

# **MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT**

**Southwest Michigan Research and Extension Center  
Jordan Tatter Conference Center  
1791 Hillandale Road  
Benton Harbor, Michigan**

## **MEETING MINUTES SEPTEMBER 18, 2013**

### **PRESENT:**

Bob Kennedy, Chairperson, Michigan Commission of Agriculture and Rural Development  
Diane Hanson, Vice Chairperson, Michigan Commission of Agriculture and Rural Development  
Trevor Meachum, Secretary, Michigan Commission of Agriculture and Rural Development  
Don Coe, Michigan Commission of Agriculture and Rural Development  
Fred Walcott, Michigan Commission of Agriculture and Rural Development  
Jamie Clover Adams, Director, Michigan Department of Agriculture and Rural Development

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

Chairperson Kennedy called the meeting of the Commission of Agriculture and Rural Development to order at 9:02 a.m. on September 18, 2013. Commissioner Meachum called the roll with Commissioners Coe, Hanson, Kennedy, Meachum, and Walcott, and Chief Deputy Director Wenk present. Director Clover Adams joined the meeting at 9:08 a.m.

### **APPROVAL OF AGENDA**

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE MEETING AGENDA FOR SEPTEMBER 18, 2013. SECONDED BY COMMISSIONER COE MOTION CARRIED.**

### **APPROVAL OF AUGUST 14, 2013, MEETING MINUTES**

**MOTION: COMMISSIONER COE MOVED TO APPROVE THE AUGUST 14, 2013, MEETING MINUTES. SECONDED BY COMMISSIONER HANSON MOTION CARRIED.**

### **NEXT SCHEDULED MEETING**

The next scheduled meeting will be held on November 6, 2013. Discussion ensued regarding the December meeting date and it was decided to move that meeting to Friday, December 13, due to conflicts with the Great Lakes Fruit, Vegetable, and Farm Market Expo.

### **COMMISSIONER COMMENTS AND TRAVEL**

**Commissioner Meachum** advised harvest for fruits and vegetables is progressing at warp speed. Labor is either good or poor, depending on the individual grower and their

history with employees, in particular, if they offer housing. Corn and soybeans are drying and growers are anticipating a rapid fall season.

**Commissioner Hanson** expressed appreciation to Commissioners for attending the Upper Peninsula (UP) State Fair last month, which enjoyed a record 80,000 in paid attendance. The price that 4-H youth received for their animals was very good.

She participated in the recent Potato Field Days, in which over 60 people from the potato industry and various vendors participated. Potato harvest is beginning; however, yields are not yet known. Many dairy farmers were fortunate to have gotten a second cutting of hay. Corn is drying down, rain is needed, and they are hoping for no frost.

**Commissioner Coe** attended the August 20 annual meeting of the Michigan State University (MSU) Northwest Michigan Horticultural Research Center, during which Dean Poston presented a review of the MSU Extension and Research Stations. On September 13, he attended an organizational meeting for Michigan micro distillers. Tree fruit crops are enjoying a bountiful harvest and farm markets and direct sales activities have been crowded all summer. The Traverse City area has enjoyed a great tourism season and visitors through the Pure Michigan campaign are coming from all over the U.S. and Europe, which is a good indication those promotion programs are working.

**Commissioner Kennedy** advised crops in central Michigan are two weeks behind maturity-wise, but have avoided any major frost issues. Because of the dry weather, corn harvest in the area is expected to be average and the soybean crop will most likely be down by one-third this year. The markets indicate a \$4.00 range for the corn markets, which should be supported with increased exports.

He attended a Michigan Farm Bureau county meeting recently, during which Maggie Datema from the Michigan Department of Environmental Quality (MDEQ) spoke regarding wetlands and addressed the existing confusion between requirements of MDEQ, the Natural Resources Conservation Service (NRCS), and the Environmental Protection Agency (EPA) on wetlands. Following the presentation, growers did have a better understanding of the requirements, and this type of education needs to continue to assist the growers.

