and Education Center
     2122 Williams Road
     Wooster, OH 44691

PM  Krauss Dairy Center
     2250 Oil City Road
     Wooster, OH 44691

Planning Committee:

Dr. John Foltz, Animal Sciences
Dr. Maurice Eastridge, Animal Sciences
Julie Morris, Animal Sciences
Emily Henceroth, Animal Sciences
Jarrod Snell, Animal Sciences
Rory Lewandowski, OSUE, Wayne County
Dianne Shoemaker, OSUE

CFAES provides research and related educational programs to clients on a non-discriminatory basis. For more information: http://go.osu.edu/cfaesdiversity.
**Program Outline**

**Secrest Welcome and Education Center**

9:30 – 10:00 am
Registration and Refreshments

10:00 – 12:00 Morning Program

10:00 am
Welcome, Dr. John Foltz, Chair, Department of Animal Sciences

10:15 – 10:45 am
Roadmap to the Top Third: The 15 Measures of Dairy Farm Competitiveness, Dianne Shoemaker, Ohio State University Extension

10:45 – 11:15 am
A New Approach for Determining Metabolizable Protein Requirements of Lactating Cows, Dr. Luis Moraes, Department of Animal Sciences

11:15 – 11:45 am
Nutrient Management from Feed to Manure, Dr. Chanhee Lee, Department of Animal Sciences

11:45 – 12:00 am
Wrap-Up and What's Next Instructions

Lunch (provided; posters on display by graduate students)

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**Registration**

DUE Thursday, October 31

There is no registration fee for those who register by October 31. After October 31, the fee is $25 per person or $100 per farm.

Registration fee includes refreshments, lunch, and handouts.

Indicate the type of registration:

- Registration by October 31 ($0)
- Individual Registration after Oct. 31 ($25)
- Farm Registration after Oct. 31 ($100)
- Exhibit (table and electric provided; $200)

**Make check payable to: The Ohio State University**

Name: _________________________________

Farm/Company: _________________________

Number attending: ____

Address: _________________________

City: _____________State: ___ ZIP: _____

Phone: ____________________

Email: ____________________

Register online at dairy.osu.edu or mail registrations to:

Dr. Maurice Eastridge
Department of Animal Sciences
2029 Fyffe Court
Columbus, OH 43210
614-688-3059, eastridge.1@osu.edu

Register TODAY!
Youth Intro to Beekeeping

Presented by the Ashtabula County Beekeepers Association
In coordination with OSU Extension – Ashtabula County

Saturday November 9, 2019
9:00 AM – 12:00 PM
OSU Extension
39 Wall Street
Jefferson, Ohio 44047

Topics include:
Know Your Equipment, Learn about Bees, Installing Your Bees, Hive Management, Fall/Winter Management, and 4-H Beekeeping Project Information

Open to any 4-H age youth (ages 8-18) interested in learning about beekeeping

RSVP by November 4th

For more information or to register call 440-576-8818, e-mail sjriccio@yahoo.com or mail the information below to
ACBA Attn: Sharon Riccio,
2430 Brown Road, Jefferson OH 44047

Name: _______________________________________
Street Address: _____________________________
City: _______________________________________
State:_______________Zip:___________________
Phone Number: _____________________________
E-mail: _____________________________________