

**Michigan Commission of Agriculture Meeting
Michigan Department of Agriculture
Ottawa State Office Building,
Pridgeon Conference Room, 4th Floor
611 West Ottawa Street
Lansing, Michigan**

**MEETING MINUTES
July 10, 2001**

PRESENT:

Jordan Tatter, Chair, Commission of Agriculture
Douglas Darling, Vice-Chair, Commission of Agriculture
James Maitland, Secretary, Commission of Agriculture
Nora Viau, Commission of Agriculture
Bill Pridgeon, Commission of Agriculture
Dan Wyant, Director, Michigan Department of Agriculture

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

Michigan Department of Agriculture Staff
Inspector Dave Bush, Michigan State Police
Bill Grabemeyer, Michigan State Horticultural Society
Staff Sergeant Devin Hahn, Michigan National Guard
Dean and Lynn Henning, Clayton, Michigan
Dr. Maynard Hogberg, Michigan State University
Tonia Koppenaar, Michigan Farm Bureau
Lynnell Sage, Michigan State Horticultural Society
Pete Squibb, Michigan Department of Natural Resources
Ron Williams, USDA Natural Resources Conservation Service

CALL TO ORDER AND ROLL CALL

Chair Tatter called the meeting of the Commission of Agriculture to order at 1:00 p.m. on Tuesday, July 10, 2001. The roll was called with Director Wyant and all Commissioners present.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE JULY 10, 2001 AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF JUNE 13-14, 2001 MEETING MINUTES

MOTION: COMMISSIONER VIAU MOVED TO APPROVE THE JUNE 13-14, 2001 MEETING MINUTES AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

NEXT MEETING

The next regular meeting of the Commission of Agriculture is scheduled for Wednesday, August 15, 2001 through Friday, August 17, 2001. The meeting is in conjunction with the Upper Peninsula State Fair and will be held at the Day's Inn of Escanaba, Peninsula Room, North Lincoln Road, Escanaba, Michigan.

APPROVAL OF COMMISSIONERS' PER DIEM AND/OR TRAVEL

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE COMMISSIONER DARLING'S MILEAGE TO ATTEND THE JUNE 19, 2001 RECEPTION HOSTED BY THE MICHIGAN FARM BUREAU FOR DR. JEFF ARMSTRONG, MSU DEAN OF COLLEGE OF AGRICULTURE AND NATURAL RESOURCES. SECONDED. MOTION CARRIED UNANIMOUSLY.

COMMISSIONERS' COMMENTS

Commissioner Nora Viau reported that the weather in the Upper Peninsula has been warm. The first hay crop has been cut and the corn is growing. It was a good year for strawberries and the cherry crop has just started to ripen.

Commissioner James Maitland reported that the Traverse City area has been dry, causing crops to fall behind schedule. The sweet cherries are small due to the dry weather and harvesting will begin later in the week. It should be a large crop, and there should not be any problems with quality.

Commissioner Douglas Darling attended a reception hosted by the Michigan Farm Bureau for Jeff Armstrong, the new MSU Dean of College of Agriculture and Natural Resources. It was well attended by agriculture leaders and commodity groups. Farmers continue to be concerned about crop prices. Crops that were planted early in the spring are doing well. The weather in Southeast Michigan is also very dry. Wheat harvest has just begun.

Commissioner Bill Pridgeon reported that the season began very wet, but now has turned very dry. Wheat harvest has not begun and, depending on the area, the corn growth is uneven. Hog prices are good at the present time.

Chair Jordan Tatter reported that the tart cherry harvest in Southwest Michigan is 50 percent complete and the west central harvest has just begun. The crop is considerably larger than last year, and apparently larger than the USDA estimate. The federal market order is requiring that 20 percent of the tart cherry crop not be harvested or removed from the market by placement in a restricted storage pool. Blueberry harvest is also underway and peaches are not far behind. The cool weather has delayed fresh vegetables, but the crops look good, and high volume harvest is close at hand across many crops.

