

Opinion

Off The Grid, Or At Least The Essence Of It ...

BY RITA BRHEL
P&D Correspondent

I have a particular affinity for “Live Free or Die,” “Living on the Edge,” “Ice Lake Rebels” and any of the other television series, typically on the Discovery or National Geographic channel, that depict individuals, couples and occasionally families that have made the choice to live an alternative way of life that forgoes the modern conveniences – as



Rita
BRHEL

well as hectic pace of life and dependence upon consumerism – that the vast majority of Americans live with in

civilization.

There is something quite alluring, to me, about living off the grid.

I can see myself living in the middle of somewhere far from a city, though maybe not too far from a small town, just in case I would need someone’s help, such as from a doctor, or so I can stay in touch with family and friends via postal mail or the occasional phone call.

And I can see my husband chopping firewood for our wood-burning stove as our only source of heat, and him constructing a wind turbine for our electricity. Problem is, he said he can’t see himself doing that...

In reality, we do live on the edge of a small town, somewhere far from a city, on a little farm where we live off of eggs and garden produce part of the year. Our heat is a natural gas furnace, and our electricity is from the grid, and we are even hooked up to city water – the very last one on the line. So, we’re not off the grid, but I feel that I – as much as I can be – am enjoying at least the essence of that type of lifestyle.

Our little farm is profitable but not to the point where my husband can quit his full-time job to stay home, and I realize that we would really be hurting financially if I didn’t work my part-time job. So when someone asks what the point of our little farm is, we answer: to preserve a lifestyle. My husband and I are both farm kids, and this generation is the first ever to not be on a working, full-time family farm with no outside jobs needed to float financially.

As one of the leading genealogists in my family tree, I am keenly away of my children’s heritage and how much farming has always been a part of that. I also know, from talking with others outside the family, how quickly that knowledge of agriculture and the values that often go with it – resourcefulness, frugality, contentment with simple living, a love of the natural world, unplugged connection with one another, independence from the pulls of society, freedom and peace found in the slow pace of life – can slip away when a generation moves to town.

