

What is Maryland ACReS?

Maryland Agricultural Conflict Resolution Service (ACReS) is the official U.S. Department of Agriculture (USDA)—certified agricultural mediation program for Maryland, offering confidential assistance to help resolve agriculture related disputes before they end up in court.

What is Mediation?

Mediation is a voluntary, confidential process in which a neutral third party (the mediator) assists farmers, agricultural lenders, agencies, families and citizens to resolve disputes in a nonadversarial setting outside of the traditional legal and regulatory processes.

What are the Benefits of Mediation?

Mediation is:

- **Neutral** The mediator is impartial and has no vested interest in the outcome of the mediation.
- **Voluntary** All parties come to mediation under their own free will and can leave the process at anytime.
- **Confidential** Parties agree that communication between the parties will be confidential, and will not be used by either against the other in any subsequent appeal or legal action.
- **Time and Cost Efficient** The mediation process tends to be quicker than the alternatives, such as going to court. Mediation is generally less costly than litigation.
- **“Self-Determination”** The mediator does not have decision-making authority. Participants design the solution themselves and are generally more committed than when a judge or hearing officer imposes a solution.



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This program is partially funded by the
United States Department of Agriculture.
USDA is an equal opportunity provider and employer.

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Maryland Agricultural Conflict Resolution Service

Mediate— Don't Litigate.



What is Mediated?

- Unfavorable decisions made by USDA agencies
- Conflicts between farmers and their neighbors or communities
- Agricultural credit issues
- Family farm concerns and estate planning
- Any dispute affecting the profitability of an agricultural operation

The following four scenarios represent examples of issues that bring people to mediation and solutions that may result...

1

Over the years a farm has slowly become surrounded by a residential community. In the past, the farmer had used cow manure as fertilizer, but recently switched to poultry manure. Community residents quickly made complaints to the county health department and other local officials about the different, and perhaps stronger, odor.

Under the county's Right-to-Farm law, mediation is arranged with the farmer, community members, and a representative from the health department. During the mediation the use of poultry litter as part of a state program to reduce nutrient levels on the Eastern Shore is explained. The health department representative informs the residents of any health risks.

As a result of the mediation everyone gains a better understanding of the manure transport program and any potential health concerns. The farmer and neighbors also develop a better understanding of each other's needs and agree to try to resolve any future concerns between themselves, without involving legal or government officials.

2

A farmer has applied for and received a permit for a new well. Her neighbor files an objection, fearing that the new well will drain a man-made lake on his property and thereby reduce the value of his property. The permitting agency has invested many hours for nearly a year attempting to resolve the matter without success.

Mediation is arranged between the farmer and the neighbor. The permitting agency is advised of the mediation and agrees to be available by phone to provide any necessary information. Two sessions of mediation produce an agreement between the farmer and the neighbor, which allows the farmer to get her well and plant her crop in a timely fashion.

3

A farm has experienced financial losses in recent years. Due to the family's good reputation, they have been able to obtain both formal and informal loans. The farmer realized that he would not produce enough income to make payment on the loans.

Through mediation the farmer and lender worked together to develop a solution in which both sides would provide concessions. By doing so the farmer was able to pay the loan and avoid bankruptcy, and the bank preserved a valuable customer.

4

The farm has been operated within the family for many years. The parents want to keep the farm within the family but recognize that their children don't agree on how to do this. One child wants to stay on the farm and the others want to sell the land.

Mediation is arranged to let the parents and children discuss their desires for the future of the farm in a constructive environment. As a result, the family decided to implement land preservation and insurance options, so that the land will remain in agriculture and also provide an inheritance for those children who have left the farm.

What is the Cost?

An initial consultation with program staff and the initial mediation session are provided at no charge. If additional mediation sessions are needed, nominal costs are shared by the parties. Full or partial waivers of fees may be available based on income. The participants, if needed, pay any additional legal, financial or technical advisors.

Want to Know More?

Contact Maryland ACReS at:

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