Chair Tatter noted that many people have left the apple industry because of fire blight and now are raising vegetables. There is the risk of having neophytes flooding relatively small markets with large volume and little pricing discipline.

Since the last meeting, Chair Tatter participated in the following:

- Michigan Economic and Environmental Roundtable Board meeting;
- Michigan Frozen Food Packers Association's 46th Annual Fruit Crop Guesstimate;
- Cherry Industry Administrative Board meeting that immediately followed the Guesstimate. At the meeting the tart cherry crop diversion percentage was set based on the USDA crop estimate released at the Guesstimate;
- Focus Group exercise conducted by the Council for a World Class Community aimed at improving Benton Harbor and its surrounding area;
- Two-day Michigan State University Extension and Experiment Station Council meeting held in Lansing;
- Tart cherry pit spit held at Tremendous Fruit Farm in Eau Claire, where Chair Tatter represented MDA Director Wyant;
- Ag Expo VIP breakfast;
- Meeting with Bob Bender, Bovine Tuberculosis State Eradication Coordinator; Keith Charters, Chair of the Natural Resources Commission; directors of the departments of Agriculture and Natural Resources, and staff to discuss coordinating efforts to enhance hunt club participation in the bovine TB eradication program in Michigan's core infection area.

DIRECTOR'S REPORT: Dan Wyant

- **Director Dan Wyant** reviewed his previous month's activities:
- Michigan Farm Bureau's "Land Use Bullet Tour" in Maryland and Pennsylvania;
- Foot-And-Mouth Disease disaster training exercise;
- Reception for the new Michigan State University College of Agriculture and Natural Resources Dean Jeff Armstrong;
- Meeting with Representative Julian to discuss his co-chairmanship of the Council of State Governments Agriculture Committee;
- Michigan Wine and Food Festival at Meadowbrook;
- News conferences regarding bovine tuberculosis testing of dairy herds;
- Meeting with commodity executives; and
- Meeting with the new Farm Service Agency Director David Conklin.

He also briefly discussed the following issues:

Hiring of New State Veterinarian: MDA has initiated the search and selection process by advertising nationally and forming a screening committee. The committee will be comprised of a producer from the industry, a practicing private veterinarian, and Dr. Lonnie King from MSU. The committee's goal is to have a new state veterinarian in place by mid September.

Budget: MDA will see a budget reduction in next year's grant programs. MDA will be able to handle the reductions with one exception, the Rural Development Council of Michigan (RDCM.) RDCM was not approved for funding and, as of October 1, 2001, will not be housed within MDA. Meetings have been held with the Council's Executive

Director to explore opportunities to transition RDCM to MSU or to a non-profit entity. No decisions have been made at this time.

A \$5 million grant was proposed for the new ethanol project and an interest-free loan to sugar beet growers interested in forming a co-operative. Both proposals are currently being considered by the Legislature. A federal bill has passed the House and will go to the Senate providing for a \$150 million appropriation for specialty crops. This is prorated by state depending on the value of the specialty crop produced. Michigan would receive \$3.2 million. The Farm Service Agency will be administering the funds and a discussion has been held about Michigan's priorities.

A meeting was held with Natural Resources Chair Keith Charters, State Bovine Tuberculosis Eradication Coordinator Bob Bender, and staff to discuss communications efforts with hunt clubs in the areas where there is a high incidence of bovine tuberculosis.

Legislative Report – July 2001

Director Wyant distributed and reviewed the July 2001 Legislative Report.

UPDATE ON BOVINE TUBERCULOSIS: Dr. Nancy Frank, Animal Industry Division

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

- A major accomplishment was the completion of Michigan dairy herd testing by the June 22, 2001 deadline. Two media events were held to announce that accomplishment.
- There currently are no additional herds detected with bovine tuberculosis.
- All infected herds, except for two dairy herds, have been depopulated and indemnification payments processed.
- All producer assistance payments are currently being processed.
- The current priority is to complete circle testing in the three potential high-risk areas.
- Staff has finished surveillance in the Mecosta County area. There are about 86 herds remaining to be tested, with 23 of those scheduled.
- Staff continues to do trace-out testing.
- During the month of June, 451 beef herds were tested, for a total of 4,334 beef animals.