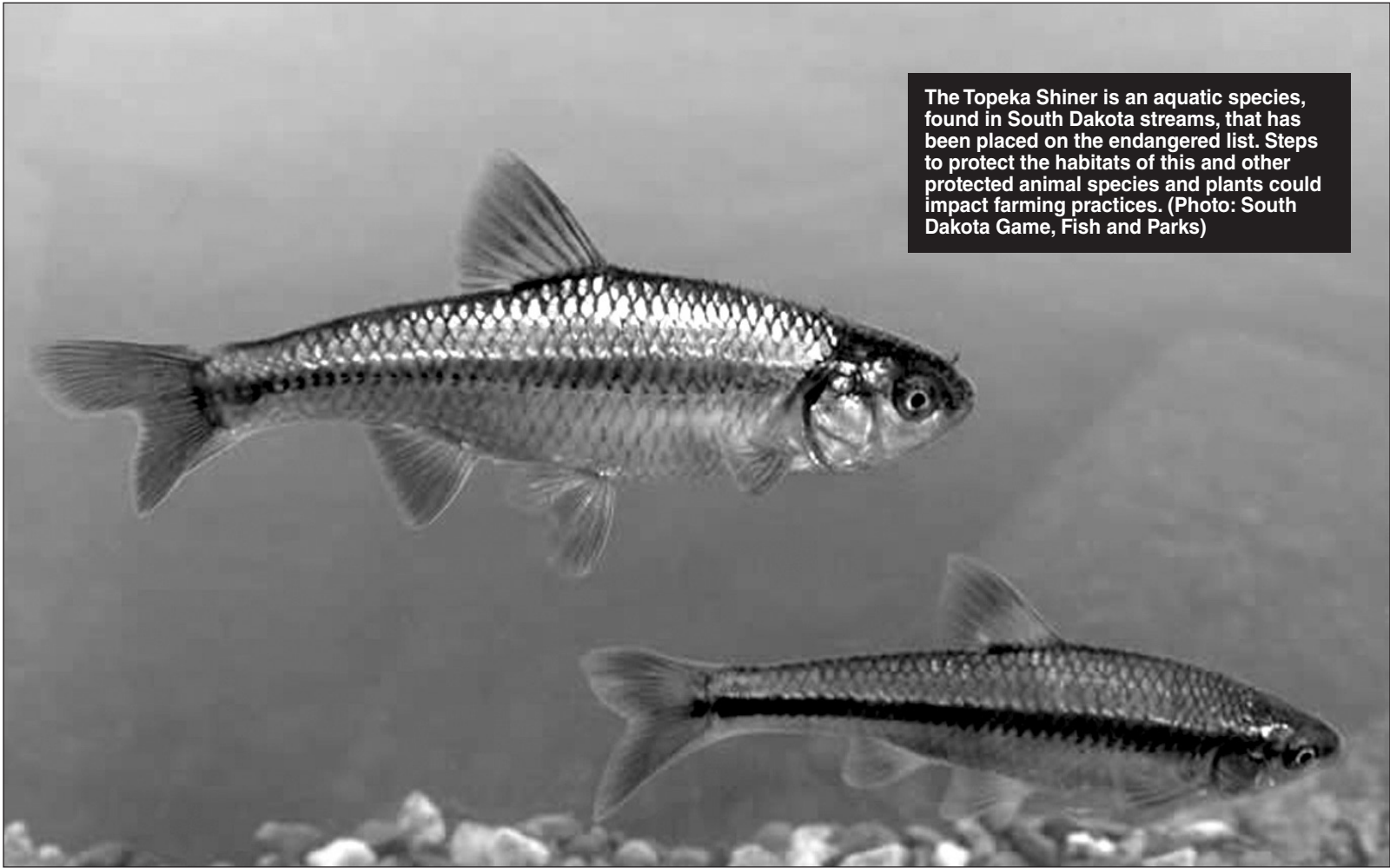
I am consciously choosing to continue that farming lifestyle, even if my little farm isn’t any more than a hobby farm to passers-by, in order to pass down the heritage and values from their family tree.

So while my little farm is a far cry from the farm I or my husband grew up on, it is a farm in our hearts nonetheless – and the lifestyle we lead is one and the same as that which we grew up with.

And who knows? Maybe in time, we will use the wood-burning stove sitting in my living room that is currently holding up my box of crochet yarn. And while our antique windmill doesn’t work anymore, maybe I might even be able to convince my husband to try a small wind turbine one day.

With or without that, though, we’ll still always be farmers in our hearts – and in our home – no matter how big or small of a farm we have.

An Endangered Presence



The Topeka Shiner is an aquatic species, found in South Dakota streams, that has been placed on the endangered list. Steps to protect the habitats of this and other protected animal species and plants could impact farming practices. (Photo: South Dakota Game, Fish and Parks)

ESA And Farming

How The Endangered Species Act Is Applied Depends On Many Factors

EDITOR’S NOTE: This is the second of a two-part series on the Endangered Species and how it impacts agriculture.

BY RITA BRHEL
P&D Correspondent

Farmers and ranchers need to be fully away of how the Endangered Species Act works, as well as whether their property harbors any endangered species or their habitat, and exactly what rights they have as property owners — which may be very few, depending on the situation.

Elizabeth Rumley, senior staff attorney at the National Agricultural Law Center in Fayetteville, Ark., gave an overview of the Endangered Species Act (ESA) and how it applies to agricultural landowners recently during a webcast hosted by the Agriculture and Food Law Consortium.

Farmers and ranchers need to be aware that when it comes to down to a choice between protecting an endangered species or their agricultural livelihood, the law nearly always falls on the side of the endangered species, Rumley said.

“I think we can all agree that if you knowingly take an endangered species, you are breaking the law,” she said. “But what happens if you aren’t intentionally bringing harm to the species?”

But knowledge is power, and there are ways that landowners can help protect themselves from the ESA should an endangered species be found on their land where farming activity is taking place.

