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Our 37th Year

# FARM SHINE

We rise every week to cover farmers and agribusinesses

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**YES**, that's a very big tractor. Bigger still are the problems the owners foresee if environmental issues aren't soon addressed with more common sense and less bullying. Of immediate concern is that 600,000 acres of Pennsylvania farmland are in the crosshairs for being crossed out as productive cropland. It's a court-approved mandate of the Environmental Protection Agency (EPA). The Brace family, who farm in both Erie and Warren coun-

ties in the northwestern corner of the state, knows what it's like to have land declared illegal to farm. Robert "Bob" Brace, seated on top, wonders who will be next, once USDA-mandated environmental impact inspections begin in October. Other family members are, left to right: Randy, "Babe", Ronnie, Nick and Zach. An introduction to the family's story begins on page 3.

*Photo by Dieter Krieg*

**PERIODICAL • DO NOT DELAY**

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**AD EMPHASIS this issue: Finance and Insurance**



# Your land and water rights aren't guaranteed

By DIETER KRIEG  
Farmshine Editor

WATERFORD, Pa. — What Robert Brace can't understand is why there has been so little attention paid to the Environmental Protection Agency (EPA) plan to idle 600,000 acres of Pennsylvania farmland. Neither farm organizations nor the media have given the matter much publicity, let alone blow the alarm whistle. In that regard, Robert Brace is virtually a lone wolf. He's doing all the talking; hardly anyone is listening.

The Environmental Protection Agency has made it clear that it wants to take 600,000 acres of Pennsylvania farmland out of production ... and that's in the Chesapeake Bay Watershed alone. Is anyone concerned? Bob Brace and his family, who manage close to 3000 acres of owned and rented land in Erie and Warren counties are deeply concerned. As victims of a 31-years long legal battle to keep some of their land in production, they feel an urgent need to make people aware of what's going on and what's about to be lost.

It's you -- yes you -- who the Braces are really fighting for now. Your right to farm. Your right to fair compensation if land is taken. Your right to constitutional rule of law, as opposed to bully-tactics and regulatory overreach that just keep on growing. Bob describes what's happening in the United State as a gradual government take-over of land and freedoms that is not unlike what happens in communist countries ... only there it isn't gradual, it's overnight.

One way or another, he says, farmers and land owners are being squeezed hard to give up, whether it's low commodity prices, burdensome regulations and rising taxes or all of the above. Another factor is ineffective government to reign in all-powerful federal and state agencies.

Bob chokes up when he talks about his ordeal, which has been going on for exactly half of the 62 years that he has been farming on his own. He took over his parents' farm when he was 15, when cows and pastures were still a part of the original "Homestead Farm." Farming has been in his blood for all of his 77 years.

"I should be the happiest man in the world," he says of his life as a farmer and land owner.

"But I'm not," he assured, trying his best to hold back a tear or two. His eyes are moist; looking into them one sees desperation and a plea for help. Fighting for his rights for more than three full decades has taken a toll on his faith in humanity. "I can't smile anymore," he confessed. "I've lost trust in people."



The Brace Family includes, from right to left, "Bob" and "Babe," their sons Ronnie and Randy and grandsons Zack and Nick. Approximately 3000 acres, including woodland, are under their stewardship. The setting

for this picture is a statement in itself as to how meticulously they care for their properties to keep them pristine and profitable. The trees you see ... they've planted them all, and hundreds more. Photo by Dieter Krieg

On the flip side, Bob takes pride in his family and the good job they've all done to keep their chins up and the crops growing. Everyone shares his motto on ownership and responsibility. "If you're going to have something, take care of it! If you're not going to take care of it, then it's best that you don't have it."

Those words of wisdom apply to everything the Brace family owns and/or manages and the proof is everywhere. Vehicles, including tractors and trucks, are clean inside and out. Equipment and tools are meticulously cared for and properly put away when not in use. The shop is organized; the floor is clean. You can't find a speck of dust in either home or office. Immaculate care is everywhere.

Perhaps most impressive of all are the vast, park-like lawns; tree-lined, half-mile long driveways, pristine ponds and well-maintained buildings. You'll find no weeds growing anywhere and the easily 10 acres (combined) of lush, green lawns on the various properties are mowed and maintained as though they belong to the Queen of England. And it's all done by the Brace Family themselves.

Blessed with ambition, vision and a totally out-of-bounds work ethic, Bob is passionate about doing things right and in a sustainable

way. He points out that it's the only way that a farmer can succeed.

From his humble beginnings on the family's "Homestead Farm," Bob moved on to raising vegetables until the labor situation became too troublesome to deal with. He says his help could not have been better, but government requirements were unreasonable and unworkable. In more recent years he's been growing corn for animal feed and ethanol production -- and again, with no one but family. Two sons and two grandsons do the "heavy lifting," with Bob still leading the charge. "With our big equipment, we can get a lot done in a short period of time," the life-long farmer explained. When the weather is right, they're ready, willing and able to go for as long as necessary to take advantage of an optimum planting or harvesting window.

