

"The graphics and story development were the reasons this entry was selected as the winner as they really stood out."

- 2019 Iowa Newspaper Association Better Newspaper Contest



# Northeast Iowa Farmer

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## Dale Lehmkuhl implements fourth conservation program with native prairie program near Sumner

When many people think of the word conservation they normally think of protecting the water in rivers and streams and as something farmers throughout the state of Iowa and the country do. For Dale Lehmkuhl, Sumner, a recent conservation project included planting seven different grasses and 26 different forbs or wildflowers on their farm.

Since 1968, Lehmkuhl and his wife Joan have owned their 120-acre farm, which they now cash rent out, and have four different conservation practices in place. The most recent project is the Iowa Native Prairie program where 22 acres located east of their home was enrolled in late 2021 with planting occurring in 2022.

"It's a 10-year program, and according to the Natural Resources Conservation Service (NRCS) the purpose is to add diversity to a native plant community. It is offered by the United States Department of Agriculture (USDA) and managed through the NRCS, and it's all out of Waverly at the county level," stated Lehmkuhl. "We felt for the land we have that it was for the best interest of the farm and it's favorable to us financially to do this because the government pays us rent every year, which is comparable to cash rent."

In previous years the field has been a rotation of corn and soybeans and the decision came to enroll this field in the Iowa Native Prairie program because it has lighter soil. After seeing the program advertised, the Lehmkuhls read up on it and decided it would be a property thing for them to do so they did additional research, started the procedures and put in the grasses and forbs in the spring of 2022. Lehmkuhl explained the soil is lighter than the rest of the farm which would mean on a dry year it won't produce as much as other ground. The grasses and forbs were selected based on recommendations by the USDA and Lehmkuhl hired an individual to plant them.

"There is an area farmer who offers that service. He does

a lot of it not only for us but for anybody in the area who puts in diverted acres. With this type he has the special equipment to do that and based on the USDA's recommendation he furnishes the seed. That's all pre-determined as to what it's going to be," he added.

To help maintain the field, Lehmkuhl mowed the field twice, which was done for weed control, and some of the flowers showed up right away including Black-eyed Susans. There are many different varieties of limited quantities but the main focus is on the grasses. Other maintenance will include burning the field once in 2024 and Lehmkuhl hopes to have the fire department conduct the burn.

"They do some of that but I know they are limited now because there are more farmers putting conservation acres in which require burning so I know they can't do everybody's fields," he stated. "It won't kill any of the root systems and that's where all the perennials and the grasses are going to come from the following year. There is a firebreak all the around [the field] of clover and that firebreak is for when we do burn it so it doesn't get away from them into the woods, ditches, etc."



Dale and Joan Lehmkuhl, Sumner, enrolled 22 acres east of their home in the Iowa Native Prairie program to help improve the soil quality. Seven different grasses and 26 different forbs were planted in the spring of 2022.

The Iowa Native Prairie program provides a variety of benefits depending on the field. For Lehmkuhl's property, he expressed it will help improve the soil and is a great place for wildlife. If the field wasn't flat the grasses and flowers would also help to reduce soil erosion, which is one of the program's main purposes. He added with their property they have a lot of wildlife around with a creek running west of the house along with wild turkeys in their yard every day and deer frequenting the pasture.

This particular program is set to end around 2032 and the decision can be made to either re-enroll it or return it to crop production. Lehmkuhl commented there won't be any trees to hinder production if they choose to plant crops in the field and all that will have to be done is kill the grasses and flowers and replant it.

"I think most of the time the USDA has organized or planned these programs to be re-enrolled. It would be foolish if they haven't so why pay me

to rent the land. There was cost-sharing to install the planting and the seed was very expensive, so to do that and take it out in 10 years doesn't make sense but it will depend on what the world's needs are as it affects the USDA's decisions," he added. "I would say nine years from now that would be better soil than it is now because you get 10 years of growth of grass and flowers. It'll die off each year and contribute to the organic content of the soil and make it a better piece of land than it is now. That's probably the most important long-range purpose of the program is to improve the soil."

This is not the first conservation program Lehmkuhl has implemented on his farm over the years. Others have included planting trees on some bottomland, filter strips along a running waterway in his west field and seven acres of wildflowers planted in a separate field a number of years ago. Lehmkuhl remarked the filter strips are intended to filter any chemical runoff from the fields prior to going into the waterway.

