

Michigan Department of Agriculture Commission of Agriculture

Ojibway Hotel, 240 West Portage Avenue
Sault Ste. Marie, Michigan
May 12-13, 1999

PRESENT:

Deanna Stamp, Chair, Commission of Agriculture
James Maitland, Vice-Chair, Commission of Agriculture
Jordan Tatter, Secretary, Commission of Agriculture
Shirley Skogman, Commission of Agriculture
Douglas Darling, Commission of Agriculture
Dan Wyant, Director, Michigan Department of Agriculture

OTHERS PRESENT:

Brad Deacon, Governor Engler's Office
Michigan Department of Agriculture Staff
E. Selden Collins, USDA-NRCS, Sault Ste. Marie
Tim Goodrich, Michigan Farm Bureau, Lansing
Dusty King, Chippewa County Conservation District
Kelly Lively, U.P. Groundwater Program, Gladstone
Tina Love, Love Farms and E.U.P. Farmers Co-op, Rudyard
Jim Miller, Michigan Farm Bureau, Lansing
Janet Person, Antrim County Conservation District
Dean Peterson, Farm Progress Companies, St. Johns, Michigan

CALL TO ORDER AND ROLL CALL

Chair Stamp called the meeting to order at 3:00 p.m., May 12, 1999. Secretary Tatter called the roll with Director Wyant and all Commissioners present.

APPROVAL OF AGENDA

MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE MAY 12-13, 1999, AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES

MOTION: COMMISSIONER DARLING MOVED TO APPROVE THE MARCH 10-11, 1999, MEETING MINUTES WITH A CORRECTION TO PAGE 4, 5TH PARAGRAPH, TO READ "A DISTRICT SOIL CONSERVATIONIST." SECONDED. MOTION CARRIED UNANIMOUSLY.

NEXT MEETING

The next meeting of the Commission of Agriculture will be held on June 29-30, 1999, at The Pavilion for Agriculture and Livestock Education, Michigan State University. The meeting will be held in conjunction with MSU Ag Expo Week.

APPROVAL OF DIRECTOR'S OUT OF STATE TRAVEL

MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE DIRECTOR'S TRAVEL ON MAY 2-3, 1999, TO ATTEND THE FMI FOOD SHOW, IN CHICAGO, ILLINOIS. SECONDED. MOTION CARRIED UNANIMOUSLY.

COMMISSIONERS' COMMENTS

Commissioner Shirley Skogman reported that this is the worst year financially ever experienced by their potato farm. It was a very dry spring in the Upper Peninsula and there have been many wild fires. She said that due to farm responsibilities she was unable to attend Senator McManus' task force meeting held in Menominee, but did encourage others to attend. Unfortunately, she did not receive a favorable response about these meetings because so many are discouraged about the agricultural economy and believe these meetings are not offering any solutions. Commissioner Skogman understands the discouragement and recalls a similar meeting she attended in 1985. She said that not much has changed since then, but she applauds and supports Senator McManus' efforts.

Commissioner James Maitland reported that he attended the Senate Agriculture Preservation task force meeting held in Traverse City. He said the attendance was very good and there was good input and some far-reaching issues were addressed. Commissioner Maitland said every farmer believes that if there is some way to make a profit, they can stay in farming. Unfortunately, this is not easy and it is a problem hard to solve at the state level. Commissioner Maitland also reported that he attended the Food Marketing Institute show held in Chicago and the House Agriculture Committee meeting held in Lansing to discuss the deer feeding ban. Commissioner Maitland reported that the Traverse City area is also very dry and a fire ban has been in effect. The apple and cherry blossoms are in bloom, both in northern and in southern Michigan. This is unusual and will cause harvesting in these two regions to occur at the same time causing some problems for packing and processing facilities.

Commissioner Douglas Darling reported that the Monroe area has been very wet causing late planting. He said he attended the international trade meeting that was sponsored by MDA, MSU and the Michigan Farm Bureau. Price outlooks were discussed and the outlook is not good. He said that the greenhouse industry is concerned about trade with Canada.

Commissioner Darling also attended an ag issues breakfast held with the Monroe County commissioners where the discussion centered around zoning and transportation issues. He attended a value-added processing meeting and also spoke at a pesticide meeting about various MDA issues. He added that he has received comments from farmers concerned about price and profit, asking what the state can do to help. He believes that the state should look at taxation and property taxes, as well as increasing its efforts to attract agricultural processors to our state. Commissioner Darling said there was a lot of discussion about paying premiums on genetically modified crops. He said that the State of Ohio has begun legislative action to address this issue. Farmers who take seed to local elevators must sign agreements and the elevators must retain samples of the seed for up to two years. There is also a lot of concern about the European economic community and its trade barriers.

Commissioner Stamp added that there is frustration by farmers over the corn situation. She added that Michigan is a far greater exporter of corn than soybeans. The European Union has created quite a scare. There is no way that a farmer has the ability to segregate some varieties of corn.