Last weekend, he attended the Michigan Agri-Business Association Outlook Conference, which was well attended by trade associations across the U.S. On a national scale, the message was we need to continue to tell agriculture's story across the U.S., especially on the environmental side to explain how that has been elevated in the last 15-20 years. An update from the Chicago Board of Trade advised the new electronic trades by those who have nothing to do with agriculture are generating 100-200 trades per second, which is manipulating the markets. Their Commission is proposing to receive one sixth of a cent from each trade made through the Chicago Board of Trade for regulating those types of traders. It is felt this will keep the markets at a more liquid level and more supply-demand based.

In addition to travel previously mentioned, Commissioners Coe, Hanson, Kennedy, and Walcott traveled to attend today's meeting. There was no other travel submitted for approval.

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE COMMISSIONERS' TRAVEL. SECONDED BY COMMISSIONER WALCOTT. MOTION CARRIED.**

### **DIRECTOR'S REPORT**

Director Clover Adams spent almost two weeks in China this month, which was a very beneficial trip. They held various meetings with governmental officials in that country, which are important because of food safety issues involved in moving a food product into another country. Once relations are established with the government, the private sectors in the two countries can then work together to develop trade agreements. The Chinese have a new food safety law that created an equivalent of the U.S. Food and Drug Administration (FDA), as well as a standard-setting agency very similar to FDA's advisory committees. During the visit, meetings were held with the trade officers in Beijing and Shanghai to discuss market activities. Shoci Foods, a bakery ingredient company in China, reported a sharp increase in demand for bakery ingredients and dried fruits, which offers opportunities for Michigan producers. They visited the port in Shanghai, which is a free trade zone and unloads 14 million containers a year at that facility. An eight-mile bridge was built from the mainland to the island that has been converted into a massive port capable of unloading ocean-going ships and has a clear capacity for future growth. They plan to focus on food and wine, with customs located at the port. New regulations provide for inspection of a shipment when it arrives with a permit given each time a lot is to be moved, eliminating the need for multiple inspections. They are clearly creating an environment to be competitive and allow product to come into their country. The U.S. Soybean Council in Beijing estimates that by 2015, China will no longer have sufficient internal production capacity for edible soy, which should open the market for U.S. soy imports. There was speculation that corn may follow that same situation. The Governor also promoted tourism while in China through two large tourism programs held with tour operators, which were very well attended. Overall, the trip was a great opportunity to strengthen various relationships with China and increase Michigan's footprint in the global marketplace.

On Monday, the department hosted the Agriculture Trade Goodwill Mission from Taiwan in Lansing. The goal of the delegation was to learn more about Michigan soybean and corn production, along with agreeing upon a shared commitment to foster mutual understanding and trade relations between Michigan and Taiwan. Taiwan plans to purchase a significant amount of corn and soybeans from the U.S. and letters of intent were signed with the Michigan soybean and corn growers. Michigan has an advantage through the grain trade's ability to preserve identity at the elevator level.

The week prior to leaving for China, she traveled to North Carolina for a meeting with various other agriculture department directors to discuss states' role in implementing the Food Safety Modernization Act (FSMA). FDA clearly recognizes the states are needed as partners in order to obtain funding from Congress. The funding proposal developed recommends nearly \$60 million per year nationwide, which would be primarily for work

on the FSMA Producer Rule. Efforts toward FDA recognizing the Pasteurized Milk Ordinance (PMO) status in the dairy industry as equivalent to the Preventive Control Rule in FSMA is also being pursued. Commissioner Coe emphasized it is the uncertainty that weighs heavily on everyone in the agriculture industry.

