



What is the Optimal Harvest Time of the Alfalfa Last Cutting?

Alfalfa growers should consider the timing of their last cutting. David Miller, Pioneer alfalfa research director explains that poor fall harvest timing can negatively affect stored root food reserves, which can lead to poor winter survival.

Generally, an alfalfa stand needs about six weeks of re-growth time after the last cutting to gain appropriate nutrients to avoid winterkill. During winter months and the following spring, alfalfa utilizes re-growth nutrients gathered by the roots. Depleting the energy source prior to dormancy will not allow the plant enough energy for adequate spring growth.

For growers who have yet to meet their feed requirement, Miller says growers should wait until two consecutive days of a hard freeze, 24 to 26 degrees. According to the University of Wisconsin, the hardening process in preparation for cold weather begins when temperatures drop below 40 F. This process allows the plant to tolerate freezing temperatures for extended periods.

According to the university of Guelph, the risk of winterkill increases with increasing age of the alfalfa stand. Three and four-year old stands of alfalfa suffer greater winter injury than one-and two-year old stands when subjected to the same cutting schedule. Younger plants are more stress tolerant compared to older plants as they have lower disease infestations and have been exposed to less physical damage. Producers have less risk of stand loss when the alfalfa stand is young (1 or 2 years) compared to older stands (greater than 2 years)

Alfalfa roots must contain sufficient stored food (sugars and starches¹) to survive to low winter temperatures and provide energy for spring growth. This stored food is used in the spring and after each cutting to allow the rapid growth or regrowth of alfalfa. The stored food levels



drop during the first 3 weeks of growth. By this time, sufficient leaf surface has developed to allow production of more food than is needed for growth. Surplus food produced by the leaves begins to move to the roots and crown and is stored there. In two to three weeks of such food storage, root reserves will be back up to maximum. This point is usually reached at about full bloom.

Alfalfa must either be cut early enough in the fall to regrow and replenish root carbohydrates and proteins or so late that the alfalfa does not regrow or use any root carbohydrates if we want good winter survival and rapid greenup for good yield next spring.

FIELDS & CROPS TIP

Finding it difficult to rename Fields? Try out the new Rename Field (Batch Mode). Open up the Field/Management Sections window and then click on Options | Rename. From here you can click on *Batch Mode* and then start plugging away. Then you can select which growing years to change these Field(s).



The following article was posted October 12th, 2010 at <http://www.faraci.com/news-and-views/> and may be of interest to you:

Dealing with DEC and EPA Inspections

Posted by David L. Cook and Nicholas J. Pontzer

INTRODUCTION

In the last few years, the New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have increased inspection and enforcement of Concentrated Animal Feeding Operations (CAFOs) under the New York State Environmental Conservation Law (ECL) and Clean Water Act (CWA), respectively. Recent enforcement efforts have been aggressive, with particular focus on medium sized CAFOs (medium CAFOs may contain between 200 and 699 mature dairy cows, whether milked or dry). It is important for farm operators to know of this increased enforcement and prepare for and understand what to do when an agency inspector arrives.

Inspections of CAFOs are often compliance evaluations, where the facilities are being investigated to determine if the requirements of farms' Certified Nutrient Management Plan (CNMP) and other permit conditions have been met. Even if an agency inspector is courteous, it is still important to remember that these evaluations are part of an adversarial process. The inspector may be friendly, but he/she is looking for violations that can be used against you in an enforcement proceeding. Therefore, while you should fully cooperate with the inspection, it is best to limit the information that you volunteer so you don't say anything that may be used against you in the future. I. AGENCY INSPECTIONS – Regulatory inspections do not need to be painful. A farm that has a few simple steps in place to manage inspections will eliminate unpleasant surprises and will be in good position to deal with any issues from the inspection report.