Commissioner Viau said that producers continue to be concerned about other states not relaxing their restrictions on feeder calves, even if Michigan is granted split-state status.

Director Wyant stated that discussions about their restrictions would continue with those states if the split-state status is granted.

APPROVAL TO BEGIN THE PROCESS FOR REGULATION 823, AMERICAN PAINT HORSE BREEDERS' AWARDS AND STATE SUPPLEMENTS: Barbara Hensinger, Director, and Bill Woodman of the Fairs, Exhibitions and Racing Division

Barbara Hensinger, Director of the Fairs, Exhibitions and Racing Division, distributed and reviewed Regulation 823, *American Paint Horse Breeders' Awards and State Supplements*. The proposed regulation has been discussed with industry. Ms. Hensinger is recommending Commission approval to forward Regulation 823 to the Office of Regulatory Review.

MOTION: COMMISSIONER MAITLAND MOVED TO FORWARD REGULATION 823, AMERICAN PAINT HORSE BREEDERS' AWARDS AND STATE SUPPLEMENTS, TO THE OFFICE OF REGULATORY REVIEW. SECONDED. MOTION CARRIED UNANIMOUSLY.

Ron Williams, State Conservationist, USDA Natural Resources Conservation Service (NRCS) explained that NRCS partners with state, federal and private organizations. The agency has been involved in the meat program and is supportive of the program as it relates to livestock waste. It also continues to work with producers in the Comprehensive Nutrient Management Plan. He noted that it takes many people to get the job done. NRCS is currently involved in re-energizing the Michigan hay and grazing initiative by working with MDA, MSU, the Farm Service Agency, and the Michigan Hay and Grazing Council. He said that Michigan's grazing resource has not been used to the extent it could be from an economic and social standpoint.

PUBLIC COMMENT – Generally Accepted Agricultural and Management Practices

Lynn Henning of Clayton, Michigan distributed and reviewed materials concerning alleged illegal discharges to surface waters from Confined Animal Feed Operations in the Tiffin (Maumee) and River Raisin Watersheds. She alleges that this is occurring in six locations: New Flevo Farms, Hartland Farms, Bruinsma Farms, Stoutcrest Farms, Jelsma Farms, and Vanderhoff Haley Dairy. Ms. Henning believes that although Michigan claims a zero discharge policy, these six Hudson area dairy operations have discharged illegally. There are nine of these type facilities within the near vicinity. She said that the voluntary Right-to-Farm law does not work in this area.

Ms. Henning then referred to the *Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities* and suggested the following:

- Page 2, paragraph 3, "*future land development patterns.*" There should be a definition of "*future land development patterns.*"
- Page 3, paragraph 4, "*Minnesota Odor Estimator Model.*" People need to be aware of what the Minnesota Odor Estimator Model is and also be given an opportunity to review.
- Page 4, paragraph 3, "*livestock production facility and a residence is measured from the nearest point of the livestock production facility to the nearest point of the*

residence." Ms. Henning said that according to the "mega" farms' or large dairies' financial papers, everything listed is considered premises. The facility is part of the premises. There should be a better definition of "premises."