Chief Deputy Director Wenk reported on the National Association of State Departments of Agriculture (NASDA) annual meeting that he attended on behalf of the Director while she was in China. All members clearly want the Farm Bill to either be passed or extended. NASDA is also pushing for immigration reform to provide certainty across the countryside. A change in NASDA policy regarding Country of Origin Labeling (COOL) to provide additional flexibility for the states is good for Michigan and will be a topic of discussion for the Director at the upcoming Tri-National Agriculture Accord meeting. The largest area of conversation involved FSMA. The drafted rules that have been provided at this point by FDA are very unpopular. NASDA recommended stalling the process through a continuing resolution that allow for a pause and a fresh start. The FDA clearly needs to gain a better appreciation of what is actually happening on the farm and what the states are able to accomplish in terms of related inspections. At the very least, NASDA would like to see the compiled comments before they are final. Funding for Specialty Crop Block grants for the Foreign Agriculture Service was also discussed, as well as being able to continue the Market Access Program (MAP) funding, which is used extensively by the Michigan Department of Agriculture and Rural Development (MDARD) in terms of assisting the capability of companies to market in foreign countries. Overall, it was a good meeting and beneficial exchange of ideas.

#### **DIRECTOR'S TRAVEL**

Director Clover Adams requested approval for travel to Saskatoon, Canada, to attend the Tri-National Agriculture Accord September 22-25, 2013.

**MOTION: COMMISSIONER COE MOVED APPROVAL OF THE DIRECTOR'S TRAVEL. SECONDED BY COMMISSIONER WALCOTT. MOTION CARRIED.**

#### **PUBLIC COMMENT (AGENDA ITEMS ONLY)**

There was no public comment relative to agenda items.

#### **MICHIGAN AGRICULTURE ENVIRONMENTAL ASSURANCE PROGRAM (MAEAP) STANDARDS PROPOSED REVISIONS: Scott Piggott, Chief Operating Officer, Michigan Farm Bureau; and Jim Johnson, Division Director, Environmental Stewardship Division**

Mr. Piggott advised they have been fortunate over the last two years to continue efforts on standards for the Michigan Agriculture Environmental Assurance Program (MAEAP) to maintain integrity of the program and move the program toward the goal of more farms being MAEAP verified. The MAEAP Advisory Council has also been working to additionally ensure the quality and quantity of conservation on the ground. A significant amount of time was spent to ensure the standards are protective of the environment, as well as achievable on behalf of farmers.

There are a considerable number of standards associated with MAEAP and its various systems. The Generally Accepted Agriculture Management Practices (GAAMPs) are used as the base for all of the standards and some reckoning has been made to bring

standards in accordance with the GAAMPs as applicable. There also were changes regarding wetlands and various clarifications on terminology.

The Advisory Council represents a great deal of expertise in the various systems and is very engaged in the review process throughout the year. He recommended moving forward with the MAEAP Standards as presented.

The Commission complimented the Council and the department staff for their excellent work on the standards, noting it is recognized that Michigan is above the curve on agriculture environmental standards in this country. Mr. Piggott advised the MAEAP accomplishment represents a nearly 20-year effort among the state's partners.

**MOTION: COMMISSIONER WALCOTT MOVED APPROVAL OF THE REVISIONS TO THE MICHIGAN AGRICULTURE ENVIRONMENTAL ASSURANCE PROGRAM STANDARDS AS PRESENTED. SECONDED BY COMMISSIONER HANSON. MOTION CARRIED.**

**SOUTHWEST MICHIGAN WATER RESOURCES COUNCIL AND STATE OF MICHIGAN WATER STRATEGY UPDATES: Ben Russell, Co-Chairperson, Southwest Michigan Water Resources Council, and Member, Water Use Advisory Council; and Jim Johnson, Director, Environmental Stewardship Division**

Mr. Johnson noted the Southwest Michigan Water Resources Council is one of the first groups having been organized to recognize water issues from a broad group of individuals. It presents an interesting opportunity to realize the challenges of different views about water and water uses within Michigan. It has been very instructive as we continue to move forward with water conflicts issues across the state.

Mr. Russell advised the primary agriculture industries in southwest Michigan are the seed corn business, which produces 30 percent of the seed corn in the U.S., and a variety of crops grown for processing. Irrigation is a critical primary ingredient to allow predictable results and produce a reliable and sustainable high-quality product. Currently, he is involved with three different water use groups.