Seeing any segment of the Robert Brace & Sons operation is akin to witnessing farming and environmental stewardship at their finest. It's clean. It's impressive. It's exemplary.

Regulatory agencies such as the Environmental Protection Agency and Army Corps of Engineers, among others, don't necessarily agree, however. In fact, they're working relentlessly to make an example out of Bob

despite his exemplary devotion to environmental stewardship. What's been in dispute for 31 years are 30 acres of alleged wetlands. Bob had all the permits and approvals to bring the fallow land back into production, which included some tiling and cleaning out of ditches. But in the end, the Army Corps of Engineers declared that none of that mattered; only their own assessment carried any weight. And so it has. A very heavy weight, in fact.

Bob's son, Randy, remembered the scene when 10 to 12 cars showed up at the disputed field one day. All of them were government agency vehicles transporting agents that were loaded with authority, ammunition and intimidation.

"It was scary," affirmed grandson Nick, who also witnessed the scene. The matter is still not resolved. But that's a personal struggle.

Bob declares that he sees the situation as a much broader threat today. His message is that if it can happen to him, it can happen to anyone ... and in all likelihood it may. It can happen to you, he warns.

Bob draws particular attention to recent announcements that farms will be inspected by environmental agents in the weeks and months ahead. That's a fact.

In Farmshine's August 5, 2016 edition, page 24, two articles appear with these headlines: "Farms to be visited to confirm conservation survey" and "Federal conservation study will contact 25,000 farmers". Bob suspects that the surveys are a means to discover violations.

Also, Bob references the Federal Third Circuit Court's decision in July of last year to uphold the EPA's agenda. Pennsylvania Farm Bureau issued a news release at the time stating that the Court's approval cleared the way for some 600,000 acres of Pennsylvania farmland to be taken out of production. Farmshine carried the story on page 1 of the July 10, 2015 edition.

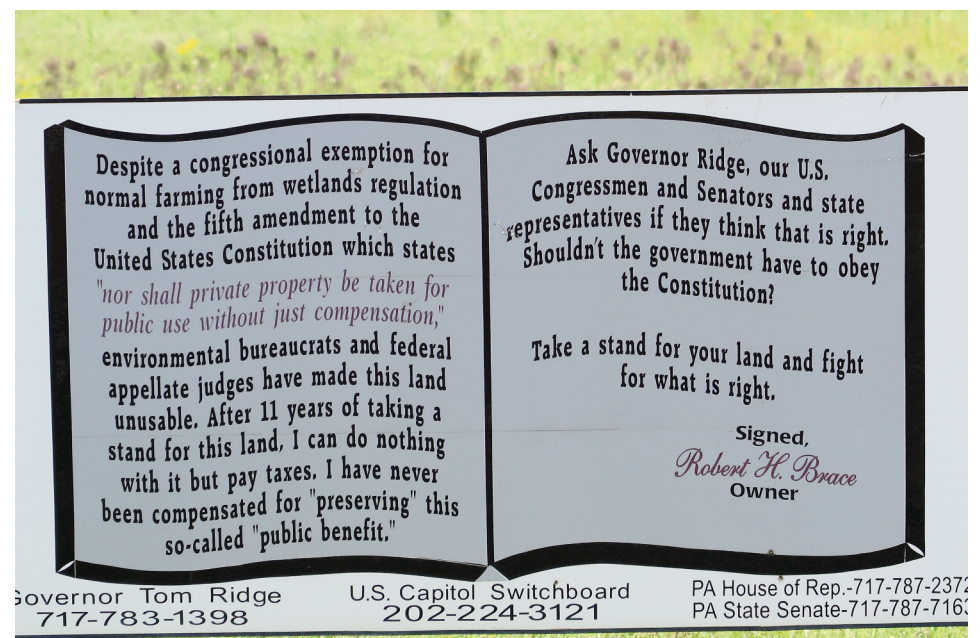
Readers are advised to seek additional information from their local conservation district, farm organizations, or other entity that can shed light on current and ongoing issues regarding land use, water rights and environmental stewardship.

For those interested in learning more about Robert Brace and his 31-year old battle with state and federal agencies, we will present additional articles in the weeks and months ahead. In the meantime, much more detailed information and documentation of the Robert Brace Case can be found at the Pennsylvania Landowners Association website: [www.palandowners.org](http://www.palandowners.org)



The Brace Family's "Homestead Farm" has been in the family since the 1930's. Bob Brace had the sign made to recognize the heritage, with special mention of his mother, who is depicted carrying buckets of feed to a couple of hungry Holsteins.

Photos by Dieter Krieg



Governor Tom Ridge  
717-783-1398

U.S. Capitol Switchboard  
202-224-3121

PA House of Rep.-717-787-2372  
PA State Senate-717-787-7163

This sign, which stands on the corner of one of the affected properties, is now 20 years old. But the message, which is rooted in U.S. constitutional law remains the same. Bob Brace is a firm believer in the principles that were thoughtfully and carefully incorporated into the Founding Fathers' ideas of what government should be and do for its citizens.