Commissioner Darling believes that this is an issue that the Commission should discuss with industry.

Commissioner Tatter said he was surprised that one private enterprise would have the authority to demand another private enterprise to keep samples for two years without contractual agreements.

Director Wyant said that there is a working group, which includes the Michigan Agri-Business Association, reviewing and making recommendations about this issue to cause regulatory changes to the Grain Dealers Act.

Commissioner Jordan Tatter reported that Southwest Michigan has had an ideal spring to get fieldwork done. Fruit crops bloomed about a week ahead of normal, but more than a week behind last year. Pollination conditions were ideal; however, as previously reported, Berrien County lost its peach crop to a mid-winter freeze in early January. The rest of the state should have a good peach crop.

Commissioner Tatter attended the following:

- March Michigan Economic and Environmental Roundtable meeting;

- Berrien Community Foundation's Sustainable Development Committee;
- Tri-county (Berrien/Cass/Van Buren) Fruit Growers Monthly Meeting;
- Annual Meeting of the International Association of Refrigerated Warehouses, and its allied association, The World Food Logistics Organization, in Puerto Rico. Members from over 40 nations and over 600 individuals discussed worldwide food preservation and distribution;
- Two initial meetings of the Transportation Funding Study Committee;
- Michigan Frozen Food Packers Association Distinguished Service Award Banquet. Robert Packer, president of Packer Foods was this year's recipient;
- Food Marketing Institute (FMI) Show in Chicago;
- The MSU Center for Integrated Plant Systems External Advisory Committee.

Commissioner Tatter reported that a new cooperative-structured fruit processor has been formed in Southwest Michigan. The firm, "*Northern Pride Processing*," has 21 blueberry grower members, who are also members of MBG-Marketing. The firm has leased the processing facility previously operated by the Dean Foods Vegetable Company at Hartford, Michigan. This year's production will be confined to frozen blueberries and will be marketed through Cherry Central Cooperative.

He also said that as the 1999 crop season begins, he senses a negativism among growers similar to the early 1980s. Commissioner Tatter is thankful that land values have not gone backwards. Correspondingly, basic commodity food processors that do not add value are also in tough financial times.

Commissioner Deanna Stamp reported that the final rules from USDA on the Federal Dairy Order Reform have been published and appropriate bills introduced in Congress for modifications to that rule. She said that when that process is completed, producers will vote on their own particular order and, if passed, the new rules would take effect on October 1. Nationwide it looks like the net gain or loss from the total reform would be approximately a negative 47-cents a hundredweight across the country. She said that due to the regionalization of the plans, Michigan would not have a net loss. There is a lot of uncertainty on how certain parts of the country will do under the proposal and she believes that the attempt by USDA to simplify milk pricing was not always successful. Commissioner Stamp also said that there is an effort in the Thumb area and in the central part of the state to attract membership into a new alfalfa processing cooperative. Approximately 8,300 acres are needed to go forward with the plant, and 6,000 acres have already been committed. Commissioner Stamp also reported that construction of the Thumb Oilseeds Producers Cooperative is almost completed and processing should begin soon.

APPROVAL TO INITIATE THE ANNUAL REVIEW PROCESS FOR GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR NUTRIENT UTILIZATION AND THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR PESTICIDE UTILIZATION AND PEST CONTROL: David Charney, Commission Liaison

David Charney, Commission Liaison, reviewed and recommended approval to initiate the review process for the "Generally Accepted Agricultural and Management Practices (GAAMPs) for Nutrient Utilization," and the "Generally Accepted Agricultural and Management Practices for Pesticide Utilization and Pest Control."

MOTION: COMMISSIONER DARLING MOVED TO INITIATE THE ANNUAL REVIEW PROCESS FOR GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR NUTRIENT UTILIZATION, AND THE ANNUAL REVIEW PROCESS FOR GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR PESTICIDE UTILIZATION AND PEST CONTROL. SECONDED.

DISCUSSION: Commissioner Tatter recommended that the Michigan Land Use Institute be invited to participate in the GAAMP review process.

Director Wyant said that as MDA moves forward to develop the entire environmental assurance program, the group would be invited to participate and be a part of the standard setting process.

Commissioner Darling recommended that a more formal public hearing be held during the GAAMP review

process prior to the working group bringing them to the Commission for final approval.

Director Wyant agreed that public comment should be considered, as well as the scientific-based recommendations from the working group.

MOTION CARRIED UNANIMOUSLY.

LEGISLATIVE REPORT: Dan Wyant

Director Wyant distributed and reviewed the May 1999 Legislative Report. He said that former MDA legislative liaison, Vicki Pontz-Teachout, has assumed a new role in MDA and is leading the environmental assurance program efforts. Dale Sherwin, Keith Creagh and the Director, along with the efforts of Brad Deacon, are overseeing legislative issues.

