

**State of Michigan
Commission of Agriculture
Meeting Minutes**

March 11-12, 1998

Kellogg Center, East Lansing, Michigan

**JOINT MEETING OF THE MICHIGAN COMMISSION OF AGRICULTURE AND THE
NATURAL RESOURCES COMMISSION - March 11, 1998**

PRESENT:

Douglas E. Darling, Chairperson, Commission of Agriculture

Deanna Stamp, Vice Chairperson, Commission of Agriculture (March 11 only)

Jordan B. Tatter, Secretary, Commission of Agriculture

James E. Maitland, Commission of Agriculture

Shirley A. Skogman, Commission of Agriculture

Dan Wyant, Director, Michigan Department of Agriculture

Keith Charters, Chairman, Natural Resources Commission

Nancy Douglas, Natural Resources Commission

L. Thornton Edwards, Natural Resources, Commission

William Parfet, Natural Resources Commission (March 12 only)

Lloyd "Pete" Weeks, Natural Resources Commission

K. L. Cool, Director, Michigan Department of Natural Resources

OTHERS PRESENT:

Steve Rideout, Assistant Attorney General

Michigan Department of Natural Resources Staff

Ron Zellar, Assistant Attorney General

Michigan Department of Agriculture Staff

Robert Bender, State Bovine Tuberculosis Coordinator

PUBLIC APPEARANCES

Senator Walter North

Representative Tom Alley

Lyle Beckwith, Michigan Elk Breeders Association
Monte Bordner, Sturgis
Ray Buffmyer, Charlotte
Chris Bunch, Traverse City
Larry Burcz, Canada Creek Ranch
Sheila Burkhardt, Michigan Milk Producers Association
Eric Clemens, Ogema County
Walt Cuppetelli, Sterling Heights
Mark Davis, Highland
Keith Dentel, Ida
Alex Draper, DD Deer Farms
Scott Everett, Michigan Farm Bureau
Jack Gretzinger, Michigan Longbowmen Association
Bob Groulx, Munger
R. J. Smith, Michigan Horse Council Trails Committee
Rick Jameson, Michigan United Conservation Clubs
Brian Jenich, Warren
Tim Karasek, Michigan Association of Timbermen
Bob Kook, Hunter Education, Macomb County
Ben Kudwa, Michigan Potato Industry Commission
Bill Martin, Mt. Pleasant
Ron Nelson, Michigan Farm Bureau
Mark Pattullo, Parmalee Trading Post
Kyle Randall, Michigan Sportsmens Congress
Doug Roberts, President, Michigan Deer Breeders Association
Galen Schalk, Schalk Farms
Robert Stone, Lachine
Tom Talbot, Michigan Traditional Bowhunters

Mike Tielgestske, Responsible Wildlife Management

Bridgette Voisinet, Michigan Cattlemen=s Association

John Wagner, New Boston

John Wencley, Michigan Bow Hunters Association

Anne Woiwode, Sierra Club, Mackinaw Chapter

Jim Wright, Michigan Fresh Market Carrot Committee

CALL TO ORDER

Natural Resources Commission Chairman Charters called the joint meeting of the Natural Resources Commission and the Commission of Agriculture to order at 3:05 p.m., March 11, 1998.

Bovine Tuberculosis Update

Bob Bender, State Bovine Tuberculosis Eradication Coordinator, Department of Community Health, stated that the departments of Community Health, Natural Resources and Agriculture are moving aggressively toward eradication of bovine tuberculosis in deer. In January 1998, Governor Engler issued Executive Directive No. 1998-1 directing the Departments of Community Health, Agriculture and Natural Resources to jointly develop management plans for eradicating bovine tuberculosis in Michigan deer. Since then, the Departments have worked with various agencies and interest groups to develop a management plan. Public comments received on this issue have resulted in some changes in the proposal.

Dr. Mike Chaddock, Michigan Department of Agriculture, stated that bovine tuberculosis is a slow-growing disease of the respiratory system and has been detected in free-ranging deer in Michigan. This is a disease of chronic exposure in a confined area. He reviewed the current status of bovine tuberculosis incidences in deer in northeastern lower Michigan. Cattle and other animals are being tested for the disease and no positive cases have been confirmed in cattle. No vaccination or other economically viable treatment is available.

Steve Schmitt, Department of Natural Resources, stated that the first test- positive deer in Michigan was discovered in 1974 in Alcona County. Since that time, deer also have tested positive in Alpena, Montmorency, Alcona, Oscoda and Presque Isle counties. Surveillance for the disease continues in this area. No evidence of the disease exists in other counties of Michigan.

Elaine Carlson, Wildlife Division, Atlanta Field Office, made a presentation on feeding of deer and elk in the disease affected area and displayed maps indicating the extent of bovine tuberculosis in deer and 1997-1998 deer feed site survey locations.

George Burgoyne, Acting Resources Deputy, Department of Natural Resources, reviewed the proposed recommendations to limit deer baiting which would encompass an area larger than the five-county area to protect deer migration. The proposed boundaries are I-75, M-55, Lake Huron and the Straits of Mackinaw. He stated that a violation of baiting regulations may

also be considered a violation of the feeding ban. Director Wyant expressed support for the proposal to limit deer baiting.