A. Before the Inspection Begins

1. Identification – At the outset, you should verify and, if possible, copy the inspector's credentials. If the inspector is not a government employee, require proof of authority to conduct the inspection. An inspector's failure to display proper credentials may be legal grounds for denial of entry to your facility.
2. Pre-Inspection Meeting – Determine the purpose and scope of the visit. It is possible that the inspector may merely wish to speak with someone qualified to clarify a technical issue or may wish to review records. The NYSDEC requires its inspectors to describe their purpose for entering private property. You should politely ask what information the inspector will collect and the reason the inspection is taking place. In this opening conference, you should also establish the authority on which the investigator is relying to enter your property.
3. Authority to Enter – Investigators may only enter and investigate private property under one of several conditions: the owner gives consent to enter, the investigator acquires a search warrant, or in cases of emergency. An agency investigator does not have authority to enter outside of these circumstances. Unlawful entry can result in civil litigation or criminal trespass charges, and you may be able to suppress evidence obtained as a result of illegal entry.

a. Consent Given at the Time of the Inspection – A farm owner may give consent to an inspector to enter his/her farm verbally or in writing, and may withdraw consent at any time. If you withdraw your consent, the agency investigator must immediately leave the property. Remember, however, that if you refuse or withdraw your consent, the inspector will likely file for and receive an administrative search warrant. These warrants are typically granted and do not require probable cause. If you have refused or withdrawn consent in a confrontational manner, the inspector may be irritated and take the opportunity to perform as meticulous a search as possible in the hopes of uncovering any reason to cite the CAFO for non-compliance.

b. Consent by Permit – Consent may also be present under the terms of a CAFO permit, administrative order on consent, or permit application consent form. General CAFO permits under the ECL grant consent to NYSDEC inspectors to enter a farm for the limited purpose of inspecting for compliance with the ECL and/or the terms of the facility's operating authority. This allows the NYSDEC inspector to enter a CAFO for any or all of the following reasons^[1]:

- To access and copy records that must be kept under the conditions of the permit;
- To inspect facilities, equipment, practices, or operations regulated or required under the permit;
- To monitor or take samples of substances and parameters, for the purpose of assuring permit compliance or as otherwise authorized by the ECL.

4. Plan the Inspection – Upon entry, you should have a firm grasp on the scope of the inspection. If you decide to give your consent to let the inspector enter, specify the areas and methods of inspection, preferably in writing. If consent has been granted as part of your CAFO permit or due to a warrant, the inspector should present you with the document under which he/she has authority to enter the farm. Use this to determine the exact scope of the inspection, and you can begin to take control of the process. You should provide the inspector with access to any facility or area designated for inspection, but do not volunteer additional areas of information. Remember that anything that is in plain view, either during the inspection or from outside the farm, is subject to investigation. Thus, choose a route during the inspection that minimizes exposure to sections of the facility that are not supposed to be part of the inspection. Ensure that each inspector is accompanied along the proper route.

B. During Inspection – In order for you and your attorney to quickly diagnose the situation and effectively respond should the inspector allege any compliance violations, it is important to know what information the inspector has taken into consideration. Take detailed notes of the inspection. This includes the areas inspected, any communication you or any employee has with the agency inspector, any samples taken, documents reviewed, and any potential violations of which you or the inspector make note.

1. Communication – When speaking with the agency inspector, always keep in mind that anything you say may form the basis for an action against the farm, even if the reason is not immediately apparent. Provide the inspector with any information that is requested, but do not volunteer explanations, speculation, or any other unnecessary commentary. The inspector will inform you if he/she needs you to elaborate. If you do not know the answer to a question, it is usually better to avoid speculation and obtain the answer from someone who is able respond. While it is best to be succinct, you must always be honest and direct with an agency inspector. Corporations cannot invoke the Fifth Amendment against self-incrimination, and willful non-compliance with disclosure requirements can lead to criminal prosecution.

2. Record and Document Review – The inspector will often ask to view documents and records relevant to the scope of the inspection. Be sure to note all documents that are examined or copied by an inspector. In addition, the farm must assert any claims of confidentiality on the documents during the inspection or they will be waived. Confidential documents include trade secrets, financial information, and documents produced by or for your attorney.

3. Photographs and Samples – During the inspection of the facility, the inspector may ask to photograph or video the processes or conditions that he/she observes. You should accommodate this wish, but ensure that you have the same photographs in your possession. The inspector may also choose to take samples of water, leachate discharge, manure, etc. Obtain a duplicate of any sample taken. If specialized sampling equipment or processes are required, ask that the inspector return as soon as you are able to duplicate the sample. The inspector may, but does not have to, agree to this request. Duplicate photographs and samples may be useful in contesting negative inspection results, especially when the inspecting agency makes an error involving sampling or testing.