Director Wyant said that HB 4499, which prohibits the feeding of deer and elk, is scheduled for House action on May 13, 1999. There is an amendment to the bill requiring DNR to allow for statewide recreational feeding for up to five gallons and up to three gallons within the quarantined area. MDA is concerned about the amendment and its effect on the state's regionalization plan with USDA. It is clear that the Legislature will not pass an outright feeding ban without a recreational feeding provision. The Director added that MDA must have the authority to control this disease.

Senator McManus has offered three bills (SB 578, 579 and 580) relative to cervidae. SB 578 clarifies the applicability of farmed cervidae in the Animal Industry Act. SB 579 applies the livestock dealers' law to farmed cervidae. SB 580 provides for inclusion of farmed cervidae in the comminuted meat law. It also has been recommended that the regulating and permitting of cervidae be transferred to MDA from DNR. The industry is in support of this move. MSU has been asked to review the status of Michigan's captive industry. The Director would like to receive further information from MSU and the industry before accepting this additional responsibility. He is concerned how such a move could affect the state's regionalization plan with USDA. He also would like to see the industry and DNR resolve some of the issues involved.

Commissioner Maitland stated that the Commission is on record of supporting a statewide feeding ban. He asked whether or not the Commission should reaffirm that support with members of the Legislature.

The Director agreed that contact with appropriate members of Legislature would be beneficial. He added that the department directors of Agriculture, Natural Resources and Environmental Quality have voiced their support and there is a strong coalition.

APPROVAL TO PROCEED WITH THE MICHIGAN STATE FAIR ADMINISTRATIVE RULES: Barbara Hensinger, Fairs, Expositions and Racing Division Director

Barbara Hensinger, Fairs, Expositions and Racing Division Director, updated the Commission on Bayland Motor Sports at the Upper Peninsula State Fair. Numerous complaints have been received about Bayland Motor Sports and the condition and the management of the track. An expert was hired to evaluate the conditions of the track and to recommend improvements. Bayland Motor Sports has been notified of the recommendations and racing will not be allowed until the improvements are completed.

Ms. Hensinger reviewed the proposed changes to the Michigan State Fair Administrative Rules. She explained that a committee of representatives from all sectors of the fair industry reviewed the rules and made appropriate revisions to strengthen the guidelines for animal exhibits and overall management practices. The rules were promulgated in the 1970s and have not been reviewed since that time.

Ms. Hensinger recommended Commission approval to forward the proposed changes to the Office of Regulatory Reform, and then proceed to schedule public hearings.

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE TO PROCEED WITH THE PROPOSED MICHIGAN STATE FAIR ADMINISTRATIVE RULES PROCESS. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL FOR JUDGING TWO 4-H CATEGORIES PRIOR TO THE INGHAM COUNTY FAIR: Barbara Hensinger, Fairs, Expositions and Racing Division Director

Barbara Hensinger, Fairs, Expositions and Racing Division Director, requested Commission approval for judging two 4-H categories (shooting sports and creative writing) prior to the Ingham County Fair.

MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE JUDGING OF TWO 4-H CATEGORIES PRIOR TO THE INGHAM COUNTY FAIR. SECONDED. MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT - Dan Wyant

Director Wyant reported on the following:

Ag in the Classroom: As part of the Ag Connections, "*Ag in the Classroom*" project, a partnership between MSU, Michigan Farm Bureau and MDA, visits were made to schools in Kalamazoo and Flint during National Agriculture Week. The visits provided the opportunity to talk about agriculture to children who live in urban areas.

Attorney General Jennifer Granholm: A get-acquainted meeting was held with Attorney General Granholm. She expressed her interest in consumer protection and urban sprawl.

EPA Meeting: A two-day EPA meeting was held in Minnesota and many issues of interest were discussed; e.g., the Food Quality Protection Act and Confined Feeding Animal Operations. EPA has indicated it will make urban sprawl a priority. It will also prioritize environmental justice of manufacturing plants located in poor, urban areas.

Ag Tourism: The Director spoke at the Southwest Michigan Tourism Conference in Holland. MDA is continuing to see great interest in ag tourism, farm markets, and u-pick opportunities. The industry is beginning to get more organized about promoting value-added opportunities to non-farm neighbors.

Great Lakes Downs: The grand opening of the Great Lakes Downs racetrack in Muskegon was held and there was an excellent turnout. There is still concern about the availability of thoroughbred horses.

Michigan Biotechnology Institute (MBI): The Director toured the Michigan Biological Institute. MBI has extended an invitation to host a future Commission meeting.

Jobs for Michigan: Governor Engler announced that 40,700 jobs would be coming to Michigan, the largest job creation in the history of the state. The jobs will be created by General Motors, Flagstar Bank, Bear America and Packerland, which is the fifth largest meat packer in the country. Packerland has purchased the MURCO plant and intends to expand its operation. It is also talking about moving its national headquarters to Michigan.