Becky Humphries, Acting Wildlife Division Chief, Department of Natural Resources, discussed the proposed framework for reduction of the deer population in the diseased counties. Staff proposes to enlarge Deer Management Unit 452 to include all of Montmorency, Oscoda, Presque Isle, Alpena and Alcona counties; to issue unlimited antlerless permits; to have an early rifle deer season from October 17-26; and to implement a late firearm season from December 11 through January 3.

Director Cool stated that the first real indication of bovine tuberculosis in free-ranging deer in northeastern Michigan was in 1974. In 1995, the DNR began significant testing of animals to determine the incidence rate of bovine tuberculosis. In 1996, Michigan State University, the Departments of Natural Resources and Agriculture, and the USDA joined efforts to develop a model for disease eradication. This model, finalized in September 1997, indicated that restrictions in baiting should be considered by the Department of Natural Resources. A feeding ban, under the authority of the Department of Agriculture, was proposed in the Governor's Executive Order 1998-1 for approval by the Commission of Agriculture. The departments have solicited and received public comment on these issues.

Director Wyant acknowledged that a ban on deer feeding and regulations for baiting will have economic impacts on the agricultural community; yet, the problem needs to be addressed and measures need to be taken to eradicate bovine tuberculosis.

PUBLIC APPEARANCES

Commission of Agriculture Chairman Douglas Darling expressed gratitude to those offering advice and assistance in the decision-making process. He also recognized the economic impact of a regulation on baiting and a ban on feeding.

Senator Walter North complimented staff from the Departments of Agriculture, Natural Resources and Community Health for expedited actions taken on the bovine tuberculosis issue and for keeping the Legislature informed.

Representative Tom Alley requested that Ogemaw and Iosco counties not be included in the restriction on baiting and feeding of free-ranging deer. However, he fully supported the inclusion of these counties in surveillance and monitoring activities.

Director Wyant stated that there is an immediate concern regarding migration of diseased deer moving outside the five-county boundary.

Ron Nelson and Scott Everett, Michigan Farm Bureau, supported solving the bovine tuberculosis problem as quickly as possible and depopulation of the diseased deer herd to avoid spreading tuberculosis to livestock. The Michigan Farm Bureau supports scientific management of the deer herd and believes the boundary lines identified are clear and definitive.

Galen Schalk, Schalk Farms expressed concern about loss of milk production due to mandatory herd testing. He strongly supports expedient eradication of bovine tuberculosis;

however, the economic loss will greatly affect his family farm.

Walt Cuppetelli, Sterling Heights, owns property in the affected area. He supported eradication of bovine tuberculosis in deer; however, he recommended alternative boundaries, reduction of the buffer zones, a feeding ban from January through April of each year, and a review of the economic implications of a feeding ban.

Ray Buffmyer, Charlotte, expressed concern that many private landowners may file lawsuits to oppose the feeding bans. He urged that the public be quickly informed and educated on the need to comply with these new requirements.

Brian Jenich, Warren, recommended that feeding be allowed September 1 through December 31. He also suggested that a study be performed on the economic impacts of a feeding ban and suggested that it be mandatory to kill a doe before a buck tag is issued.

Kyle Randall, Michigan Sportsmens Congress, stated that there is no agricultural conspiracy to deplete the deer herd and that the feeding ban is an issue of resource management. The Sportsmens Congress supports every effort by the Departments to resolve this problem. He requested that bait retailers and wholesalers label and identify the bait containers with the state regulations on feeding and baiting.

Bob Groulx, Munger, supported efforts to eliminate bovine tuberculosis. He requested baiting be allowed to keep the deer in the forest rather than in feedlots and that baiting of up to 10 pounds be allowed to provide a better harvest. He requested that baiting be stopped by December 1.

John Wagner, New Boston, complimented the departments for the quick action on these issues and supported the proposed buffer zones. He recommended consideration of a tax break for landowners in the affected areas.

Larry Burcz, Canada Creek Ranch, supported implementation of a feeding ban and limiting baiting in the area.

Mark Pattullo, Parmalee Trading Post, proposed allowing feeding of no more than five gallons of any common type of deer feed from April 1 through September 1 on private parcels of five acres, or increments thereof, up to 40 acres. On parcels from 40 to 200 acres, allow no more than 10 feeding sites widely dispersed. On 200 acres or more, allow one feeding site on each 40- acre parcel. From September 1 through the end of hunting season, the allowable amount would increase to 10 gallons per day on private or state land with a proximity boundary established. From January 1 through April 1, allow no more than one gallon of corn and one bale of hay at any given time. Any amounts over these proposed limits would constitute a misdemeanor with a fine imposed based on the percentage over the limit as set forth above.

Mark Davis, Highland, recommended that the State work with landowners to develop a voluntary feeding ban or voluntary feeding reduction.

John Wencley, Michigan Bow Hunters Association, recommended a statewide baiting restriction and to eliminate the practice of artificially feeding deer. He proposed additional antlerless hunting opportunities in affected areas, a hunter's second buck be four-point or better

on one side, extension of the late archery deer season to mid-January, and, under specific circumstances, the elimination of block permits in the affected areas.