By Dieter Krieg  
*Farmshine Editor*



Farmshine Office Building



*'We make a living by what we get;  
we make a life by  
what we give.'*

— Sir Winston Churchill

## May Heaven help Robert Brace

Imagine losing faith in your government, your justice system, your country.

That's the dark hole in which Bob Brace sees himself today after a 31-year legal battle that seemingly gets worse with every passing day. What makes it all the more unbearable for him is that the whole mess is going down see-saw style. He's up; he's down. Up again, down again.

Environmental requirements remain fluid as screws are being tightened and re-tightened. Legal interpretations change. Decisions are overturned. Overly zealous environmental authorities go unchallenged. Politicians offer lip serve, but do nothing.

Bob Brace has lost faith in his country, following in the steps of tens of millions of people from around the world. Throughout history, refugees have been fleeing their homelands to escape oppression and find better opportunities.

It is not common for Americans themselves to feel so desperate. And faced with such a dilemma, where would they go?

For those tens of millions that still continue to leave their country of birth, America is at or near the top of the list. Indeed, my own family came here in 1955, leaving a farm and all possessions behind in the former East Germany which at the time was under communist rule.

To those who chose to come to America -- regardless of the time period -- they saw America as the land of opportunity, liberty and justice for all.

Bob Brace wonders if the above phrase still rings true. Yes, he has had opportunity and is a very successful farmer. But liberties are eroding and justice has been elusive in his case for over three decades. As he sees it, the federal government is slowly taking control of whatever and whomever it wants through various agencies that answer to no one.

He sees the processes as communistic and totalitarian.

Looking through 30 years worth of court records and related documents only serves to verify Bob's fears. If a judge ruled in his favor, for example, the decision was appealed and Bob ended up being the loser at the next trial. His case has been head by the Supreme Court. His most recent trial was in 2006. He wins some; loses some. Good news, bad news. Mostly bad news.

It's important to note that Bob has all the permits and has met all the requirements for exemptions and rights to farm. The documents in his possession prove he has always been farming within the law. Nevertheless, all of it has been ignored and been rendered meaningless. Even if previous authorities and

meaningless. Even if previous authorities and a previous court upheld his rights. As a result of all the see-sawing "justice," Bob argues further that even the United States Constitution itself is being weakened and/or ignored through these totalitarian tactics.

Specifically in his case, it's the rights of a land owner that are being ignored. It states in the Constitution's Bill of Rights that the government may not take land without just compensation. Bob feels that 30 acres of his land has been "taken" because he can't use it. And he hasn't been compensated for any of it. Worse, he has spent much more money to defend his rights than the property will ever be worth.

While there are technicalities to be understood and specifics to be considered on both



**Bob Brace takes pride in how he and his family take care of their resources, water included; claiming he's more of a conservationist than 99% of the people. But he also stands up for what he believes is right and fair.**

*Photos by Dieter Krieg*



sides of the argument, the fact remains that Bob Brace is not allowed to farm 30 acres of his land because it has been declared a wetland. An overzealous environmental officer said it's a wetland even though the acreage in question has a long history of agricultural use.

Bob's mistake was to allow the field to go fallow for a year or two. Even so, when he wanted to begin farming it again, he got all the required paperwork in order and even received government money to pay for some of the work. The property had been inspected and approved. All was in order. Bob has all the signatures to prove it.

But it takes just one guy to throw it all aside even if it is 10, 12, 15 years later and that is what happened to Bob.

Technically, the problem came down to changing the purpose of the land. In the regulations it goes by F1 meaning "established farming; having been in existence for a long time and therefore recognized as generally accepted," and F2 meaning "continuing farming; still in progress."

Practically speaking it means you can't take pasture land and start farming it, or vice versa. Further, it becomes a question of how standard crop rotations will be considered in the future.

In view of the facts that 600,000 acres of agricultural land in the Susquehanna Valley (Chesapeake Bay Watershed) have already been identified by the EPA for non-farm use, Bob is alarmed. No, it won't effect him - his farm is not in the targeted watershed. But it will quite possibly affect anyone who owns land in the Chesapeake Bay Watershed. If you have a pasture with a tiny stream running through or beside it, or even just a spring, that acreage is in the EPA's crosshairs to be crossed out. Your loss, EPA's gain. And if the scene(s) unfold as they have for Bob, there will very likely be no compensation and you will be the one to continue paying the taxes on the lost ground.

Personally, I can understand why Bob is so concerned. He believes what is right and fair.

Despite his disappointments, frustrations and enormous expenses to defend his rights in court, you don't have to look long or hard to see that he is very much a patriot at heart. He believes in the values and principles that this country was founded on. Why else would he fight so hard and so long? Liberty, justice and the pursuit of happiness they are all worth defending.

Bob Brace took his place in the front line over 30 years ago. Where do you stand?

We salute Bob for his courage and encourage you to inform yourself on crucial regulations that may very soon affect your own farm. May God help Bob Brace. And you too!

**NOTE:** Please visit the website of the Pennsylvania Landowners Association for more information, including documents and videos related to the Robert Brace Case.

**FARMSHINE**  
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