Turkey Growers Cooperative: The Turkey Growers Cooperative has received approval from Grand Rapids to buy the Simplot plant.

Bovine Tuberculosis: The Director covered the following issues:

- MDA and DNR will be meeting with USDA to formalize the interim rule.
- A suspect animal has been found south of M55; however, there were no gross lesions. There has been rumor that another positive animal was found outside of the area, but that is not the case.
- A letter has been received from Indiana indicating that, according to state law, it must require cattle coming into Indiana to have a negative tuberculosis test within 60 days prior to entry, unless the cattle originated from an accredited free herd. Indiana cannot accept any animal from a quarantined herd. Dr. Michael Chaddock and the Director have scheduled a meeting with appropriate staff in Indiana to discuss.

Right to Farm Lawsuit: A decision was made on the Stoneman lawsuit and four precedents were set by the Judge's decision: 1) Stoneman's was found to be a non-nuisance operation; 2) the Right to Farm Act is constitutional; 3) Stoneman's was following appropriate GAAMPs found to be environmentally protective, and

4) Stoneman's will be able to recover its court fees and legal costs. The decision most likely will be appealed.

Conservation Reserve Enhancement Program: Michigan has applied for funds under the Conservation Reserve Enhancement Program to help pay for filter strips and grass waterways.

EPA Confined Animal Feeding Operations Strategy: Michigan's position is that it needs functional equivalency to allow for the setting of performance standards. It has the support from the National Governors' Association, national environmental quality agencies, and the National Association of State Departments of Agriculture. EPA is taking an alternate position. Michigan is leading the effort and will be meeting with EPA in Washington. Michigan also will invite the regional EPA office to visit Michigan to get a firsthand look at its program.

Senate Ag Preservation Task Force Hearings: All indications are that the hearings are gathering an excellent turnout. MDA appreciates the work by the Michigan Farm Bureau to bring together all ag interests to the hearings.

Director's Written Report:

Commissioner Tatter asked what has been done since the July 1998 Commission discussion to address the migrant labor housing issue.

Director Wyant replied that there is an ongoing dialogue with the group that attended that July 1998 meeting. Marvin Johansen of MDA and Jim Miller of the Michigan Farm Bureau recently visited Texas to communicate Michigan's needs and to identify the process necessary to bring farm labor to Michigan.

DISCUSSION OF THE GOVERNOR'S TRANSPORTATION FUNDING STUDY COMMITTEE: Commissioner Tatter

Commissioner Tatter stated that he has been appointed to the Governor's Transportation Funding Study Committee. The nine-member committee will review transportation funding options, transportation investment priorities, and potential strategies for maximizing returns on transportation investments. It also will consider the distribution formula allocating money among state highways, county road commissions, municipalities and transit agencies. The current formula for distributing transportation revenues expires on September 30, 2000.

Commissioner Tatter said that the committee would make its recommendations to the Legislature in September of 1999. Director Wyant has assigned Jeff Friedle of the Environmental Stewardship Division to assist Commissioner Tatter on the agriculture issues that will be addressed by the committee. Commissioner Tatter is very interested in soliciting the comments and views of the public, industry and members of the Commission. He suggested allowing time for public comment on this issue at the upcoming Commission meetings.

Commissioner Maitland referred to a letter sent to Director Wyant from James DeSana, Director of the Michigan Department of Transportation, asking for suggestions on some innovative approaches to transportation financing.

Director Wyant said he would be responding to Director DeSana's request after he has heard the comments and views from MDA staff and constituents. He also suggested the Commission invite someone familiar with the suggested general concepts that would be considered by the committee to allow the Commission to receive a better understanding of the challenges before making its recommendations to the study committee.

PUBLIC COMMENT:

Tina Love of Chippewa County, explained that she and her husband live on a fourth generation farm. They have beef cattle, sheep and swine on a 2,400-acre farm. She is appearing on behalf of a group from the eastern UP who is looking at forming a cooperative for value-added processing of hogs and cattle. Ms. Love said she is also the Chippewa County Farm Bureau board secretary. She stated that the bottom line is economics. Many young farmers are having a very difficult time financially and that is why there are fewer and fewer young farmers in Michigan.

Ms. Love made the following points:

- Producers need to develop partnerships with consumers. In order for that to happen MDA and USDA need to help the producer by offering practical assistance. Hog prices are low and producers are losing money. She said that the state and federal governments have done nothing to help.
- Producers need help with regulations. USDA has so much red tape to follow and it is difficult to know what is required. The group wants to start up a slaughter facility but there are so many state and federal regulations it does not know where to begin. It needs to be at the state level, not at the federal level.