Just over nine years ago in May 2014, there were 3,600 trees planted by his son David, granddaughter Isabella, who was 12 years old at the time, and John Olds on 7.3 acres of bottomland. This land had been farmed but was enrolled in the Bottomland Hardwood Tree Planting program in 2013 after being enrolled in the Conservation Reserve Program for around 15 years.

Seven different varieties of trees were planted including 500 each of the Black Walnut, Kentucky Coffee trees, Pin Oak, River Birch, Burr Oak and Sycamore as well as 600 Swamp White Oak, selected by the state forester. Earlier this month Lehmkuhl met with a state forester to see what should be done next with the trees as the program is set to end in 2027. At the present time, Lehmkuhl does not have to do anything but let the trees grow and there are probably 25- to 30-foot trees.

"It's the perfect land for them as it is bottomland and never dries out," he expressed. "We expect to re-enroll it because according to the state forester the program it is in now is currently set up to be re-enrolled if we want to."

"I talked to our son David one time and said that I wished we would've bought a farm with better land but he quickly argued with that. He said it wouldn't be near as much fun as this with the creek, the conservation programs and the trees. This was a joy for him growing up, it's a continued joy for Joan and I to see it progress and now we have the third generation, Isabella."



JERRY AND DIANE HARR, SUMNER

## Warnke wins June mystery farm contest

Valerie Warnke, Sumner was the winner drawn for the June mystery farm contest. The contest proved to be a challenge as the winning entry was drawn from five correct entries submitted. The June mystery farm is owned by Jerry and Diane Harr, Sumner. Warnke has won a \$25 gift card to Norby's Farm Fleet.



In the field east of Dale and Joan Lehmkuhl's home on their farm near Sumner, Black-eyed Susan flowers were in bloom earlier this month along with various types of grasses and other wildflowers. This is part of the Iowa Native Prairie program.

## A Look at Agricultural Law...

By Patrick B. Dillon, Attorney

*Disclaimer: Matters discussed in this column are of a general nature and should not be construed as applying to any particular fact pattern. Readers are encouraged to seek legal counsel regarding the issues discussed in this column. No attorney-client relationship is established by this general news article nor should it be taken as legal advice.*

### Hold your regulator horses

From the same litigation group which helped narrow up the scope of the government's claim to regulate every last puddle of water in the United States, another victory against omnipresent government.

The Villegases had property in Lincoln County, Neb. They were in the earth moving business and moved a bunch of it on the property to improvement, within what they believed the rules allowed. The EPA leveled a \$300,000 fine and ordered them to restore the land. The owners disagreed and asked for a federal district court to take the matter up.

Specifically, they challenged the EPA structure which allows the EPA field office to levy a fine and then the appeal is heard by employees of the EPA under a term called administrative adjudication. It's a lot like being told by the teacher you are expelled because you violated the school board's rules and you have to appeal it to a judge who is an employee of the school, selected by a board the school board pays for, employees and selects.

The challenge pointed out under the Constitution, the appointments clause requires anybody with significant authority to be appointed a set of rules which include presidential nomination, congressional approval and senate confirmation unless some law provides otherwise. Here the EPA admin law judges (ALJ) were not appointed by that process nor did another law allow their appointment. The challenge essen-

tially said the ALJ had no power to decide the matter.

The EPA backed down, terminating the enforcement action and dismissing the federal case. That is believed by some to be clear sign of how far afield the agency's policies were.

In other moves, Colorado has inserted itself into the water regulation gap created when the Supreme Court indicated the federal government's wet blank of regulation wasn't all encompassing. Colorado state regulators have issued temporary guidance which includes farm group (like Farm Bureau) endorsed exemptions for irrigation, plowing and the like. Power does abhor a vacuum.

In other western water fights which might have application in Iowa at some point, an 80-year fisherman who walked up a river claiming because it was navigable by boat in 1876 when Colorado became a state, it was open for wading and fishing as in individual or that the state had an interest in the navigable water. The adjoining landowner threw rocks at him and got sued. With the hundreds of pages of filing by various pro-public and pro-private landowners on file, the court used Occam's razor and decided the issue on the simplest way. The court found the old fishermen was all wet didn't have standing to claim a protected interest to pursue individually or on behalf of the state.

It was a move we should expect from courts.

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Drop off all contest entries at the Tripoli Leader or Sumner Gazette offices, or Fredericksburg Review drop box at the Food Center or mail your entries to: Sumner Gazette, Mystery Farm Contest, P.O. Box 208, Sumner, IA 50674. Entries must be postmarked by 15th of the month. In the event of a tie, a winner will be drawn randomly from all correct entries. Limit one entry per person. No entry form reproductions accepted.

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