In 2009, the Southwest Michigan Farmers for Responsible Water Use (Farmers Group) was formed out of fear of the Michigan Water Withdrawal Assessment Tool (MWWAT). They observed that the MWWAT tool would allow up to 4 percent of the land mass in St. Joseph County to be irrigated, while in 2009, 32 percent of that land mass was actually irrigated. Farmers had two main concerns: 1) at some point in time, there would be controversy over how much land should be available for irrigation; and 2) the method of dealing with that within the law was disconcerting. The purpose of the Farmers Group is to gather information and data that depicts the actual effect of irrigation on stream flow.

The Southwest Michigan Water Research Council (Council) was formed by Dan Wyant in 2011 and consists of approximately 22 stakeholder members, from farmers to industrial users and environmentalists. The Council's task is to analyze the effect of MWWAT in the southwest Michigan region and to reconcile the regional characteristics of farmland irrigation with the MWWAT tool. The major reasons for forming the Council

were concerns over the accuracy and effective use of the tool and the increased use of Site Specific Review (SSR) in the process of approving well registrations.

In response to question from Commissioner Walcott, Mr. Russell advised the Farmers Group felt they needed to substantiate why MWWAT was not accurate. Mr. Johnson advised the group additionally hired a hydrologist to better understand the water resources within the sub-watershed in St. Joseph County. The model developed demonstrates that large capacity withdrawals for the purpose of irrigation in St. Joseph County will not cause an Adverse Resource Impact (ARI).

Mr. Russell noted he is also involved with the Water Use Advisory Council (WUAC) that consists of four action committees. He participates in the Water Users Committee. The statute provides for the formation of committees when the use of large capacity wells has caused ARIs and those committees then determine a responsible course of action.

In response to inquiry from Commissioners Meachum and Kennedy, Mr. Russell predicted that in ten years, there would be no new large capacity water use permits if no changes are made to the present law. Because of the variant viewpoints and the technical complexities, discussion is difficult. It will, and in fact may have already adversely affected the seed corn industry in Michigan.

Commissioner Walcott asked about the tool specifically. Mr. Johnson advised the challenge for those who developed the MWWAT assessment tool was the lack of reliable information needed to build a tool that reflects what occurs across the entire state. It is an expensive process to build the predictive models required. What is happening in St. Joseph County will provide information to better understand what needs to happen in other areas of the state to better understand the resources and the potential impacts of the use of those resources. The Farmers Group will be making a presentation to the state-wide Water Use Advisory Council to identify what specific data is needed to develop a plan for other areas that are water challenged.

The Director noted Mr. Russell's work emphasizes the fact that one tool for the entire state does not work well. It is in agriculture's best interest to ensure funds are available to collect the necessary data and ultimately give new or expanding businesses confidence that Michigan's water supply will be adequate.

Next, Mr. Johnson reported on development of the Michigan Water Strategy. The Office of the Great Lakes (OGL) is leading this effort and the impetus behind its creation was the Governor's message last November asking for a broad-based effort that addresses water resources and their uses within the state. The overall objective is development of a comprehensive and integrated water strategy for the entire State of Michigan.

He reviewed the original four goals and outcomes created by staff from OGL, MDEQ, MDARD, the Michigan Department of Natural Resources (MDNR), and the Michigan Economic Development Corporation (MEDC) through an advisory group called the Water Cabinet. The purpose of the goals document was to provide a sense of context to the stakeholders' engagement process that is currently in progress. A series of roundtable discussions are being conducted in various regions of the state, the first one

having been yesterday in Marquette. Feedback to the goals and outcomes will be sought through the roundtable sessions to ensure the entire scope and breadth of the issues is captured and to identify the contextual discussions needed to provide the specific objectives required in order to reach the goals. A final draft of the strategy will be presented to the Governor by early next spring and will be interconnected to the already completed State of Michigan Land Strategy.