- Page 4, paragraph 6, *"pasture systems are excluded."* What is considered a "pasture" and for how many animals?
- There should be a stated distance from the water's edge. There is a new facility in Clayton that is within 200 feet of a ditch and is expanding from 200 to over 500 animals. They have laid a solid pipe from the edge of the manure pit to the ditch. Ms. Henning has discussed this with Gary Boersen of MDA because this facility's premises back up to the town of Clayton. Why aren't the people who live within a mile of the facility notified? Mr. Boersen said that MDA is not required to notify residents.
- Page 6, paragraph 2, *"there is potential risk for surface or groundwater pollution...the appropriate use of technologies and management practices can minimize these risks."* Michigan has a zero discharge policy so the word 'minimize' is an irrelevant term.
- Page 9, *Site Plan.* People need better definitions on distances from the rights of way, roads, and neighbors. At what distance should a public drain be from the lagoon? Five of the six locations are directly connected, or very near, to public drains.
- Page 10. How much land is sufficient for manure application?
- Page 11, paragraph 4, *"begin the site selection review and verification process prior to the construction."* Ms. Henning stated that construction of this new facility is underway. Will there be on-site approval from MDA? She has contacted MDA requesting copies of Comprehensive Nutrient Management Plans, but was told she could not get them. Those plans should be available to the public.
- Ms. Henning referred to the Michigan Farm Bureau Policy Handbook and to the policy she said states that members oppose efforts that would place presumption of liability upon farms for pollution of private or public water supply near agricultural operations. Many are concerned about the Commissioners of Agriculture being members of the Michigan Farm Bureau. The Commission members should include organic growers and others. Many believe this is unfair and a conflict of interest exists.

Commissioner Maitland asked if Ms. Henning attended the June 27, 2001 public meeting held by MDA to present these concerns.

Ms. Henning said she had attended and submitted a video, reports, etc., but had not submitted these specific questions. Today's questions and concerns are ones that she was asked by another person to bring to the meeting.

APPROVAL OF GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK OPERATIONS: Dr. Maynard Hogberg, Task Force Chair

Dr. Maynard Hogberg, Task Force Chair for the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control, distributed and reviewed the proposed GAAMPs that were initially presented in draft form to the Commission at its June 2001 meeting. Since that meeting, a public meeting was held on June 27. The GAAMPs before the Commission today include the changes resulting from task force review and the public meeting.

Director Wyant said it is important to note that some of the task force members have scientific backgrounds and other members represent local units of government. Director Wyant also added that the procedure to respond to a discharge is a legitimate concern, and those cases identified by Ms. Henning must be examined. However, it is important to recognize that a zero-discharge policy does not always guarantee that discharges will never occur.

Dr. Hogberg said that the GAAMPs would continue to be refined on an ongoing basis as they receive annual review. The GAAMPs have provided a set of needed directions and expectations.

Chair Tatter asked that the table of contents' page numbers be corrected.

Commissioner Maitland referred to page 4 of the GAAMPs and responded to Ms. Henning's concern about the need for a definition of "pasture systems." He noted that it does state that *"pasture systems are excluded,"* and provides a definition.

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK OPERATIONS AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

Chair Tatter thanked Dr. Hogberg and the committee members for their work on the GAAMPs.

REVIEW OF RIGHT-TO-FARM FILES: Wayne Whitman of the Environmental Stewardship Division

Wayne Whitman of the Environmental Stewardship Division reviewed a Right-to-Farm case in Grand Traverse County. The case involves a beef facility owned by William Clous, and includes approximately 150 head of beef cattle on five or six feed lots. A neighbor had contacted MDA in March of 2000 voicing concern about odors, flies and potential nutrient leaching to groundwater. Mr. Whitman noted that inspections revealed that feed lots were not being cleaned on a regular basis. MDA has been working with Mr. Clous to correct the situation, and Commissioner Maitland also met with Mr. Clous to discuss the problems. Mr. Clous did agree to develop and implement a plan by June 1, 2001. However, as of a June 18, 2001 inspection, many of the problems identified were not addressed as required.

Mr. Whitman is recommending that the Commission Chair send a letter to Mr. Clous informing him that because he has not met the necessary requirements, nuisance protection may not be afforded under the Michigan Right-to-Farm Act. A copy of the

letter also will be sent to the Michigan Department of Environmental Quality. Mr. Clous also will be advised that if the environmental and nuisance problems at his livestock facility are not addressed immediately, the case will be forwarded by the Commission to the Department of Environmental Quality.