Director Wyant responded that MDA would provide assistance to Ms. Love by directing her to other resources available at the state level, MSU and the industry.

Jim Miller and Tim Goodrich of the Michigan Farm Bureau discussed the Governor's Transportation Funding Study Committee. They are grateful to see Commissioner Tatter's involvement in this issue. The issues of mobility and accessibility are not limited to state, city or rural roads. Bridges also will be a big concern. There are many transportation issues that are critical to agriculture and, unfortunately, there is not always a good understanding of the real needs of agriculture. There is much more attention paid to manufacturing, which is appropriate, but not enough paid to how to get commodities to market or how to improve the system for our farm markets. Agriculture is off the beaten path and is often not considered. Highway bypasses threaten prime farmland and the Michigan Department of Transportation needs to be constantly aware of the critical impact it has on farmland. The other issues that should be addressed are drainage, definition of culverts versus bridge, etc.

Jim Miller commented on the farm labor trip to Texas that he and Marvin Johansen took to learn about ways to improve our methods of recruiting. He said the trip was very worthwhile, and he was pleased with the amount of Internet availability to migrant advocacy groups and migrant families. The Michigan Department of Career Development has a valuable web site and contains good information and contacts for ag employers and laborers.

RECESS

The meeting recessed at 6:00 p.m.

RECONVENE

The meeting reconvened at 8:30 a.m. on Thursday, May 13, 1999.

APPROVAL OF THE ALTERNATIVE APPRAISAL PROCESS FOR STATE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM: Dr. David Skjaerlund, Executive Director of the Rural Development Council of Michigan, and Vicki Pontz-Teachout, Agriculture Resource Program Manager

Dr. David Skjaerlund, Executive Director of the Rural Development Council of Michigan, and Vicki Pontz-Teachout, Agriculture Resource Program Manager, distributed information and reviewed the "*Alternative Appraisal Process for State Purchase of Development Rights Program*." Dr. Skjaerlund and Ms. Pontz-Teachout recommended Commission approval of the revisions. A discussion was held about the purchase of development rights program.

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE REVISIONS TO THE ALTERNATIVE APPRAISAL PROCESS FOR STATE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM. SECONDED. MOTION CARRIED UNANIMOUSLY.

Commissioner Darling recommended that the Commission be given an update on the recent Ultimate Farmland Tour at its next Commission meeting.

Director Wyant added that the Michigan Farm Bureau has an excellent video that could be shown as part of the presentation.

APPROVAL OF COMMISSION OF AGRICULTURE RESOLUTION: Dan Wyant

Director Wyant explained that Dr. Freeman Hayes, Assistant State Veterinarian for the Upper Peninsula, and former director of the Escanaba Laboratory, would be retiring from MDA, effective June 1, 1999.

MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE COMMISSION OF AGRICULTURE RESOLUTION FOR DR. FREEMAN HAYES, MICHIGAN DEPARTMENT OF AGRICULTURE. SECONDED. MOTION CARRIED UNANIMOUSLY.

Commissioner Skogman said that Dr. Hayes would be missed by the residents of the Upper Peninsula.

Director Wyant informed the Commission that Dr. Kurt Thelen, Director of the Environmental Stewardship Division, would be leaving MDA to join MSU. Dr. Thelen has been offered a full professorship with the MSU Crop and Soil Science Department. Although he will be missed by MDA, he will continue to be a part of the agriculture family.

INTRODUCTION OF DR. DAN GRAHAM: Dan Wyant and Dr. Nancy Frank of the Animal Industry Division

Director Wyant introduced Dr. Daniel Graham to the Commission. Dr. Graham will assume the newly created position of Bovine TB Regional Supervisor in Northeast Michigan. He will work out of a new MDA regional office in Atlanta and will plan, coordinate and direct the state's veterinary activities in northeast Michigan. He also will provide a more visible contact point for MDA's activities in the region.

Dr. Nancy Frank added that Dr. Graham is a native of Sault Ste. Marie and is a graduate of Michigan State University. He has worked at veterinary clinics in Sault Ste. Marie and in Ohio. Dr. Graham and his family are in the process of relocating to the Atlanta area.

UPDATE ON BOVINE TB: Dr. Nancy Frank of the Animal Industry Division

Dr. Nancy Frank of the Animal Industry Division provided the following update on the bovine tuberculosis situation in Michigan.

- Testing has been completed in the five-county area;
- There are eight resistor herds, or herds that owners do not want tested. MDA continues to work with the owners.
- There are 17 herds MDA is in the process of contacting.
- As of last week, over 37,000 animals on 879 farms were tested in the area.
- The USDA task force, who assisted in the testing, finished its work in the area in late April.
- MDA will be moving into the buffer zone to do more testing.
- The Michigan Agricultural Statistics Service has surveyed the area and MDA is awaiting its final report.
- There are 32 captive cervidae herds in the five-county area and all are under a herd plan. Twenty of those herds have been tested. MDA is currently working in the buffer zone to contact the owners and set up herd plans.
- The Muy Grande Ranch in Presque Isle County has been depopulated and Wildlife Services continues to do monitoring in the area.