Commissioner Coe emphasized that agriculture should be strongly and firmly included and more specifically identified than merely within the term "economies." Mr. Johnson advised one of the challenges is inclusion of all aspects and the encompassing categories were used in consideration of conciseness of the document. Commissioner Meachum agreed they need to balance the line between every user being identified specifically and having a clear, succinct document.

As the additional dates and locations of the outreach sessions are established, Ms. Ayers will provide the Commission with that information.

### **RECESS AND RECONVENE**

Chairperson Kennedy recessed the meeting at 10:50 a.m. for a brief break. He reconvened the meeting at 11:05 a.m.

### **MICHIGAN AGRICULTURE BUSINESS RESOURCES PACKET: Linda Jones, Grape and Wine Program Manager, Agriculture Development Office**

Ms. Jones advised the Agriculture Development Office has developed collaborative material focusing on economic development that can be shared with individuals or companies interested in Michigan marketing aspects. The resource materials are available on the department's website, as well as a hard copy packet. The core element is the Marketing Guide which was developed with Specialty Crop Block Grant dollars to provide resources to assist small starting businesses with information on all aspects of a business, from licensing and regulations to marketing. The Marketing Guide is available in hard copy, DVD format, and on the website.

In response to question from Commissioner Coe, Ms. Jones confirmed that many phone numbers will need to be updated in the materials due to the department's new telephone system. It was noted the main department numbers were unchanged and staff answering those numbers will refer callers to the new individual staff numbers.

Also in the packet is a copy of the regions established for the Agriculture Development Specialists across the state, as well as basic information on financial assistance. The department is providing copies of this information to its field staff inspectors so they can provide additional assistance to their customers. She demonstrated the various resources available on the website, which include links to various supplementary resources.

All of the information is available under the URL [www.michigan.gov/MIAgBusiness](http://www.michigan.gov/MIAgBusiness). This is a very cost effective means for the department to distribute the resources information, for which the packets will be available as a tangible reference.

In June 2013, Jennifer Buckley, a PhD candidate at MSU, released results of her project on interactions between MDARD, food and dairy inspectors, and small processors. Not surprisingly, MDARD food and dairy inspectors were found to take an assistance approach, helping processors improve their operations. This is why the Ag Development Office is trying to push out to MDARD inspectors and other field staff all of the tools available to help people through developing a network approach. Ms. Jones offered that anytime Commissioners would like copies of the packet, to just let her know.

The Director pointed out that the Ag Development Specialist regional structure aligns with the Governor's new Regional Prosperity Initiative.

**SUPPORT FOR AGRICULTURE AND CULINARY TOURISM BY THE STATE OF MICHIGAN AND PARTNERS: Linda Jones, Grape and Wine Program Manager, Agriculture Development Office**

Ms. Jones noted that Michigan's scenic beauty is well known, but traveling around the state can also be a culinary adventure. With Michigan second only to California in the diversity of agricultural crops grown in the United States, the opportunities for a taste of Pure Michigan is abound.

There are numerous resources available to help promote agriculture and culinary tourism in Michigan. One is the U-Pick Directory that originated with the department; and, due to budget constraints in the early 2000s, needed to be transferred to the industry. As a result, the Michigan Agri-Tourism Association was formed and the department serves as advisors to that group. The *U-Pick*, or *Michigan Agri-Tourism Directory* is promoted on MDARD's website and available at [www.michiganfarmfun.com](http://www.michiganfarmfun.com). Hard copies can be obtained from any Farm Bureau office across the state.

Ms. Jones demonstrated the numerous websites featuring agriculture and culinary tourism in the state. Michigan wines offer a unique and popular agri-tourism aspect. The newly redesigned website for the Michigan Grape and Wine Industry Council recently received an award in a website competition for travel websites. The robust website can be found at [www.michiganwines.com](http://www.michiganwines.com) and contains various tools to help travelers plan their visit. Traffic is being driven to this site in part with a partnership with the Pure Michigan program.