Mike Tielgestske, Responsible Wildlife Management, supported an aggressive bovine tuberculosis eradication system. He proposed that deer be kept from coming into close contact with cattle by whatever means necessary; an early hunt season be established; elevated platforms and treestands be allowed; a statewide ban on feeding and baiting be imposed; a natural carrying capacity be established; a tear-off, mail-in tag system be implemented; and large bulk bins with metered timed feeders be prohibited.

RECESS

Natural Resources Chairman Charters recessed the meeting at 6:00 p.m.

RECONVENE

Commission of Agriculture Chairman Darling reconvened the meeting at 7:30 p.m.

R. J. Smith, Michigan Horse Council Trails Committee, thanked the NRC and DNR for working cooperatively to preserve, maintain and improve horse trails. He invited the NRC and DNR staff to attend the Michigan Horse Council Expo on March 13-15 and the Trails Day Rendezvous on April 11.

Jack Gretzinger, Michigan Longbowmen Association, recommended that the DNR initiate a heritage deer season of nine days for antlerless deer, encompassing two weekends, and prior to any regular deer season, and that the heritage deer season be limited to guns of 44 caliber or larger, percussion sidelock or flintlock, iron sights, and firing patched round balls, or traditional longbows or recurved bows, no sights or releases.

Bill Martin, Mt. Pleasant, proposed consideration of a new deer management unit in northern Isabella County and southern Clare County, as well as new regulations in that area. He felt that this proposal would control the size of the deer herd and improve the quality of antlered bucks, as well as reduce the buck-to-doe ratio from 10-1 to 4-1.

Tom Talbot, Michigan Traditional Bowhunters, recommended a weighted preference system for bear tags, a limit on antlered deer tags, and a statewide ban on deer feeding and baiting.

Monte Bordner, Sturgis, urged Director Cool to immediately implement an eradication plan that would include a feeding ban using standard disease control protocol.

Sheila Burkhardt, Michigan Milk Producers Association, discussed the economic impact on the dairy industry if Michigan loses its TB-free status. She urged immediate and aggressive action to eliminate bovine tuberculosis in the deer herd.

Doug Roberts, President, Michigan Deer Breeders Association, expressed concern regarding the moratorium on captive cervidae operations. He asked that the Department of Agriculture continue to view captive cervid operations as a livestock production method.

Alex Draper, DD Deer Farms, expressed concern regarding restricting the free movement of captive animals. He requested review of the double reporting process for transporting captive

deer.

Jim Wright, Michigan Fresh Market Carrot Committee, supported the proposed five-gallon baiting limit and the proposed feeding ban. However, he requested consideration of allowing carrots as bait.

Eric Clemens, Ogema County, supported ban on feeding and limited baiting.

Ben Kudwa, Michigan Potato Industry Commission, requested that the current practice of piling cull potatoes be allowed to continue. He explained that the potato late-blight disease prevents spreading of cull potatoes during certain times of the year. Potato growers store piles of these potatoes until the time is right to spread them on the land. Because of this practice, he was concerned that this may be viewed as feeding deer. Discussion ensued regarding the fencing of cull piles.

Lyle Beckwith, Michigan Elk Breeders Association, stated that imposing a moratorium on additional captive cervid herds is a problem. He requested streamlining the reporting process in transporting live cervidae. Chairman Darling agreed that the reporting process should and will be examined.

Robert Stone, Lachine, stated there is a need to educate farmers of the necessity to let people on their land to help reduce the antlerless deer population. Commissioner Skogman commented that in the area of the Upper Peninsula in which she lives it has been difficult to find hunters to hunt the land.

Bridgette Voisinet, Michigan Cattlemen's Association, encouraged action be taken to avoid Michigan losing its bovine tuberculosis free status. She supported expedient action on the feeding and baiting issues.

Rick Jameson, Michigan United Conservation Clubs (MUCC), supported a quantity limit of 10 gallons of deer bait, a specified time period for baiting, and a follow-up study to determine the effect of reduced baiting on deer and other wildlife. The MUCC also suggested development of a well-designed educational effort to show the public that wildlife feeding programs are actually short-term remedies and often create more problems than they solve.

Merle Shepherd, Safari Club International, supported the proposed buffer zone, the supplemental feeding ban, and elevated platforms for firearm deer season. He did not support the use of any objects that will penetrate the bark of a tree.

Chris Bunch, Traverse City, supported the use of elevated platforms during firearm deer season and strongly supports the use of a safety harness.

Tim Karasek, Michigan Association of Timbermen, supported the use of elevated platforms. He recommended that these platforms be freestanding and self-supporting, with no penetration of the tree. He recommended that hunters on private property be allowed to use elevated platforms with the owner's permission.

Anne Woiwode, Sierra Club Mackinac Chapter, urged both Commissions to commit the resources necessary to find a permanent resolution to control Michigan's deer population.

Bob Kook, Coordinator, Hunter Education, Macomb County, supported the use of elevated platforms and use of safety harnesses.

Keith Dentel, Ida, recommended a total ban of deer baiting and feeding in Michigan.

