

**Michigan Commission of Agriculture Meeting**  
**Michigan Department of Agriculture**  
**Kellogg Center**  
**Michigan State University**  
**East Lansing, MI**

**MEETING MINUTES**  
**March 6, 2003**

**PRESENT:**

Bill Pridgeon, Vice-Chair, Commission of Agriculture  
James Maitland, Secretary, Commission of Agriculture  
James Byrum, Commission of Agriculture  
Douglas Darling, Commission of Agriculture  
Dan Wyant, Director, Michigan Department of Agriculture

**ABSENT:**

Nora Viau, Chair, Commission of Agriculture

**OTHERS PRESENT:** *(all or part of the meeting)*

Michigan Department of Agriculture Staff  
Ted Beals, Michigan State University  
E.J. Brown, Michigan Association of Fairs & Exhibitions  
Ann Louise Budd, Michigan Horse Council  
Dr. Pat Crowley, American Farm Environment  
Lawrence Dloski, Macomb Twp.  
Linda Gerhardt, Macomb  
Rose Lonc, Macomb  
Dan Marsh, Michigan Deer & Elk Farmers Association  
Dolores Michaels, King of the Wind Farms, Inc.  
Ron Nelson, Michigan Farm Bureau  
David Parmelee, Grand Rapids  
Judith Rey, New Baltimore  
Naomi VandenBosch, Kent City  
Sue Waltman, Representative Drolet's Office  
Todd Young, Michigan Carrot Committee

### **CALL TO ORDER AND ROLL CALL**

Vice-Chair Pridgeon called the meeting of the Commission of Agriculture to order at 8:40 a.m. on Thursday, March 6, 2003. Secretary Maitland called the roll with Director Wyant, Commissioners Byrum, Darling, Maitland, and Pridgeon present. Chair Viau absent.

### **APPROVAL OF AGENDA**

**MOTION: COMMISSIONER BYRUM MOVED APPROVAL OF THE MARCH 6, 2003 AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### **APPROVAL OF FEBRUARY 11, 2003 MEETING MINUTES**

Commissioner Byrum asked to amend the Commissioners' Comments, page two, second paragraph, under Commissioner Darling's comments, by moving the last sentence of the first paragraph and inserting it after the first sentence of the first paragraph for clarity.

Commissioner Pridgeon suggested the following language revision to page five, third paragraph, second sentence to read:

After odor complaints were received, the owner of the operation contacted MDA in March 2002 to conduct an on-site inspection and determine if they were in compliance with the Generally Accepted Agriculture Management Plan for Manure Management and Utilization and the On Farm Composting Handbook (OFCH) referenced in the GAAMPS.

**MOTION: COMMISSIONER MAITLAND MOVED APPROVAL OF THE FEBRUARY 11, 2003 MEETING MINUTES AS AMENDED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### **NEXT MEETING**

The next meeting of the Commission of Agriculture is scheduled for April 23, 2003 in East Lansing.

## APPROVAL OF COMMISSIONERS' PER DIEM AND TRAVEL

**MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE TRAVEL EXPENSE FOR COMMISSIONER DARLING FOR MARCH 5, 2003, RIGHT TO FARM INSPECTION AT KING OF THE WIND FARMS, MACOMB TWP. SECONDED. MOTION CARRIED.**

## COMMISSIONERS' COMMENTS

**Commissioner Maitland** stated there is concern with grape crop damage due to below freezing temperatures in March. The cherry crop is not affected by low temperature at this time.

**Commissioner Byrum reported** that nitrogen fertilizer price and availability will be an issue this spring with closing of plants due to natural gas prices and profitability.

The Mexican government has embargoed imports of black beans into Mexico. Several hundred railcars of black beans are sitting in the Rio Valley, not able to move into Mexico. This is impacting producer intentions for 2003 dry bean acreage.

Commissioner Byrum participated in a Land Use session related to the Governor's Land Use Council. There are three components to the Land Use issue: farmland protection, suburban development and urban redevelopment.

**Commissioner Viau joined the meeting at 8:45 a.m.**

**Commissioner Darling**, along with Commissioner Maitland, attended the Michigan Counties Association meeting in February and also the Michigan Pork Producers Association Annual Banquet, at which Commissioner Pridgeon was awarded the Pork Producer of the Year Award. Director Wyant was awarded the Distinguished Service Award at the banquet.

Commissioner Darling judged the Ag Issues contest at the FFA Convention earlier in the week. He attended the Dean's Luncheon on March 4. The Dean's announcement that MSU was moving ahead with the Ag Product Innovation Center was welcome news.

Commissioner Darling attended the Department's site inspection at King of the Wind Farms on March 5.