Commissioner Tatter stated there have been numerous rumors and inaccuracies reported on the actual amount the state had to pay Muy Grande Ranch. He suggested MDA issue a news release to correct the inaccuracies.

Dr. Frank said there were a total of 386 animals at the Muy Grande Ranch and the total number eligible for indemnity was 262, or a total of \$187,000. She said that the USDA will pay about \$100,000 and the state will pay the rest. Not all animals at the location were eligible for indemnification for a variety of reasons.

Director Wyant stated that MDA has attempted to make all of this information available to the public.

Dr. Frank also reported that the last known infected cattle farm also has been depopulated and the animals are currently at the MSU laboratory to be necropsied.

Commissioner Stamp asked if producers were compensated for food and lodging of those animals under quarantine until the depopulation of the herd actually occurred.

Director Wyant replied that arrangements were made with the producer to pay a per head fee to cover daily feed and boarding costs.

UPDATE ON RABIES: Dr. Nancy Frank of the Animal Industry Division

Dr. Nancy Frank of the Animal Industry Division distributed and reviewed information about the rabies situation in Michigan. Four skunks in the Thumb area tested positive for rabies with three of the animals found in the Marlette area of Sanilac County. The fourth rabid skunk was found in St. Clair County and infected a horse which has been euthanized. Two bats, one in Barry County and one in Calhoun County, also tested positive. Dr. Frank said that in 1998 35 bats tested positive for rabies, as well as two skunks.

She stated that people are being encouraged to be extremely careful around wildlife and to have all valuable livestock and companion animals vaccinated.

Dr. Frank said that the number-one carrier of rabies in Michigan is bats. Raccoons also are carriers of a rabies strain. There is a concern about importing the raccoon strain into Michigan. There also has been a problem in Texas with rabies found in coyotes and foxes. Communications have been issued by MDA to focus on migrant laborers who may be bringing animals into Michigan. MDA is asking that all animals brought with migrant families into the state be vaccinated and have a health certificate.

DISCUSSION OF WILDLIFE CONSERVATION ORDER AMENDMENT NO. 3 OF 1999: Dan Wyant

Director Wyant reviewed the Natural Resources Commission (NRC) "*Wildlife Conservation Order Amendment No. 3 of 1999*" and discussed the action taken by the Natural Resources Commission at its April 1999 meeting. The NRC has ruled that a person may engage in baiting only if all of the following conditions apply:

(a) The baiting occurs only from October 1 through December 15.

(b) The bait material is:

(i) Composed exclusively of grain seeds, commercially pelletized food, or both, if the baiting is done within that portion of the Lower Peninsula east of highway I-85 and north of highway M-55. Commercially pelletized food shall not be construed to mean pelletized salt, salt tablets, or salt in any form except for the nominal amount normally included in the manufacture of pelletized food.

(ii) Composed of any type of food material, if the baiting is done outside that portion of the Lower Peninsula east of highway I-75 and north of highway M-55.

(c) The bait must be scattered directly on the ground by the person doing the baiting. The person doing the baiting may use a device to scatter the bait, such as a yard or fertilizer spreader, only if the device is operated exclusively by human power. "Scattered" means that the bait is dispersed or thrown over a minimum of a 10-foot by 10-foot or equivalent area so those individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

Director Wyant said that there is some misunderstanding about the word "minimum" used in section (c).

Commissioner Tatter said there is a lot of confusion and misconception and it is being reported "*within a 10 by 10*" which implies a maximum.

(d) The volume of bait scattered on the ground does not exceed 5 gallons at any 1 hunting location at any 1 point in time.

(e) *The volume of bait used does not exceed 5 gallons per day at any 1 hunting location.*

Commissioner Tatter believes that item (d) and (e) are confusing and will be difficult to enforce. He also is concerned about the word "normal" used in paragraph (4). The paragraph reads: *"For the purpose of this section, "bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, which may lure, entice or attract deer. "Bait" does not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to deer through normal agricultural practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices. For the purposes of this section, "baiting" means to place, deposit, tend, distribute, or scatter bait to aid in the taking of a deer."*

He also questioned paragraph (7) which reads *"If a ban exists on the feeding of a free-ranging cervidae as provided under the provisions of the Animal Industry Act of 1987, 1988 PA 466, baiting in violation of subsection (5) may be considered a violation of that act."* He believes the words "shall be" should have been used instead of "may be," as it then is a matter of interpretation.

Commissioner Maitland asked if USDA has definitively said Michigan must have a baiting and feeding ban in that area.

Director Wyant replied that USDA has addressed "feeding," but has not clearly addressed "baiting." He and others will be meeting with USDA in the near future and will ask for a definitive ruling.