ADJOURN

Chairmen Darling and Charters were pleased with the cooperative efforts of the departments on these joint issues and thanked the public for their input on this important public policy issue.

The Joint Meeting of the Natural Resources Commission and the Commission of Agriculture adjourned at 9:15 p.m.

RECONVENE - MARCH 12, 1998

The Commission of Agriculture regular meeting reconvened at 8:30 a.m. All Commissioners and Director Wyant were present, except for Commissioner Stamp who was unable to attend.

APPROVAL OF AGENDA

MOTION: Commissioner Skogman moved to accept the agenda as presented. Seconded. Motion carried.

APPROVAL OF MINUTES

MOTION: Commissioner Tatter moved to accept the February 10, 1998 minutes as presented. Seconded. Motion carried.

NEXT MEETING

The next Commission of Agriculture meeting will be held Wednesday, April 8, 1998, in Lansing, Michigan, in the Michigan Department of Agriculture, Dean Pridgeon Conference Room, 4th Floor, Ottawa Building, 611 West Ottawa Street.

APPROVAL OF COMMISSIONERS' PER DIEM TRAVEL AND EXPENSES

MOTION: Commissioner Maitland moved to approve Commissioners per diem and travel to attend the following:

--Commissioner Darling - February 18, 1998, Zeeland Farm Tour, Zeeland, Michigan

--Commissioner Maitland - March 7, 1998, Public Hearings regarding Bovine Tuberculosis, Alpena Area

--Commissioner Tatter - March 6-7, 1998, Public Hearings regarding Bovine Tuberculosis, Alpena Area

--Commissioner Darling - March 10, 1998, FFA Reception and Banquet, East Lansing, Michigan

Seconded. Motion carried unanimously.

REVIEW OF THE 1997 RIGHT TO FARM PROGRAM -- Wayne Whitman, Environmental

Stewardship Division and Dr. H. Michael Chaddock, Animal Industry Division

Wayne Whitman reviewed the *Michigan Department of Agriculture Right to Farm Environmental Complaint Response Program for 1997*. Copies of the annual report were distributed to the Commission. Mr. Whitman explained that the program addressed a total of 125 new farm-related environmental and nuisance complaints during 1997. A majority of the new complaints concerned manure management practices at livestock facilities. The Generally Accepted Agricultural and Management Practices (GAAMPs) for Manure Management and Utilization were used during the investigation and resolution process.

Dr. H. Michael Chaddock reviewed the *Michigan Department of Agriculture Right to Farm Investigations for the Health and Care of Farm Animals for 1997*. Copies of the annual report were distributed to the Commission. Dr. Chaddock explained that the program handled a total of 19 new animal health and care complaints during 1997. The Generally Accepted Agricultural and Management Practices (GAAMPs) for the Care of Farm Animals were used during the investigation and resolution of these complaints.

Director Wyant stated that Michigan's Right to Farm program is a model nationwide and one that has been adopted by many other states.

Commissioner Darling commented that he appreciates the positive reports received from farmers who have experienced the cooperative effort and attitude by MDA staff in the resolution of these complaints.

FEEDING BAN

Director Wyant recommended that the Commission support Enforced Restriction Area Order No. 1998-01. He expressed Commissioner Stamp's support for the Order.

MOTION: Commissioner Tatter moved to postpone discussion on a resolution supporting the Department of Natural Resources' implementation of baiting restrictions until after the Natural Resources Commission has voted upon the restrictions. Seconded. Motion carried unanimously.

MOTION: Commissioner Tatter moved to adopt the following resolution:

WHEREAS, the Michigan Departments of Agriculture, Community Health and Natural Resources, as directed by Governor John Engler in Executive Directive 1998-1, are jointly developing management plans to eradicate Bovine Tuberculosis from our state's wild, free-ranging, white-tailed deer herd, and

WHEREAS, animal disease experts have identified supplemental feeding as a primary factor in the maintenance of Bovine Tuberculosis in wild, free-ranging, white-tailed deer in the northeastern portion of Michigan's Lower Peninsula, and

WHEREAS, the Director of the Michigan Department of Agriculture has statutory authority to issue, and has proposed, an Enforced Restriction Area Order to prohibit feeding wild, free-ranging, white-tailed deer and elk in the northeast portion of the Lower Peninsula.

BE IT THEREFORE RESOLVED, that the Michigan Commission of Agriculture supports implementation of an Enforced Restriction Area Order to be issued by the Director of the Michigan Department of Agriculture as part of a statewide management plan to eradicate Bovine Tuberculosis, and

BE IT FURTHER RESOLVED, that the Michigan Commission of Agriculture supports the Governor's Executive Directive 1998-1 and urges the Departments of Agriculture, Natural Resources and Community Health to continue their cooperative effort to develop a statewide management plan to eliminate Bovine Tuberculosis.

Seconded.

Commissioner Darling proposed that Director's Enforced Restriction Area Order No. 1998-01 be properly referenced in the motion.

MOTION: Commissioner Tatter moved to table the motion on the resolution until discussion can be held on the Director's Enforced Restriction Area Order No. 1998-01. Seconded. Motion carried unanimously.