Limitations placed by the ESA are strictest for actions by other federal agencies. No action of a federal agency can occur unless it is shown prior that the action will neither jeopardize a species nor adversely affect its critical habitat.

However, what many private landowners don’t realize is that this same limitation to federal actions applies to them if the landowner is engaged in an action that requires some form of federal involvement, such as EQIP (Environmental Quality Incentives Program) funding to put in cross-fencing in pastures or planting of cover crops on cropland. It even applies if a producer used a federal loan program to purchase his property.

With any federal agency or private landowner who is involved in a federal program, before any action can take place in an area designated as critical habitat for an ESA species, a biological assessment must take place. However, before that biological assessment can happen, the federal agency or private landowner may first need to do a remediation action.

For example, Rumley explained a case where a private landowner was required to do work to

protect habitat on a property that was deemed as critical habitat of the Sandhill Crane before that landowner could do a biological assessment in order to be able to build a facility on the land.

For non-federal organizations and businesses, as well as private landowners who are not involved in federal programs, there is an option to help protect them from potential lawsuits if an ESA species or critical habitat exists on their property.

The Incidental Take Permit allows permit holders, such as loggers, construction companies and others, in case their project causes accidental

Rumley gave an example of the Neosho Mucket and Rabbitsfoot mussels, two endangered species whose critical habitat includes 2,000 river miles in 12 states that come as far north as Kansas and Missouri. The FWS found that all river and shore activities affect these ESA species’ critical habitat.

Say a farmer owns property that includes river shoreline where these mussels live. If he deliberately goes to the shore and collects mussels for his supper, he has engaged in “taking” an ESA species and therefore has broken the law.

But say that farmer’s cattle go to the river to drink and steps on a mussel, killing it. Did that farmer break the law? Yes, Rumley said, unless the farmer has an Incidental Take Permit, which would protect him from his cattle’s action on the ESA species. Should that farmer have to fence off the shoreline and streambed to protect it, or is it OK for him to continue to use the river for his farming activity? This depends, Rumley said.

If the farmer is involved in a federal program, such as EQIP, he would need to do a remediation action in order to do a biological assessment in order to be able to allow his cattle access to the streambed.

But if the farmer is not involved in a federal program, he could allow his cattle access to the streambed without repercussions, although he might want to obtain an Incidental Take Permit for full protection in case his cattle did step on and kill a mussel.

Agricultural landowners in the Yankton area are the property owners most likely to come in contact with endangered species. While conservation of endangered species is important, so is landowners knowing how the ESA works so they are fully protected in the case that an ESA-listed species is accidentally “taken” on their property.

In South Dakota, ESA species include 13 animals — American Burying Beetle, Black-footed Ferret, Dakota Skipper, Least Tern, Northern Long-eared Bat, Pallid Sturgeon, Pearlymussel, Piping Plover, Poweshiek Skipperling, Red Knot, Scaleshell Mussel, Topeka Shiner and Whooping Crane — and two plants: Leedy’s Roseroot and Western Prairie Fringed Orchid.

In Nebraska, ESA species include 12 animals — American Burying Beetle, Black-footed Ferret, Eskimo Curlew, Least Tern, Northern Long-eared Bat, Pallid Sturgeon, Piping Plover, Red Knot, Salt Creek Tiger Beetle, Scaleshell Mussel, Topeka Shiner and Whooping Crane — and four plants: Blowout Penstemon, Colorado Butterfly Plant, Ute Ladies’-tresses and Western Prairie Fringed Orchid.

All landowners are encouraged to get to know the ESA species, and their critical habitats, on their properties to be fully away of how the law could apply to them.

“I think we can all agree that if you knowingly take an endangered species, you are breaking the law. But what happens if you aren’t intentionally bringing harm to the species?”

ELIZABETH RUMLEY

damage to an ESA species. The permit holders are required to submit a Wildlife Conservation Plan that shows how they will minimize or mitigate harm to the ESA species. For example, a landowner may plan to create habitat elsewhere on his property where the endangered species can go should their original habitat be compromised.