UPDATE ON REGION I AND UPPER PENINSULA STATE FAIR ACTIVITIES: Joseph McDonnell, Manager of the Upper Peninsula State Fair

Joseph McDonnell, Manager of the Upper Peninsula State Fair, updated the Commission on Region I and Upper Peninsula State Fair Activities. He distributed copies of the most recent Upper Peninsula State Fair newsletter.

Mr. McDonnell said Dr. Freeman Hayes would retire effective June 1, 1999. He also reported on the death of MDA food inspector, Larry Stein. All emergency situations and complaints will be handled by current inspectors until the two positions are filled.

Mr. McDonnell referred to the Upper Peninsula State Fair newsletter. He explained that the newsletter would be mailed to sponsors, potential sponsors, and the media, convention and visitors bureau, etc. The newsletter will be issued twice a year. The sponsorship for this year is at least a 10 percent increase over past years. He said that the rodeo has been expanded and is considered one of the best in the country. If the weather cooperates, there should be a significant increase in rodeo attendance to at least 10,000. The DNR Pocket Park being built is in its first year of a two year phase. The country vocal band "Alabama" headlines the Grandstand entertainment at this year's fair.

UPDATE ON GYPSY MOTH QUARANTINE PROPOSED REVISIONS: Kenneth Rauscher, Director of the Pesticide and Plant Pest Management Division

Kenneth Rauscher, Director of the Pesticide and Plant Pest Management Division, reviewed and recommended approval of the proposed revisions to the Gypsy Moth Quarantine. The quarantine has been in effect since 1978 and during 1992 the three eastern most counties of the Upper Peninsula were quarantined. There is a steady movement westward across the U.P. and Michigan was asked by USDA to look at the sufficiency of the federal quarantine. After trapping results were received, six counties were proposed to be added to the federal quarantine (Alger, Schoolcraft, Delta, Menominee, Dickinson and Marquette.) Mr. Rauscher said that the U.P. nursery industry would be minimally impacted because most supply a local need. The Christmas tree growers will be impacted, however, and MDA has provided information to the growers so that they can begin to meet the quarantine requirements.

Commissioner Skogman asked what effect the quarantine revisions would have on the timber industry.

Mr. Rauscher replied that most of the timber industry sees this quarantine as favorable.

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE REVISIONS TO THE GYPSY MOTH QUARANTINE AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

Mr. Rauscher also distributed copies of the *Food Quality Protection Act 1998 Targeted Pesticide Residue Study* as presented to the EPA by MSU and MDA. He explained that the farmgate sampling program included eight commodities: apples, asparagus, blueberries, cucumbers, grapes, peaches, potatoes and tart cherries. This is a unique study, with unique data and the EPA was anxious to receive this study from Michigan.

Mr. Rauscher said that the next step would be to work with MSU to develop a Residue Management Task Force. This task force will work with commodity groups to ascertain opportunities for driving certain pesticide residue to a zero or a non-detect level. He said that if Michigan is successful, the EPA has indicated it would drop tolerance requirements for specific use, if we can show that use would result in zero residue. This would provide room in the risk cup and allow use of a product without a tolerance.

UPDATE ON CHIPPEWA COUNTY CONSERVATION DISTRICT ACTIVITIES: Dusty King, District Coordinator of the Chippewa County Soil Conservation District

Dusty King of the Chippewa County Conservation District distributed brochures developed by the district. She explained that the district includes all of Chippewa County and four or five townships in the eastern part of Mackinaw County. She said the conservation district would be 50 years old next month. They are looking at what services have been offered in the past and what can be offered in future. Ms. King said that the district is seeing more and more fragmentation of its farmland changing to residential. Many ten-acre plots are being sold for residences throughout the district.

Ms. King also referred to the *"Agricultural Land Survey of Bruce Township, 1964-1997"* final report. The survey found that over 6,000 acres of rural land were lost to residential development in Bruce Township from 1964 to 1997, or 27 percent. Ms. King says that many people are doing more "niche" farming, such as cranberry farms, buffalo and ostrich farms, and aquaculture.

Ms. King referred to the Transportation Study Committee. She said that there are severe problems with road drainage in the U.P. due to its clay soil and the road ditches are in very poor shape.

Commissioner Tatter recommended that she share this information in writing with the committee. Ms. King said she would send the letter to Director Wyant to distribute to the members of the committee.

Commissioner Darling asked for a copy of the *"Agricultural Land Survey of Bruce Township."* Ms. King will give a copy to the Commission secretary.

UPDATE ON ANTRIM COUNTY SOIL CONSERVATION DISTRICT ACTIVITIES: Janet Person, District Coordinator of the Antrim County Soil Conservation District

Janet Person, District Coordinator of the Antrim County Soil Conservation District, presented a proposed Michigan license plate that will promote Michigan's conservation efforts. The Legislature is currently considering the approval of specialty plates. If approved by the Legislature, this plate could be purchased by Michigan residents and would include a short synopsis of what conservation districts do and why it is important to support their work.