Commission discussion on the content of the Director's Enforced Restriction Area Order No. 1998-01 ensued. Commissioners commented that the words *and Natural Resources* on page two, item four, could cause confusion about who really had the authority to give permission to transport live cervidae in or out of the restricted area.

MOTION: Commissioner Tatter moved that on page 2, item 4, of the Director's Enforced Restriction Area Order No. 1998-01 the last three words (and Natural Resources) of the paragraph be stricken. Seconded. Motion carried unanimously.

MOTION: Commissioner Tatter moved to approve the Director's Enforced Restriction Area Order No. 1998-01 as amended. Seconded. Motion carried unanimously.

MOTION: Commissioner Tatter moved to take his prior resolution supporting implementation of a Director's Enforced Restriction Area Order No. 1998-01 off the table. Seconded. Motion carried unanimously.

MOTION: Commissioner Tatter moved to approve the Commission Resolution on Feeding Ban with the Order No. 1998-01 added to the fourth paragraph. Seconded. Motion carried unanimously.

Commissioner Tatter requested that the Director provide the Commission with a briefing on the authority of the Michigan Department of Agriculture and/or the Commission of Agriculture under the Animal Industry Act to ban feeding outside of the defined geographic area currently approved.

COMMISSIONERS' COMMENTS

Commissioner Jordan Tatter reported that he attended the Michigan Association of Counties Legislative Reception in Lansing and the Southwest Michigan Horticultural Days program at Lake Michigan Community College. He also observed Governor Engler's presentation at Zeeland Farm Services to commemorate the expansion of Michigan's largest soybean

processing facility.

Commissioner Tatter traveled to California the last ten days of February and attended the Western Frozen Food Convention. He emphasized that Michigan-based value-added fruit and vegetable frozen food processors are regular attendees at this convention. They are there to sell their 1998 pack and the national buyers are there to buy. Commissioner Tatter stated that real business gets done at this meeting in California by Michigan food processors.

Commissioner Tatter also met with Jim Jensen, president of CherrCo., to review the success (and it was a success) CherrCo. had in pricing and marketing the 1997 Red Tart Cherry crop and to plan for the 1998 crop. Commissioner Tatter also took part in three public forums formally conducted by Robert Bender, State Bovine Tuberculosis Coordinator, in conjunction with MDA and DNR in the Alpena area. He felt that the public comment was excellent and the input received may result in alterations of the orders.

He stated that the mild winter and unseasonably warm temperatures have advanced fruit bud development to the extent that a cold snap that would be no more severe than normal low temperatures for this time of year could result in extensive injury to fruit crops in southwest and western Michigan.

Commissioner Shirley Skogman reported that the seed potato market has been very sluggish all year long. She said that because of the warm weather, they have started fresh packing potatoes.

Commissioner Skogman also reported that meetings have been held in the Upper Peninsula on deer management. She is of the opinion that there are some who will never be convinced of the deer crop damage problem.

Commissioner Tatter asked what happens to the potato value when seed potatoes must be sold as fresh market potatoes. Commissioner Skogman responded that the value and profit is cut in half, primarily because the potatoes cannot pass inspection for fresh market. The potatoes are graded much more stringently for the open stock market than they are for seed.

Commissioner James Maitland expressed his concern that fruit crops will be affected by the weather. He said that a group of businessmen in Suttons Bay and Leelanau County is forming an alliance with the growers to study some of the problems experienced by the cherry industry. Commissioner Maitland also attended the public hearings in the Alpena area and appreciated the input from the sportsmen and agriculture.

Commissioner Douglas Darling attended the Monroe County NRCS meeting, the Zeeland Farms Tour, the annual FFA convention and reception held in East Lansing. He stated that many people expressed appreciation to Governor Engler and Director Wyant for their efforts and support of the FFA program.

Commissioner Darling also reported on his trip to Washington, D.C. He and representatives of the Michigan Farm Bureau met with the American Farm Bureau and members of Michigan's Congressional delegation. They had in-depth discussions about the Food Quality Protection Act (FQPA) and the interpretation of minor use pesticides. Commissioner Darling shared a copy of a letter he sent early in March to Congressman John Dingell. In the letter he thanked

Congressman Dingell for meeting with the group about the impact of FQPA and the Environmental Protection Agency's interpretation and implementation of the act. His letter expressed concern for the devastating effect on Monroe County, as well as Michigan's agricultural economy and the American consumer.

Commissioner Tatter commented on the letter sent to Congressman Dingell and complimented Commissioner Darling on the substance of the letter. He suggested that it be shared with the other members of Michigan's Congressional delegation.

Director Wyant stated that Dale Sherwin, Director of Agriculture Policy and Special Projects, has met with members of Michigan's Congressional delegation on this issue. He also said that Senator George McManus will be holding a public hearing next week to receive comments on FQPA and its effects. Senator McManus has asked MDA, MSU and the industry to share information and opinions on the impact FQPA will have on Michigan. Senator McManus' intent is to submit a concurrent resolution to Congress.