MOTION: COMMISSIONER DARLING MOVED TO SEND A LETTER TO WILLIAM CLOUS OF KINGSLEY, MICHIGAN INFORMING HIM THAT THE RIGHT-TO-FARM CASE WOULD BE FORWARDED TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY IF THE NECESSARY REQUIREMENTS ARE NOT MET. SECONDED. MOTION CARRIED UNANIMOUSLY.

UPDATE ON PLUM POX VIRUS: Ken Rauscher, Director, and Gary King, Manager of the Pesticide and Plant Pest Management Division

Ken Rauscher, Director of the Pesticide and Plant Pest Management Division, explained that today's presentation is given as an update on Plum Pox Virus. The virus disease affects Michigan stone fruit; e.g., peaches, apricots, plums and nectarines. Michigan is one of 46 states participating in a national survey for this disease. This year, all samples thus far in the U.S. have been negative, except in Pennsylvania. Currently, USDA has a quarantine against Canada for shipping into the U.S. because of the infection that currently exists in Ontario. Canada has a quarantine against all U.S. states, except for the eight states that have virus-free certification programs. Michigan is one of those eight.

Gary King of the Pesticide and Plant Pest Management Division gave a Power Point presentation about Plum Pox Virus.

UPDATE ON MDA'S METHAMPHETAMINE OUTREACH EFFORTS: Gary King, Pesticide and Plant Pest Management Division; Inspector Dave Bush and Staff Sgt. Devin Hahn of the Michigan National Guard

Gary King of the Pesticide and Plant Pest Management Division introduced **Inspector Dave Bush** and **Staff Sgt. Devin Hahn of the Michigan National Guard**. Copies of the Michigan State Police booklet "*Methamphetamine Awareness Campaign*," and a Michigan Department of Community Health brochure were distributed.

Mr. King explained that MDA has been working with the Michigan State Police (MSP) on the Methamphetamine problem as it relates to agriculture. Methamphetamine (Meth) is a synthetic stimulant, and dealers produce the drug at labs set up in residences, including farms. Farms offer a secluded location and a source of anhydrous ammonia, an essential ingredient in producing the drug.

Sgt. Hahn explained that Meth is a highly addictive stimulant, synthetic drug. One of the most common methods used in production is the anhydrous ammonia method. Because the anhydrous ammonia is being stolen from farmers' fertilizer tanks, it is important that farmers report the thefts. Farmers have been urged to lock and move their tanks closer to residences, if possible.

Inspector Bush said that the Michigan State Police has a public awareness campaign underway. The campaign includes bumper stickers that can be placed on anhydrous ammonia tanks and public service announcements through Michigan Farm Radio. The MSP also has been working the Monsanto Corporation, the Michigan Agri-Business Association, the Michigan Corn Marketing Program, the Michigan Farm Bureau, and MDA on the public education efforts. MDA has contributed funds toward the campaign effort. There is a *Michigan Meth Hotline* to report this illegal activity. The toll-free number is: 1-866-METH-TIP.

UPDATE ON ISSUANCE OF DEER CONTROL PERMITS IN NORTHEAST MICHIGAN: Pete Squibb, Wildlife Management Section, Department of Natural Resources

Pete Squibb of the Department of Natural Resources Wildlife Management Section, distributed and reviewed information about the *“Status of Disease Control Permits in Northeast Michigan.”* Mr. Squibb explained that the disease control permits assist landowners within the bovine tuberculosis disease control area to remove deer on their property that may infect cattle in pastures and feed lots. It is also a tool to control the deer population in the area.

Mr. Squibb distributed and reviewed the *Preliminary Deer Management Unit Quotas and Non-TB Late Firearm Season Units*. He also distributed and reviewed the *“Michigan Antlerless Deer Hunting Guide”* for the application period July 1 through August 2, 2001, and the *“Michigan Wild Turkey Hunting Guide”* for the 2001 fall season.

Commissioner Maitland asked if all farmers who request a disease control permit receive one.

Mr. Squibb responded that there would be very few cases where farmers who requested a permit did not receive one.