Ms. Person informed the Commission about an Insurance Rewards Farm*A*Syst program. The Northwest Michigan Groundwater Program has created an important insurance breakthrough for local farmers. She explained that The Auto Owners Insurance Company of Michigan sees the program at the forefront of preventive insurance and, by correcting the problems identified, could potentially lower the risk of liability insurance claims. Auto Owners Insurance, along with the groundwater program, has identified a program following the Farm*A*Syst assessment that will result in a liability premium reduction of 15 percent. This is a life time credit. The requirements of the program are as follows:

- All F*A*S worksheets pertaining to the farm must be completed with a trained MDA groundwater technician.

- An Emergency Preparedness Plan must be updated and posted.
- All abandoned water wells must be properly plugged, not capped.
- All unused well pits must be filled.
- All chemical and fertilizer storage facilities (if needed) must have a down slope and be located at least 150 feet from any private well; 200 feet from any surface water; must not contain any dirt, gravel or wooden plank floors; must be locked and marked as a chemical fertilizer storage facility, and must be used only for the storage of agricultural chemicals or fertilizers.
- All sprayers being filled with fertilizers or chemicals must be filled at least 150 feet from the well head or filled at the field site.

When these requirements are met, the landowner and the technician will sign a form that the technician will return to the landowner's local insurance agent.

Ms. Person said she would be traveling to Washington, D.C. soon to discuss the program.

ADJOURN

The meeting adjourned at 11:45 a.m.

ATTACHMENTS:

The following documentation is on file in the Commission of Agriculture office and can be obtained upon request.

Attachment A Commission of Agriculture March 10-11, 1999, Meeting Minutes

Attachment B Letter to Dr. Lee Jacobs, MSU, *"Generally Accepted Agricultural and Management Practices for Nutrient Utilization"*

Attachment C Letter to Dr. Chris DiFonzo, Michigan State University, *"Generally Accepted Agricultural and Management Practices for Pesticide Utilization and Pest Control"*

Attachment D May 1999 Legislative Report

Attachment E Unlawful Acts on State Fair Properties and Regulation 851 *"Michigan State Fair"*

Attachment F Letter from The Ingham County Fair, dated March 16, 1999

Attachment G Director's Report – April 1999

Attachment H Director's Report – May 1999

Attachment I Suggested General Concepts for Consideration by the Transportation Funding Committee

Attachment J Letter to Commissioner Jordan Tatter, dated February 17, 1999, from Governor John Engler, *"Transportation Funding Study Committee"*

Attachment K Letter to Director Dan Wyant, dated April 5, 1999, from Director James DeSana, Michigan Department of Transportation, *"Transportation Funding Study Committee"*

Attachment L Briefing Memo, dated May 3, 1999, *"Alternative Valuation Process for the Purchase of Development Rights Program"*

Attachment M Commission of Agriculture Resolution for Dr. Freeman Hayes

Attachment N News Release, dated March 18, 1999, announcing appointment of Dr. Daniel Graham as Bovine TB Regional Supervisor in Northeast Michigan

Attachment O News Release, dated April 9, 1999, regarding outbreak of rabies in skunks

Attachment P Michigan Department of Natural Resources Map "*1998 Rabies Positive Animals in Michigan*"

Attachment Q Wildlife Conservation Order Amendment No. 3 of 1999

Attachment R Upper Peninsula State Fair Newsletter and *Brochure "Great Lakes Championship Rodeo"*

Attachment S Memo to Director Wyant from Kenneth Rauscher, Director of the Pesticide and Plant Pest Management Division, "*Gypsy Moth Quarantine Revision*"

Attachment T Brochures "*Chippewa Conservation District*," "*Farm*A*Syst*," "*Booklet of Bat Basics*," "*Operation Windbreak—Energy Program*," "*Grass Roots Habitat Conservation Project*," "*Barn Heritage through a Snapshot*," "*Go Native—Get Wild! Planting Guide*"

Attachment U "*Agricultural Land Survey of Bruce Township (1964-1997)*"

I, Jordan B. Tatter, Secretary of the Michigan Commission of Agriculture, do hereby certify that I have read the minutes of the May 12-13, 1999, meeting of the Commission of Agriculture, and they are a true and accurate description of the proceedings thereof.

Jordan B. Tatter, Secretary

I, Daniel J. Wyant, Director of the Michigan Department of Agriculture, do hereby certify that I have read the minutes of the May 12-13, 1999, meeting of the Commission of Agriculture, and they are a true and accurate description of the proceedings thereof.

Daniel J. Wyant, Director

Approved on June 29, 1999
East Lansing, Michigan