DIRECTOR'S REPORT -- Director Wyant reviewed the March 1998 Director's Report, as well as updated the Commission on the following issues:

Clean Michigan Initiative: Brad Deacon, Assistant to Governor Engler, distributed copies of the Governor's Clean Michigan Initiative *Clean Water, Clean Parks, Clean Communities*. This initiative is a \$500 million bond proposal to be used for environmental cleanup. After review of the initiative by Mr. Deacon, the Commission took the following action:

MOTION: Commissioner Tatter moved to adopt the following resolution:

WHEREAS, the Commission of Agriculture recognizes the importance of clean water, clean parks, and clean communities to the farming community and the state as a whole, and

WHEREAS, Governor Engler's Clean Michigan Initiative (CMI) will clean up and redevelop brownfields, thus reducing development pressure on Michigan's farmland, and

WHEREAS, the CMI will also protect Michigan's lakes, rivers, and streams, as well as make improvements to our State Parks.

THEREFORE, we, the Michigan Commission of Agriculture, support Governor Engler's Clean Michigan Initiative as proposed and urge all fellow citizens to support this important plan.

Seconded. Motion carried unanimously.

Mr. Deacon also informed the Commission that Governor Engler has proclaimed March 20, 1998 as *Farmer Appreciation Day*, in the state of Michigan. He presented to the Director the Governor's official proclamation for display in the department.

Horse Racing: Ladbroke DRC, located in Livonia, has announced plans to close in November of this year, selling the site to a private developer for use as an industrial park. As the acting State Racing Commissioner, the Director is working with the industry to identify options for

thoroughbred racing in Michigan.

MURCO: Packerland Packaging Company of Wisconsin has submitted a purchase agreement to MURCO, one of Michigan's largest beef packing companies. MURCO is experiencing financial difficulty and was shut down for two days, causing great concern for Michigan's beef and dairy industry. The department is very supportive of having Packerland Packaging Company in Michigan.

Confined Animal Feeding Operations: EPA announced that they are moving aggressively toward a mandatory permitting program on large livestock operations. Michigan needs to be proactive in its response. The Director and staff met at the Michigan Farm Bureau with an animal livestock initiative core leadership group. They challenged MSU, MDA and the Michigan Farm Bureau to develop a strategy to demonstrate agriculture's proactiveness in solving the problems. The strategy must not be so burdensome on the industry that it would cause additional paperwork and requirements, or unnecessary regulation. It is hoped that the strategy will be developed in time to present it to the Commission at its April meeting.

Captive Deer and Elk Inventory and Value: David Kleweno, State Statistician, Michigan Agricultural Statistics Service, requested approval of March 12, 1998, news release on the Captive deer and elk inventory and value in Michigan. He explained that the MDA in cooperation with MASS conducted a survey of Michigan captive cervidae operations. The survey placed the Michigan captive deer inventory at 16,800 head and elk at 2,000 head, with a total value estimated at \$29.4 million. He noted that there is a total of 628 captive cervidae operations, 84 of which have elk. Survey participation was excellent, reaching nearly 90 percent.

Director Wyant expressed his appreciation to Mr. Kleweno and his staff for the work on this survey. It was the Director's recommendation that the Commission support the release of this information. Commissioner Darling expressed the Commission's support and appreciation for the compilation of the information.

MICHIGAN HORSE EXPO -- **Ann Louise Budd** invited the Commission to attend the upcoming Michigan Horse Expo. She stated that they are very pleased with the new livestock pavilion at MSU and have received many positive comments about the programs and activities. This year marks the 25th year of the Michigan Horse Council and 15th year of the Michigan Horse Expo.

Ms. Budd expressed her concern that Beverly Grunheid (past Michigan Horse Council president) was recently diagnosed as having Lyme Disease. Lyme Disease, caused by the bite of a tick, produces memory problems, severe head pressure and neurological problems. Ms. Budd asked the Commission and MDA's support in disseminating educational information to the public about Lyme Disease.

Barbara Heyboer reported that the Michigan Horse Council is very active this year in zoning and environmental issues. She invited the Commission to attend future Michigan Horse Council meetings.

REVIEW OF THE COMMODITY SOYBEAN REPORT -- **Keith Reinholt, Michigan Soybean**

Committee, distributed copies of *Not Just a Hill of Soybeans--Soybeans Mean Money and Jobs for Michigan*. The report is based on *The Michigan Soybean Industry--Trends, Situation and Prospects*, by Dr. John Ferris, Department of Agricultural Economics at MSU. Mr. Reinholt discussed the report with the Commission and the soybean industry's contribution to Michigan's economy.

Mr. Reinholt complimented Jody Pollok, Commodity Coordinator, for the excellent job she does in working with the Soybean Committee and commodity groups.

Director Wyant commented that it is exciting to see the soybean industry in Michigan growing in production, volume and profitability.

STEWARDS OF THE LAND -- **Gordon Wenk, of the Environmental Stewardship Division** showed the video *Stewards of the Land* to the Commission. The video was produced by Equity Studios. Copies of the video can be obtained from any Soil Conservation District office or from the Michigan Department of Agriculture, Environmental Stewardship Division.