Chair Tatter asked how last year's winter affected the deer population

Mr. Squibb responded that in the beginning winter months the weather was severe, but by mid-season the weather turned very mild. Random surveys showed that approximately 100,000 deer died in the Upper Peninsula from winter starvation. This is not a lot of deer in relationship to the total number in that area. Mr. Squibb stated that the DNR believes that the deer population this year will be huge. Landowners and hunters must work together to be good stewards of this resource and help to manage the deer herd.

DISCUSSION OF DEER DAMAGE ABATEMENT PROGRAMS: Lynnell Sage, Executive Secretary, and Bill Grabemeyer, President, Michigan State Horticultural Society

Bill Grabemeyer, President of the Michigan State Horticultural Society, read the following resolution regarding deer damage that was adopted at the 130th annual meeting of the Michigan State Horticultural Society on December 5, 2000:

Because of economic hardship caused by the deer damage to newly planted and young fruit trees and other agricultural crops, we support Michigan implementing

a program similar to the program in place in the state of Wisconsin to promote compensation for deer damage.

Mr. Grabemeyer referred to and discussed the Wisconsin Deer Damage Abatement Program. The program provides abatement and financial compensation for damage caused by white-tail deer, black bear, Canada goose and wild turkey to commercial seedlings, crops grown on agricultural land, crops harvested for sale or further use but have not been removed from the agricultural land, orchard trees or nursery stock, apiaries and livestock.

Chair Tatter suggested that Mr. Grabemeyer and Ms. Sage provide this information to the Natural Resources Commission.

Lynnell Sage said Representative David Mead would be introducing a bill for a Michigan deer damage abatement program, similar to Wisconsin's. Once that bill has been introduced, they will appear before the Natural Resources Commission to present support for the program.

Director Wyant inquired as to the cost of Wisconsin's program.

Mr. Pete Squibb of the Department of Natural Resources believes it is a fixed amount each year, with funds derived from hunting licenses.

PUBLIC COMMENT

Tonia Koppenaar of the Michigan Farm Bureau said that animal disease control continues to be an important issue, and Michigan cannot let down its guard. She applauded MDA's efforts to get all dairy herds tested for bovine tuberculosis by the June deadline. The Michigan Farm Bureau continues to promote any effort that would decrease the deer population in the core TB area.

Ms. Koppenaar said that the Michigan Agriculture Environmental Assurance Program is a very important program, and education is a key component.

ADJOURN

MOTION: COMMISSIONER DARLING MOVED TO ADJOURN THE MEETING AT 4:40 P.M. SECONDED. MOTION CARRIED UNANIMOUSLY.

ATTACHMENTS

The following documentation is on file in the Commission of Agriculture office and is available upon request by contacting Vicki Burke, Michigan Department of Agriculture, Post Office Box 30017, Lansing, Michigan 48909, or by calling (517) 373-1085.

- Attachment A Commission of Agriculture June 13-14, 2001 Meeting Minutes
- Attachment B Director's Report – July 2001
- Attachment C Legislative Report – July 2001
- Attachment D Regulation 823, American Paint Horse Breeders' Awards and State Supplements
- Attachment E Materials distributed by Lynn Henning concerning illegal discharges to surface waters from Confined Animal Feed Operations in the Tiffin (Maumee) and River Raisin Watersheds
- Attachment F Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Operations
- Attachment G Correspondence to William Clous of Kingsley, Michigan
- Attachment H Copies of Power Point presentation about Plum Pox Virus
- Attachment I *"Methamphetamine Awareness Campaign"* booklet
- Attachment J *"Status of Disease Control Permits in Northeast Michigan"*
- Attachment K *"Preliminary Deer Management Unit Quotas and Non-TB Late Firearm Season Units"*
- Attachment L *"Michigan Antlerless Deer Hunting Guide, July 1 through August 2, 2001"*
- Attachment M *"Michigan Wild Turkey Hunting Guide"*
- Attachment N Resolution regarding deer damage adopted at the 130th annual meeting of the Michigan State Horticultural Society, December 5, 2000