**Commissioner Pridgeon** stated that they have not had sufficient snow fall this winter and it looks like a dry planting season. He attended the Dean's Lunch on March 4, and the MSU Ag

Alumni Board Meeting.

**Chair Viau** reported that it has been extremely cold in the Upper Peninsula.

**DIRECTOR'S REPORT: Director Dan Wyant**

Dr. Joan Arnoldi gave a report on establishment of potential high-risk area for portions of Antrim, Charlevoix, Cheboyan and Otsego Counties. This was issued after the Michigan Department of Natural Resources (MDNR) identified a TB positive deer in Otsego County. Dr. Arnoldi also reported on Chronic Wasting Disease and distributed the Chronic Wasting Disease Accreditation Program.

Director Wyant reported that Governor Granholm sent a letter to Ann Veneman, Secretary of Agriculture asking for federal help to eradicate the Emerald Ash Borer (EAB). There has been a positive response from the Michigan Congressional Delegation.

On February 13 it was reported that geranium cuttings were shipped to Michigan and New Hampshire from Kenya carrying the bacterial pathogen Ralstonia solanacearum. This is a significant disease, also affecting potatoes and peppers. Fifty-seven greenhouses in Michigan received the diseased plants. MDA has been in contact with all greenhouses and treatment and screenings are taking place.

Governor Granholm has asked the Department to monitor gas prices and report unfair pricing practices to the Attorney General for possible action.

Governor Granholm has announced the creation of a Chronic Wasting Disease Task Force. The Department will serve on this task force along with Michigan Departments of Community Health, Environmental Quality, Natural Resources, State Police and Transportation. The Committee will be chaired by Dr. Howard Tanner, former MDNR Director, and co-chaired by Dr. Bill Taylor, Chair of the MSU Fisheries and Wildlife Department, with five additional members to be named. This task force is to make recommendations to the Governor by September 19, 2003.

Governor Granholm has created a Bipartisan Land Use Council made up of 26 members. The Department serves as ex officio, along with the Departments of Consumer and Industry Services; Environmental Quality; History, Arts and Libraries; Natural Resources; and Transportation. The Council is to make recommendations to minimize the impact of current land use trends on Michigan's environment and economy.

On February 20, 2003 an Executive Directive was issued, effective immediately, enacting a hiring freeze prohibiting agencies from creating any new civil service position above classification level 12, unless a specific written exception is granted by the State Budget Director. An exemption must be obtained before filling the UP State Fair Manager position.

On February 13, 2003 the Governor issued an Executive Directive to address various budget issues and cost saving measures. These include reducing the size of the motor fleet, reduce vendor contracting expenses by 7%, energy reducing policy, reduce number of procurement cards, eliminate all color copying, suspend mailing of payroll statements, eliminate 15% of cellular phone usage, and pausing per diem and travel reimbursements to boards and commissions where permitted by statute. Director Wyant is recommending pausing the Commissioners' per diem, continuing travel reimbursement and reducing the number of Commission meetings.

The Commission meeting schedule was reviewed and discussed with a recommendation to eliminate the August (Escanaba) and December (Traverse City) meetings.

**MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE ELIMINATION OF COMMISSION OF AGRICULTURE PER DIEM AND TO ACCEPT THE PROPOSED COMMISSION MEETING SCHEDULE, ELIMINATING AUGUST AND DECEMBER 2003 MEETINGS. SECONDED. MOTION CARRIED UNANIMOUSLY.**

Budget for Fiscal Year 03-04 will be introduced at noon today (March 6) with a \$4.6 million general fund reduction expected. Reductions recommended by the Department included grant reductions (soil conservation districts, migrant labor housing, horse programs), general administrative efficiencies, fee increases for Animal Industry programs, private pesticide certification, lab fees, and nursery inspection. The Seed Program and the general fund for Fruit and Vegetable Inspection may be reduced.

**LEGISLATIVE REPORT: Brad Deacon, Legislative Liaison**

Water withdrawal bills have passed the House and are before the Senate. MDA will work with the Department of Environmental Quality on passage of these bills. The House passed the bio-diesel bill, providing tax abatements for plants manufacturing bio-diesel fuel. The Senate has reintroduced four Genetically Engineered Organism bills, particularly as they relate to fish. The Drain Code has been reintroduced by the Senate.

Mr. Deacon reported that the Joint Committee on Administrative Rules (JCAR) consisting of five members from each house and assigned to oversee rule promulgation has decided to become more active. JCAR currently has 21 days to review a completed rule before it is sent to the Secretary of State. The Committee met on February 11, for the first time in several years, and objected to a rule filed by the Office of Racing Commissioner. The Racing Commissioner decided to withdraw the rule to avoid potential constitutional conflict between the Legislature and the Executive Branch. There have been bills introduced to change the 21 day review period to 90 days.