PUBLIC COMMENT

Bob Bender, State Bovine Tuberculosis Coordinator, reported that the Natural Resources Commission (NRC) adopted a resolution on baiting, as well as a resolution in support of the Commission of Agriculture's resolution on a feeding ban. The NRC did make changes to the baiting restriction order; i.e., mechanical feeders, an expanded baiting season (September 1 to the end of all deer hunting seasons), elimination of feeding material restriction, and clarification of the penalty clause.

RECESS

The meeting recessed at 11:30 a.m. so the Commission could participate in the ANR Week President's Luncheon.

RECONVENE

The meeting reconvened at 1:53 p.m.

LEGISLATIVE REPORT - **Vicki Pontz-Teachout, Legislative Liaison**, distributed copies of the March 1998 Bill Status. She updated the Commission on the status of the following bills:

HB 4174 (Drain Code): Consensus has not been reached on the bill or any amendments as introduced. This is a highly complex issue and additional work is needed before legislative action is completed.

HB 4660 (Agricultural Products): This bill is currently in the Agricultural Committee and testimony was taken on February 26, 1998. The bill provides for civil action for damages against anyone intentionally disparaging an agricultural product.

HB 5620, 5621, 5622, 5623: These environmental bond bills are currently in the Conservation, Environment and Recreation Committee. The Department of Environment Quality (DEQ) is the lead agency, but MDA is following the discussions closely and working with DEQ on the impacts to any agricultural programs.

SB 701 (Property Tax): This bill would exempt property used for agriculture from the definition of *transfer*. It has been referred to the Farming, Agribusiness and Food Systems Committee.

Ms. Pontz-Teachout distributed copies of a Senate Concurrent Resolution, introduced by Senator George McManus, relating to the Food Quality Protection Act of 1996. As previously mentioned by the Director, Senator McManus will be holding a public hearing on Wednesday, March 18, 1998, in Grand Rapids. The Commission will be receiving individual invitations to attend.

Commissioner Tatter asked if the letter from Commissioner Darling to Congressman John Dingell could be presented as part of any public testimony. Ms. Pontz-Teachout stated that either she or the Director would submit the letter.

PRESENTATION OF THE 1998 MICHIGAN FARM BUREAU POLICY, ADOPTED AT THE 78TH ANNUAL MEETING -- Ron Nelson and Scott Everett of the Michigan Farm Bureau

distributed copies of the 1998 Policy Book and highlighted the following policy issues as they relate to the Michigan Department of Agriculture:

Food safety and purity must be given the highest priority to protect producers, processors, handlers and, most importantly, consumers.

MFB encourages enabling legislation and funding to reinstate Michigan's slaughter inspection for traditional and non-traditional meats and meat products.

MFB supports legislation to allow the composting of livestock carcasses.

The policy on bovine tuberculosis in free-ranging deer is a new one. MFB supports the testing of livestock to confirm that no transmission of bovine tuberculosis has crossed from free-ranging, white-tailed deer to domestic livestock.

Director Wyant said that he had an opportunity today to talk with the Chairman of the Natural Resources Commission to reinforce MDA's position that non-agricultural landowners and hunt clubs have access to special deer-taking permits. Chairman Charters gave the Director his assurance that they would.

Mr. Nelson commented that he has attended a number of meetings that included MDA and DNR to discuss the bovine tuberculosis issue. He is concerned that what was discussed at the meetings is different than what is actually now appearing on paper. He said that the state is dealing with a disease, a disease that happens to be in deer. It was his understanding that greater focus would be on disease control permits, not only in the five-county area, but also in the buffer area. Mr. Nelson feels that the focus has changed from disease control permits to crop damage permits in the buffer area. He is concerned that it sends a wrong message to the general public. There seems to be consensus that the deer population needs to be reduced, not eliminated, but reduced. He stated that this is a problem of wildlife, livestock and humans.

He is also concerned about the new Scientific Collector=s Permit and the case-by-case criteria established for issuing them. MFB believes that it needs to be clearly defined to avoid any misunderstanding.

Director Wyant stated that Chairman Charters today indicated to him that the NRC has charged

the DNR to expedite any agriculture requests in the buffer area.

Mr. Everett stated that MFB is planning to communicate with their members immediately on the types of permits that will be available.

MFB supports funding for MSU to carry out the needs identified in Project GREEN. They would like to see an increase of funding because the FQPA issue is proceeding very quickly.

MFB strongly supports the concept of a voluntary pool and supports enabling legislation to establish a state milk order if a voluntary superpool is not in place.

MFB supports individual and cooperative efforts by producers to improve income with processing and marketing methods which add value to raw farm products.

MFB urges all utility companies, including cable television, to improve maintenance of their utility rights-of-way to decrease the possibility of stray voltage.

MFB supports scientific management of wildlife by NRC to provide recreational activities, including hunting. Damage to crops in Michigan by overpopulation of wildlife is increasing and adversely affecting many farms.

Local land-use planning in Michigan is essential for the long-term viability of all communities in Michigan. MFB delegates recommended that MFB President Jack Laurie appoint a committee to specifically review Purchase of Development Rights (PDR) and how to fund PDR long-term in Michigan. Commissioner Darling has been asked to serve on this committee.