The No Surprises Rule applies to Incidental Take Permit holders to protect them in case another ESA species is found on the property or if their Wildlife Conservation Plan does protect the original ESA species as well as hoped.

There is also the Safe Harbor Agreement, which is a voluntary contract between a private landowner and the FWS. Under this contract, the landowner agrees to alter his property in order to increase an ESA species in exchange for a promise from the FWS that the agency will issue an Incidental Take Permit in the future.

There is also an Affirmative Defense protection in the case where an ESA species is endangering a person’s immediate survival. For example, if a grizzly bear would attack a person and he killed the bear in self-defense, the person’s “taking” of an ESA species would be protected. However, this exemption does not extend to a person’s property, including buildings, crops or livestock, so if that same grizzly bear was instead killing livestock, the person could not kill the bear without breaking the law and facing consequences of his crime.

Knowingly taking an ESA species has consequences of up to \$50,000 in fines and/or 1 year in jail on the criminal side of the law as well as up to \$25,000 in fines per violation on the civil lawsuit side.

So, how does ESA protection work in the real world?

Group To Offer Funding To Nonprofits

ST. LOUIS — America’s Farmers Grow Communities will partner again with farmers to award more than \$3.3 million to community nonprofits across the country. In South Dakota, 49 organizations will receive donations in 2016. Sponsored by the Monsanto Fund, the program’s purpose is to make a positive impact in rural communities by giving farmers a chance to direct \$2,500 donations to eligible nonprofit organizations of their choice.

Farmer enrollment for Grow Communities runs through Nov. 30, 2015.

Since the program’s inception, farmers have directed donations to help fire departments purchase equipment and complete training, send FFA and 4-H groups to contests and conventions, provide food pantries with meals to serve those in need and boost

agriculture curriculum in rural school districts. Other beneficiaries of the program have included health care organizations, youth and community centers, state parks and economic development programs, among many others.

“Thanks to the participation of farmers from across the country, more than 7,000 nonprofit organizations have received donations through Grow Communities in the past five years,” said Deborah Patterson, Monsanto Fund president. “We are excited to team up with farmers once again to help support the causes that mean the most to them and strengthen rural America.”

South Dakota farmers can enroll in the program and find a complete list of program rules and eligibility information at www.GrowCommunities.com or by calling 877-267-3332 toll-free. Program

winners will be announced in January. Follow Grow Communities’ new Facebook page to learn more about the program and connect with past winners at facebook.com/AmericasFarmersGrowCommunities.

America’s Farmers Grow Communities is part of the America’s Farmers initiative. Since 2010, the America’s Farmers campaign and programs have advocated on behalf of farmers and their efforts to meet society’s needs through agriculture. Today, consumers are more interested than ever in agriculture and how food is grown. Farmers and others in the industry are joining in on the conversation to help raise awareness about agriculture and share their stories with their communities.

Learn more at cfengage.org.

DAKOTA BODIES

GROWING WATERTOWN BUSINESS SINCE 1997

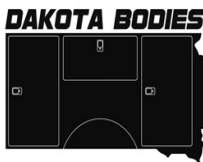
NOW HIRING:

CONTINUOUS IMPROVEMENT LEADER

Develop and Implement Manufacturing Program

Qualifications:

- 5-8 Years of experience in Manufacturing, Technical Degree preferred, Ability to use AutoCAD or Solid Modeling software preferred.



For more career information, contact
Stacey at 605-882-1400 Ext. 223,
stacey@dakotabodies.com.
Fill out and submit an on-line
resume at www.dakotabodies.com.

Company Benefits:

- Premium Health Insurance
- 100% Paid Dental Insurance
- Competitive salary
- 100% Paid long and short term disability
- Up to four weeks vacation
- Matching 401K Plan
- Your birthday off every year paid
- Life and Accident Dismemberment insurance
- FSA Plan available
- Monthly incentive plan
- Profit Sharing