Mr. Deacon reviewed the rule making process for the Commission.

**CERTIFICATE OF ADOPTION, REGULATION 564, AUTOMOVIE GASOLINE PURITY, ADDITIVES, AND GRADING:** Brad Deacon, Legislative Liaison

**MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE CERTIFICATE OF ADOPTION FOR REGULATION 564, AUTOMOTIVE PURITY, ADDITIVES AND GRADING. SECONDED. MOTION CARRIED.**

**REQUEST TO PROCEED WITH RULE PROMULGATION TO AMEND REGULATION 808, BREEDER'S AWARDS; REGULATION 814, FUTURITY AND SIRE STAKES RACES AND REGULATION 820, MICHIGAN-BRED PARI-MUTUEL RACING:** Brad Deacon, Legislative Liaison

**MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE INITIAL RULE MAKING PROCESS FOR REGULATION 808, BREEDER'S AWARDS; REGULATION 814, FUTURITY AND SIRE STAKES RACES AND REGULATION 810, MICHIGAN-BRED PARI-MUTUEL RACING. SECONDED. MOTION CARRIED.**

**REGULATION 642, FARM FERTILIZER BULK STORAGE UPDATE:** Ken Rauscher, Director, Pesticide and Plant Pest Management Division

Mr. Rauscher gave an update on Regulation 642, Farm Fertilizer Bulk Storage. Concerns have been raised in the areas of loading pads and facility siting relative to farm wells. The loading pad concerns have been resolved by changing the size of the containment pad from 300 gallon to 150 gallon. The siting issue is in the final stages of resolution with the Michigan Department of Environmental Quality.

**RECESS:**

The meeting recessed at 10:05 a.m. At this time Director Wyant left the meeting.

**RECONVENE:**

The meeting reconvened at 10:10 a.m. At this time Deputy Director Creagh sat in for Director Wyant.

**DOMESTIC MARKETING – TAKE A TASTE OF MICHIGAN HOME:** Robert Craig, Director, Agriculture Development Division, and Brian Preston, New Markets Specialist, Agriculture Development Division

Mr. Craig and Mr. Preston gave a brief presentation on the Michigan Specialty Foods Trade Shows scheduled for April and May. These trade shows are scheduled for high tourist areas of the state and will include other activities in the area, such as race simulcasting, passes to the Frederik Meijer Gardens and casino chips for Leelanau Sands Casino.

**MICHIGAN CARROT INDUSTRY DEVELOPMENT PROGRAM COMMITTEE**

**REDISTRICTING PLAN:** Sandy Hill, Commodity Coordinator, Agriculture Development Division and Todd Young, Chair, Michigan Carrot Committee

Ms. Hill reviewed changes proposed to the Michigan Carrot Industry Development Program. Amendments to 1965 PA 232, the Agricultural Commodities Marketing Act, allows industry to reapportion the number of committee members or member districts. The Carrot Industry adopted proposed changes to the Michigan Carrot Industry Development Program and is requesting approval by the Commission as required by 1965 PA 232, as amended.

**MOTION: COMMISSIONER BYRUM MOVED TO APPROVE THE PROPOSED CHANGES TO THE MICHIGAN CARROT INDUSTRY DEVELOPMENT PROGRAM AS SUBMITTED. SECONDED. MOTION CARRIED.**

**MOTION BY COMMISSIONER MAITLAND**

**MOTION: COMMISSIONER MAITLAND MOVED TO TAKE THE MATTER OF RIGHT TO FARM, KING OF THE WIND FARMS, FROM THE TABLE. SECONDED. MOTION CARRIED.**

**RIGHT TO FARM ISSUES:** Wayne Whitman, Program Manager, Environmental Stewardship

## Division

Mr. Whitman informed the Commission of the finding from the March 5, 2003 inspection at King of the Wind Farms. He stated that significant progress has been made in the day-to-day operation of the facility; however, the following issues have not been implemented:

- the floodplain permit issue remains outstanding,
- the nutrient utilization is not sustainable with the existing land base, to stay in conformance with GAAMPs, and
- the implementation schedule to complete the site plan had previously been extended, from June 2003 to June 2004 and now summer 2005.

Mr. Whitman's recommendation is that MDA notify MDEQ of King of the Wind Farm's non-conformance to GAAMPs and transfer the file to MDEQ per the Memorandum of Understanding.