MFB supports clarification of the law to assure that all agricultural land and structures are uniformly and properly classified and assessed as agricultural for property tax purposes.

Commissioner Darling expressed appreciation for the working relationship between the Michigan Department of Agriculture and the Michigan Farm Bureau.

UPDATE ON THE ULTIMATE FARMLAND PRESERVATION TOUR!, THE RURAL DEVELOPMENT COUNCIL OF MICHIGAN ANNUAL CONFERENCE AND FUN FOR RURAL AMERICA ECONOMIC DEVELOPMENT SEMINAR -- Dr. David Skjaerlund, Executive Director of the Rural Development Council (RDCM) of Michigan invited the Commission to attend the RDCM conference on *Building Partnerships to Create Rural Opportunities*, April 22-23, 1998, in Mt. Pleasant. He also invited the Commission to participate in *The Ultimate Farmland Preservation Tour!*, March 26-30, 1998. He distributed copies of RDCM Community Economic Development Seminar agenda. The goal of the seminars is to develop two educational programs on the start-up process of economic development to be presented in at least two rural communities in 1998 and two more each following year, for a period of five years.

DIRECTOR'S REPORT -- Director Wyant continued his report and discussed the following issues:

Bovine Tuberculosis: Director Wyant stated that one of the most important issues will be enforcement of the decisions made today. A well-defined, well-communicated enforcement strategy must be developed quickly with the Department of Natural Resources and local

entities.

The Director presented a letter for Commissioner Darling's signature to Dr. Fred Poston, College of Agriculture and Natural Resources, Michigan State University. The letter requests MSU assistance in identifying individuals with the expertise and willingness to help define General Farm Practices that will be utilized as guidelines in conjunction with the Enforced Restriction Area Order for the white-tailed deer feeding ban. Commissioner Darling signed the letter as presented.

Commissioner Maitland asked who would be the official enforcement entity for formal complaints. Director Wyant responded that conservation officers will be the first line of enforcement. However, if a formal complaint relates to a farm operation, MDA employees will make a determination based on practices jointly defined by MDA and MSU. This determination will be made in a manner similar to our current Right to Farm investigation and referral process.

Director Wyant recommended that the Commission adopt a resolution supporting Michigan Natural Resources Commission baiting restrictions, as part of the state management plan to eradicate Bovine Tuberculosis.

MOTION: Commissioner Tatter moved to adopt the following resolution:

WHEREAS, the Michigan Departments of Agriculture, Community Health and Natural Resources, as directed by Governor John Engler in Executive Directive 1998-1, are jointly developing management plans to eradicate Bovine Tuberculosis from our state's wild, free-ranging, white-tailed deer herd, and

WHEREAS, animal disease experts have identified deer population levels as a contributing factor in the maintenance of Bovine Tuberculosis in the wild, free-ranging, white-tailed deer in the northeastern portion of Michigan's Lower Peninsula, and

WHEREAS, the Department of Natural Resources has proposed a Wildlife Conservation Order to limit the use of bait for taking wild, free-ranging, white-tailed deer in the northeast portion of the Lower Peninsula.

BE IT THEREFORE RESOLVED, that the Michigan Commission of Agriculture supports implementation of baiting restrictions for the taking of wild, free-ranging, white-tailed deer and elk as proposed by the director of the Michigan Department of Natural Resources and as adopted by the Natural Resources Commission in Wildlife Conservation Order, Amendment #2 of 1998, as a part of the state management plan to eradicate Bovine Tuberculosis.

Seconded. Motion carried unanimously.

ADJOURN

The meeting adjourned at 3:38 p.m.

ATTACHMENTS

The following documentation is on file in the Michigan Commission of Agriculture office and is

available upon request:

Attachment A Natural Resources Commission March 11-12, 1998 Minutes

Attachment B February 10, 1998, Commission of Agriculture Minutes

Attachment C 1997 Right to Farm Environmental Complaint Response Program

Attachment D 1997 Right to Farm Investigations for the Health and Care of Farm Animals

Attachment E Michigan Department of Agriculture Enforced Restriction Area Order No. 1998-01

Attachment F Governor Engler's Executive Directive 1998-1

Attachment G Governor Engler's "Clean Water, Clean Parks, Clean Communities"

Attachment H March 12, 1998 News Release, Michigan Agricultural Statistics Service, "Captive Deer and Elk Inventory and Value in Michigan"

Attachment I "Not Just a Hill of Soybeans--Soybeans Mean Money and Jobs for Michigan"

Attachment J March 1998 MDA Bill Status

Attachment K Senate Concurrent Resolution--Food Quality Protection Act of 1996

Attachment L Michigan Farm Bureau 1998 Policy Book

Attachment M Rural Development Council of Michigan A Building Partnerships to Create Rural Opportunities," "The Ultimate Farmland Preservation Tour! UFP '98 Tour," RDCM Community Economic Development Seminars, 1998 Rural Development Council of Michigan Projects

Attachment N Michigan Department of Natural Resources Wildlife Conservation Order, Amendment #2 of 1998

Attachment O Letter to Dr. Fred Poston, College of Agriculture and Natural Resources, Michigan State University

Attachment P Letter to Michigan Congressman John Dingell

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