MEDC has primary responsibility for tourism under Travel Michigan and their Pure Michigan website at [www.michigan.org/](http://www.michigan.org/) offers a wide range of special events around each season. MDARD helped to develop destinations on the "Foodie Tours," which are listed at [www.michigan.org/foodie-tours](http://www.michigan.org/foodie-tours). For those who love to catch and eat fish, there is the popular "Catch and Cook" program, where one can enjoy a fishing excursion on a participating charter boat, then take their own catch of the day to a local restaurant where it will be prepared to their preference. The "Catch and Cook" program has received great response from international visitors and details on that program can be found at [www.micatchandcook.com](http://www.micatchandcook.com). The Director advised the Governor encouraged developing a "Catch and Cook" program on the Detroit River or Lake St. Claire to offer the experience to business visitors coming into the Detroit area, which would be an excellent means of connecting them to the natural resources Michigan has to offer.

The Tourism Strategic Plan is currently being implemented. Commissioner Coe served on the steering committee that developed the plan and she currently participates on one of the implementation committees. The cooperative plan centers on the traditionally non-collaborative auxiliary aspects of the industry.

Commissioner Coe asked about the status of legislation that would provide liability protection to the farmer for visitors coming to that farm. Ms. Jones noted the Michigan Agri-Tourism Association has been working on that legislation and Mr. Bajema advised improvements to the proposals are being developed.

Ms. Jones advised she received a U.S. Department of Agriculture (USDA) Specialty Crop Block Grant a few years ago to create a culinary tourism network in Michigan to connect restaurants serving local foods, the MDNR "Catch and Cook" and "Gourmet Gone Wild" promotions, and all other involved parties in order to communicate and share best practices. The Michigan Culinary Tourism Alliance was formed to achieve that effort, which now has 156 members and a Linked-In group as their internal communication channel. A work group was formed to plan two activities for this fall and winter around culinary tourism. One is a PR campaign, which became the "Flavors of Pure Michigan" and is an example of what could be done each September. The second phase is to hold regional meetings across the state and identify regional champions willing to form grass roots groups to keep the effort moving. The first regional meeting will be held October 5 at Greenfield Village and their Food and Beverage Manager will be championing the Wayne, Macomb, and Oakland regional hub. She displayed several websites demonstrating examples of various culinary tourism opportunities in Michigan, noting there is great potential for connections with the developing regional food systems. All of the great flavors we have to offer in Michigan also connect well with the Governor's placemaking initiatives.

#### **LEGISLATIVE UPDATE: Derek Bajema, Legislative Liaison**

Mr. Bajema reported the Legislature has been in session for only a week since summer break. House Bill 4132 addresses the department's ability to appoint Conservation District directors when membership falls below a quorum. This bill should be signed by the Governor soon.

Senate Bill 26 is a bill the department has been working on for quite some time dealing with invasive and prohibited species, specifically to include the requirement of consultation with the Michigan Invasive Plant Council. This bill should be introduced in the near future.

Senate Bill 354 is one of the many cats and dogs bills introduced and this one would limit euthanization techniques. The bill is expected to be reported out of the Senate this week. This would give flexibility in those rare cases when the injection chemical is not available to allow the use of gas under the supervision of a licensed veterinarian.

In June, there was budget discussion regarding the dwindling funds for administration of the Farmland Preservation Program (FLP). On October 1, personnel will be shifted from that program to the Private Forestry Program which officially begins on that date. This will ultimately result in parties not receiving tax-related FLP documents as quickly as

they had been accustomed to thanks to Rich Harlow's dedication to that program, which places him in a frustrating position. The department is encouraged by discussions, in particular with Michigan Farm Bureau, in finding some type of restricted revenue formula that could bring FLP back to where it needs to be.

### **COMMISSIONER ISSUES**

Commissioner Coe extended an invitation to the Commission to hold its December 13 meeting in Leelanau County, potentially at the MSU Horticulture Research and Extension Center. He would be delighted to host the Commission the evening prior for dinner and overnight at Black Star Farms.