### **Public comment regarding King of the Wind Farms:**

Pat Crowley –Representing King of the Wind Farms(KWF): Stated that yard waste composting was included in the Generally Accepted Agriculture Management Practices (GAAMP) approximately one year ago, and since that time KWF has been working to come into compliance with the GAAMPs. She stated that KWF poses no environmental threat, and as there are no administrative rules or precedence to support transferring the case to MDEQ, that MDA continue its relationship with KWF.

Sue Waltman – Representing Representative Leon Drolet: On behalf of Representative Drolet recommended King of the Wind Farms be referred to the MDEQ for enforcement.

Linda Gearhart –Resident in vicinity of King of the Wind Farms: Ms. Gearhart stated that KWF had been given 30 days to comply with an odor complaint, 300 days had passed and odors had gotten worse. She urged that KWF Right to Farm complaint be referred to the MDEQ for enforcement.

Judith Rey – Resident adjacent to King of the Wind Farms: Ms. Rey stated that two years after they purchased their property, KWF moved in next to them. She stated that in 1999 they moved out of their home due to the odors, and not being able to be outside of the house. Ms. Rey urges the Department to refer KWF to MDEQ for enforcement.

Dolores Michaels, King of the Wind Farms: Stated that she felt she had been passed between MDEQ and MDA over the past ten years. When MDEQ visits the site, she complies with their requests, then MDA visits and suggests something different. Ms. Michaels states that KWF is trying to come into compliance but needs more time.



Lawrence Dloski – representative the Macomb Twp. Board of Trustees. Asks the Commission to refer the King of the Wind Farms to the MDEQ for enforcement.

Commissioner Darling attended the March 5, 2003 site inspection at KWF. He stated that the MDA staff did a thorough inspection and that KWF does not comply with the GAAMPs.

**MOTION: COMMISSIONER DARLING MOVED TO REFER THE KING OF THE WINDS RIGHT TO FARM COMPLAINT TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY FOR ENFORCEMENT ACTION, PER THE MEMORANDUM OF UNDERSTANDING. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### **PUBLIC COMMENT**

**Ann Louise Budd, Michigan Horse Council** – Distributed information on the Michigan Horse Council and the International Stallion Exhibition and Trade Show Horse Expo '03 being held March 7, 8 and 9 at the MSU Pavilion. They are expecting 20,000 people to attend over the three-day event.

**Naomi VandenBosch** – Addressed the Commission regarding an abandoned orchard complaint against her property. Naomi also addressed the Commission at the January 9, 2003 meeting regarding this subject. She is concerned that the costs involved in removing or killing the apple trees involved is cost prohibitive. She maintains that the Department has a lack of standards and procedures when enforcing 1945 PA 72. She also states that she has had “tree fruit experts state that complex biological changes occur after so many years rendering tracts of land such as hers a non-threat to commercial farmers”. Ms. VandenBosch was asked to provide this information to Ken Rauscher, Pesticide and Plant Pest Management Division for review before the next Commission meeting. She was informed that Department staff would review alternatives and report back to Commissioners at that time.

**Dan Marsh, Michigan Deer and Elk Farmers Association** – He stated that the Deer and Elk Farmers are in support of the certification program. They are currently working on forming a certification/accreditation program for harvesting preserves.

**Ron Nelson, Michigan Farm Bureau:** Thanked the Department for their work on Reg. 642. MFB feels it is important to work out the 800-foot set back requirement. MFB is concerned about the budget cuts and the ability to be responsive to emerging issues.

### **ADJOURNMENT**

**MOTION: COMMISSIONER MAITLAND MOVED TO ADJOURN THE**

**MEETING. SECONDED. CARRIED UNANIMOUSLY.**

**Meeting was adjourned at 11:23 a.m.**

**ATTACHMENTS**

- A - Agenda*
- B - February 11, 2003 minutes*
- C - Director's Report - March 2003*
- D - Chronic Wasting Disease Accreditation Program*
- E - Establishment of Potential High Risk Area for Portions of Antrim, Charlevoix, Cheboygan and Otsego Counties*
- F - Ralstonia solanacearum, a new bacterial disease*
- G - Legislative Report - March 2003*
- H - Certificate of Adoption for Regulation 564*
- I - Approval to begin Regulations 808, 814 and 820*
- J - Update on Regulation 642, On Farm Fertilizer Bulk Storage*
- K - Domestic Marketing*
- L - Carrot Industry proposed changes to development program*
- M - Right to Farm, King of Wind Farms, letter of referral to MDEQ*
- N - King of Wind Farms, material from surrounding property owners*
- O - Naomi VandenBosch narrative from March 6, 2003 Commission meeting*
- P - Survey, Grape and Wine*
- Q - Michigan Horse Council Information*