C. After Inspection

After the inspection has ended, request an exit interview to review the inspector's findings. This allows both parties to clarify any issues that arose during the inspection. You should also be given a receipt listing all the documents and samples obtained during the course of the inspection. Ensure that you have duplicates of everything on the list, and review the list once again for confidentiality claims. Ask the inspector to provide a record of his/her findings, with special attention to issues or areas that the inspector has found to be in actual or possible non-compliance. And, of course, make note of any legal violations that the inspector has mentioned.

II. INSPECTORS ATTEMPTING TO INTIMIDATE FARM OWNERS

Several recent NYSDEC inspections have involved the attempted use of intimidating tactics. When this occurs, you should avoid confrontation and know your rights. Under New York law regulatory inspections must be reasonable. This means that inspections must be during reasonable times of day unless the farm operator agrees otherwise, and overly frequent inspections of the same site may give rise to claims of harassment.

The denial of access or withdrawal of consent to enter may also be appropriate if the inspector has engaged in offensive and intimidating conduct. And remember that under no circumstances is intimidation and harassment permissible. If you feel that an inspector has acted improperly towards you or your employees, ask them to stop the behavior and make a record of the behavior and your request to cease.

If you follow the steps outlined above, you will know when the inspector is attempting to overstep his/her bounds. If the inspector continues to harass you, you always have the right to an attorney.

CONCLUSION

Being prepared for a possible inspection (and complying with your CAFO permit) will allow you to approach any inspection with confidence, even if the inspector attempts to intimidate you.

If you have questions regarding preparing for an agency inspection or dealing with the results of one, feel free to contact:

David Cook
Faraci Lange, LLP
28 East Main Street, Suite 1100
Rochester, NY 14607
(585) 325-5150
(585) 281-1642 Cell

SOD MANURE INJECTION

Merrell Farms of Wolcott, New York has begun using a Veenhuis slurry injector operated by Dairy Support Services in established Reed Canary and Alfalfa/Grass sod in an effort to be more efficient with their dairy manure and reduce the odors common to broadcast manure applications. Merrell Farms is a 3000 cow dairy that uses a “flush manure system” to move sand laden manure to a separation building where the sand can be recovered for bedding and the liquids are transferred to manure storages for land application. The liquid waste has a 3 – 3.5 percent solids and lends itself well to pumping and application using a drag hose which the farm has done historically only on corn ground closer to the manure storages. To apply the manure 5 miles from the storage the farm used a Frac tank and 5 manure tankers to support the drag hose injection tool at an application rate of 12,000 gallons per acre on 250 acres of Reed Canary and 80 acres of Alfalfa/Grass ground. Jon Merrell cited reducing the potential for run-off from farm land in the sensitive Sodus Bay Watershed as an important part of the decision to use this tool for manure application as well as an expected yield increase from his forage crops from the conservation of Ammonia and other crop nutrients.

“Virtually no stones were kicked up and no damage was done to the Alfalfa field during the injection process” says Jon Merrell. ACS and Cornell have staked out check strips in the Alfalfa fields and the impact to yield potential is being evaluated.

Article Submitted by Brian Boerman



Agricultural Consulting Services, Inc.

corporate office:

1634 Monroe Avenue
Rochester, NY 14618

Toll Free Tel: 877-310-1100

Toll Free Fax: 877-315-2200

E-mail: acs@acsoffice.com

www.acsoffice.com

OFFICES LOCATED THROUGHOUT THE NORTHEAST

UPCOMING EVENTS

OCTOBER 2010

OCTOBER 14TH 5:00 TO 6:30 PM

COVER CROP MEETING/TRIAL GENESEE COUNTY
DONN BRANTON FARM, LEROY

OCTOBER 19TH 4:00-6:30 PM

COVER CROP MEETING/TRIAL ONTARIO COUNTY
NYS AG EXPERIMENT STATION VEG RESEARCH FARM
FRED LIGHTFOOTE'S LIGHTLAND FARM, STANLEY

2011

JANUARY 12

WNY CORN CONGRESS, HOLIDAY INN, BATAVIA

JANUARY 13

FINGER LAKES CORN CONGRESS, HOLIDAY INN, WATERLOO

FEBRUARY 9

WNY SOYBEAN/SMALL GRAINS CONGRESS, HOLIDAY INN, BATAVIA

FEBRUARY 10

FINGER LAKES SOYBEAN/SMALL GRAINS CONGRESS, HOLIDAY INN,
WATERLOO