### **PUBLIC COMMENT**

**Robert Harrison, President of Lake Michigan College**, advised the college is very interested in agriculture, including the wine tourism industry. The college has a great relationship with MSU and the Extension Center in Benton Harbor, with whom they have been working on ideas that will present a great opportunity for not only southwest Michigan, but the rest of the state as well. The college houses a conference center that locally sources vegetables for meals served there. Their interest in agriculture also extends to relationships with their local school districts.

**Greta Hurst, Baroda, Michigan**, advised she represents the publication, *Support Local Agriculture, Berrien County*. She is part of the grass roots effort to tell Michigan's story, representing 25 different farmers through her brochure, with a distribution of 7,000. Listings in the brochure are only \$35 per year, which offers an economical way for farmers to promote. We do need to continue to tell our story and continue to educate our farmers, our children, and our businesses. Baroda is the heart of wine county in southwest Michigan with twelve wineries, three breweries, and one distillery, which is bringing tourism to their area, toward which all of the partners are passionately working.

**Deanna Gualtierie, Allendale, Michigan**, addressed the Michigan Right to Farm (RTF) Act, noting it is her understanding that RTF protects farmers from nuisance complaints and the Site Selection GAAMP speaks directly to where you are allowed to farm – "if zoned agricultural." She lives in a small subdivision in Allendale which allows residents to raise up to four chickens and she feels they should have RTF protection. She and her husband purchased 59.4 acres in Baldwin, Michigan, that does not allow for farm animals. The Township Board advised they will not change that property's zoning from residential to agricultural. Because they just received a Violation of Ordinance Notice for having 25 chickens on their 59 wooded acres, they will be going to court to attempt to defend their right to have those 25 chickens. They are MAEAP verified, proving they are environmentally friendly, sell their eggs (making them commercial in nature), and own chickens which makes them a farming operation. She asked the Commission for assistance and support in this situation, a situation that is growing for many others in the state. That help could potentially come through legislation or favorable amendments to the Site Selection GAAMP. In response to question from the Director, Ms. Gualtierie advised she receives only generalized newsletters in response to her inquiries and messages to members of the State Legislature. Commissioner Meachum noted that most townships do not want to randomly "spot zone" or change zoning because that change affects each of the neighbors to that area. However, there often are Special Use

Permits available that could be applied for in situations of this type and normally a much easier road to travel; and if denied, can be appealed.

**Wendy Banka, Michigan Small Farm Council**, advised she now understands where the divide exists between her understanding of RTF and the department's. Quoting the June 12 Commission meeting minutes where the Director stated, "Different opinions may exist; however, RTF is not a right to do whatever is wanted in the name of farming – it is a presumption that you are not a nuisance – there is a technical difference. Until the advice from the Attorney General's Office is overturned by the courts, it is the law of the land, and the department will follow that law and the counsel of its attorneys." Ms. Banka stated she has Freedom of Information Act (FOIA) documents relative to the 2009, 2011, and 2012 opinions from the Office of the Attorney General. She included those documents in a packet presented to the Commission and requested they become part of this meeting's public record. She now understands that the 2006 opinion by the assistant to Attorney General Cox, that states people in urban areas are not protected by RTF, is the opinion on which the department is basing their policy. In 2011, Attorney General Bill Schuette issued an opinion that basically relied on the 2006 opinion. Therefore, she believes MDARD feels small farmers such as herself are not covered by RTF because of an informal Attorney General opinion. She believes they are covered because of what is stated in the RTF Act and the GAAMPs.

