



MI ag mediation helps farmers

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Robert Osburn had a problem when upon retiring 20 years ago the Lenawee County farmer placed both of his farmland parcels into the USDA Conservation Reserve Program (CRP) for two 10-year contracts as an alternative to cash renting to another farmer.

What can farmers do when they have a major legal problem involving their land? Try mediation.

Robert Osburn had a problem when upon retiring 20 years ago the Lenawee County farmer placed both of his farmland parcels into the USDA Conservation Reserve Program (CRP) for two 10-year contracts as an alternative to cash renting to another farmer.

Unfortunately, in the 18th year, Robert died and the farms were placed in a family trust.

The family’s trustees worked to leave the CRP upon maturity, but the purportedly ‘easy’ process became very complicated. Updated maps from the USDA Natural Resources Conservation Service (NRCS) identified over 25 “wetlands” of 0.05 to 1.5 acres each that created a “Swiss cheese pattern” on the land and would make a beautiful and productive 100 acre parcel impossible to rent.

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“Where were these ‘wetlands’ 20 years ago?” asked Robert’s son-in-law, Jerry Richter.

Richter conducted extensive research but failed to find the answer.

He hired legal counsel and an expert witness to take his case to the USDA’s National Appeals Division (NAD). Before the hearing, he received a call from Dr. Betsy Dierberger, state resource conservationist at the Michigan office of the USDA-NRCS. Part of Dierberger’s job is to resolve wetland disputes.

Skeptical but willing to try anything to save the farm for production purposes, Richter agreed to meet with Dierberger and a mediator from the Michigan Agricultural Mediation Program (MAMP) in a private room at the Lenawee County Library. The NAD administrative law judge stayed the hearing pending the outcome.

With the aid of a “highly competent” mediator, according to Richter, his family and Dierberger discussed “what happened in two decades of CRP that morphed our non-wetlands into wetlands.”

The Richters and Dierberger reviewed the various maps, photographs, plant inventories, and other records for each of the designated wetlands.

They concluded that most were not wetlands.

Today, Richter’s farm is back in production agriculture with its first-ever organic wheat harvested in July 2018.

Richter strongly urges other farmers in dispute with USDA agencies to contact the MAMP by visiting www.agmediation.org or calling (800) 616-7863.

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