Also, immediately after the June Commission meeting, she sent an email to the Director and Commission to clarify the level of her knowledge and how she interpreted the Attorney General opinions. A copy is also included in her packet today and it explains what she believes is wrong with the 2006 opinion. She read from that email, quoting the 2006 Attorney General letter, "Your fifth question is whether the Department of Agriculture can limit its Site Selection GAAMP to a certain number of animal units and, if so, whether a local government can enforce its zoning ordinance when the use involves fewer than that number." As people on her side have argued for years, the Site Selection GAAMP does not apply to them because they do not have 50 animal units. She noted the last sentence in that same letter says, "The Department has recently expanded the Site Selection GAAMP to operations with any number of animal units." At that time, MDARD claimed they had already changed the Site Selection GAAMP; however, that never happened and that exact change is again being considered this year. Therefore, the Attorney General said if the Site Selection GAAMP applies to one animal, then clearly no one in an urban area is covered by RTF, because they are a Category III and cannot meet RTF criteria by definition. In her view, the decision made by the Attorney General was based on false information and should not be a respected opinion. She understands that if that remains the opinion of the department, then it must follow the rule of the law as defined by the Attorney General. However, she believes there is reason to doubt the 2006 opinion.

The last document she shared was a copy of the letter written to the Commission by Dr. Wendy Powers, Chair of the Site Selection GAAMP Review Committee. In that letter, Dr. Powers states it is her understanding that the current Site Selection GAAMP does not apply to anyone with fewer than 50 animal units. Ms. Banka argued that Dr. Powers' position is the same as the position of the small farmers group. There have been

several court cases in the last 12 months dealing with this issue. If this question were answered, many of those small farmers would have been found innocent.

If Dr. Powers' letter is indicative of what will be proposed in the 2014 GAAMPs, then the Commission will be considering whether or not to actually do what they were supposed to have done in 2006. Again, she encouraged the Commission to not take that action. She believes that action would restrict people such as her from the ability to be RTF protected under any circumstances. She asserted since 1999, everyone who meets RTF criteria is protected against multiple regulations, and that is the RTF protection for which they are fighting.

**Randy Zeilinger, Garden City, Michigan**, addressed zoning issues, noting that in perhaps the sale of a property, it is arbitrarily rezoned residential. This happens sometimes without either the buyer or seller being aware. Judges have refused to consider that action because of the cost implications involved for the city. Changing that practice may require legislative action; however, he has had no success in addressing the issue with his elected officials. He advised that special use permits are not considered in his area, because of the perception of affecting property values. Much confusion exists regarding zoning and who can have what on their property; yet, there are tools available to determine potential effects of a small farm operation on the environment. Unless the law is discriminatory as written, it should apply to all farm operations; and many do believe that RTF does apply to all equally and the local governments cannot supersede the state law. He was found to be wrong in his recent court case, and he plans to appeal that judgment as far as possible through the court system. He asked the Commission and the department to carefully consider the situation, eliminate the gray area that has trapped so many, and act in a way that supports the small farming operations, as well as the large agriculture facilities.

## **INTRODUCTION**

Commissioner Meachum introduced the host for today's meeting, Tom Zabadal, Coordinator for the Southwest Michigan Research and Extension Center. Without his dedication and effort through the current lean budget situation, the Center would not be nearly as successful as it is today. Mr. Zabadal welcomed the Commission, noting the Center has been used for nearly 25 years to support Michigan agriculture and he hopes that will continue for many years to come.

## **ADJOURN**

**MOTION: COMMISSIONER WALCOTT MOVED TO ADJOURN THE MEETING. COMMISSIONER MEACHUM SECONDED. MOTION CARRIED.**

The meeting was adjourned at 12:22 p.m.

### Attachments:

- A) *Agenda*
- B) *Agriculture and Rural Development Commission Meeting Minutes August 14, 2013*
- C) *Director Jamie Clover Adams – Issues of Interest Report*
- D) *Michigan Agriculture Environmental Assurance Program Standards Proposed Revisions*

- E) *Draft Water Strategy Proposed Goals and Outcomes*
- F) *Michigan Food and Agriculture Business Resources Packet*
- G) *Michigan Culinary Tourism: Celebrating the Flavors of Pure Michigan Press Release*
- H) *Agriculture Tourism Website Information*
- I) *Legislative Status – September 2013*
- J) *Public Comment Documents from Wendy Banka*