

# MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

GreenStone Farm Credit Services  
Corporate Offices, Training Room  
3515 West Road  
East Lansing, MI 48823

## MEETING MINUTES MARCH 20, 2014

### **PRESENT:**

Diane Hanson, Chairperson, Michigan Commission of Agriculture and Rural Development  
Trever Meachum, Vice Chair, Michigan Commission of Agriculture and Rural Development  
Fred Walcott, Secretary, Michigan Commission of Agriculture and Rural Development  
Bob Kennedy, Past Chair, Michigan Commission of Agriculture and Rural Development  
Dru Montri, Member, 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 Hanson called the meeting of the Commission of Agriculture and Rural Development to order at 9:03 a.m. on March 20, 2014. Commissioner Walcott called the roll with Commissioners Hanson, Kennedy, Meachum, Walcott, and Montri, and Director Clover Adams present.

### **FARM BILL UPDATE: SENATOR DEBBIE STABENOW**

Senator Debbie Stabenow recognized the Commissioners and the Director for their work in overseeing all of the important agricultural programs in Michigan. Whenever speaking of Michigan's agriculture, she notes the state is second only to California in diversity of crops and almost one of four people in Michigan is in some way connected to the agriculture industry.

She shared highlights of the recently enacted Farm Bill, noting her staff is anxious to work with the Michigan Department of Agriculture and Rural Development (MDARD) and its Commissioners on implementation. She introduced her Director for the Agriculture Committee, Chris Adamo, who will be available to answer questions after she departs today.

The new Farm Bill presents a number of opportunities in Michigan and every part of agriculture is recognized, both large and small, as well as the varying types. Crop insurance has been strengthened, not only for traditional commodities, but new opportunities are created for fruit and vegetable growers, including organic growers and whole farm policies for small farms.

Dollars have been saved by eliminating direct payments and moving more toward risk management. The two options available in the Commodities Title are the Price Loss Coverage Program and the Agricultural Risk Coverage Program. Information will be distributed to ensure farmers have adequate information before making their choice.

The elimination of direct payments represents a 30 percent spending decrease in the Commodities Title and a 55 percent increase in smaller amounts of money available for specialty crops, organics, and other areas that had not traditionally been recognized. Permanent funding for research for the Specialty Crop Block Grants is increased and provides a more solid footing for the future. In addition, disaster assistance for those not previously having access to crop insurance is retroactive to 2012, which applies to the cherry growers in Michigan.

The Conservation Title offers an exciting opportunity for Michigan because it entails a partnering approach. Matching funds contain more flexibility to partner in accomplishing conservation programs good for the farmers and the state as a whole. The prior 23 programs were consolidated into 13 functions in four flexibility areas that encompass all potential capacities for conservation. The new Regional Conservation Partnership Program will leverage a significant amount of taxpayer dollars while placing emphasis on locally led conservation. The Secretary of Agriculture will designate eight critical areas across the country for these regional partnerships and the Great Lakes is anticipated to be designated as one of those regions. This will bring a different level of permanent, ongoing funding to those critical regions to address specific local issues. The application process will begin this spring and her staff will be available to assist with the procedure. This is a great opportunity to expand on what is already being done across the state.

Two new programs replace existing dairy programs, which is based on insurance and better recognizes this unique commodity. Funding for rural economic development was strengthened to help rebuild rural communities and invest in the future. A Research Foundation was developed, including a public/private foundation to consider long-term agriculture research in a more comprehensive way. The robust Energy Title includes financing for bioenergy and waste energy projects and has been expanded to include bio-based manufacturing. Support for young and beginning farmers has been expanded, including discounts on crop insurance. Support for veterans is an integral part of that program and an Office for Veterans Assistance has been created. There also is new emphasis on local food hubs and farmers markets.

In response to question from the Director, Senator Stabenow advised her letter on Porcine Epidemic Diarrhea (PED) was intended to bring that topic to the attention of the Secretary of Agriculture as a first step in the process of addressing the fact the disease has recently been identified in several herds in multiple states across the U.S.

Commissioner Kennedy noted the Farm Bill has moved to a risk management approach and asked if support for that is strong enough to continue for the long-term. Senator Stabenow advised she feels this is a fundamental change that will endure for the future, in particular because crop insurance was the number one issue expressed by farmers.

She thanked the Commission for the opportunity to speak today. She and her staff look forward to working with MDARD and the Commission as the Farm Bill is implemented and will be available for technical assistance. They are seeing more opportunities for awareness, jobs, and economic development in the agriculture industry, which plays well for Michigan's future.

## APPROVAL OF AGENDA

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE MEETING AGENDA FOR MARCH 20, 2014. SECONDED BY COMMISSIONER KENNEDY. MOTION CARRIED.**

## APPROVAL OF FEBRUARY 12, 2014, MEETING MINUTES

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE FEBRUARY 12, 2014, MEETING MINUTES. SECONDED BY COMMISSIONER KENNEDY MOTION CARRIED.**

## NEXT SCHEDULED MEETING AND REVISED PROPOSED 2014 MEETING SCHEDULE

The Commission determined that Wednesday, May 28 would be the preferred date for their May meeting. That meeting will be held in the Lansing area.

**MOTION: COMMISSIONER WALCOTT MOVED TO APPROVE THE REVISED PROPOSED 2014 MEETING SCHEDULE. SECONDED BY COMMISSIONER MONTRI. MOTION CARRIED.**

## INTRODUCTION

Commissioner Hanson recognized State Representative Phil Potvin, who advised he is attending the meeting today to observe. He has been working very closely with the Director on developing the 2015 Fiscal Year budget around the Governor's recommendations.

## COMMISSIONER COMMENTS AND TRAVEL

**Commissioner Walcott** advised his only travel was to attend today's meeting. Everyone in his area is excited about the snow beginning to leave the landscape after a very long winter and looking forward to a productive year on the west side of the state. Yesterday was Ag Day at the Capitol and he expressed appreciation to all of the legislators who participated – it was a phenomenal turnout and there were numerous positive comments about the event.

**Commissioner Kennedy** advised he traveled to attend today's meeting. Snow is beginning to slowly leave the Saginaw Valley area, which is bringing very good soil moisture content. Once the weather warms, farming activities will commence.

**Commissioner Meachum** advised his only travel was for today's meeting. He had an opportunity to share his story and details about Michigan's agriculture industry as the guest speaker for the St. Joseph/Benton Harbor Rotary Club Agriculture Day on March 3. After an hour of agriculture related questions, he realized how little they knew and how enthusiastic they were about agriculture. Yesterday, he attended the Michigan Agricultural Cooperative Marketing Association (MACMA) annual Apple Division meeting in Grand Rapids, during which Congressman Fred Upton spoke about the issues and ramifications of immigration as related to farmers across the nation. Commissioner Meachum traveled to British Columbia for the International Fruit Tree Association

meeting. He wished everyone a happy first day of spring and noted producers in his area are looking forward to the first day of planting.

**Commissioner Montri** advised her only Commission-related travel was for today's meeting. She attended the annual Michigan Meat Association convention, which enjoyed an excellent turnout. She also participated in the annual Michigan Farmers Market Association conference. Currently, they are transitioning from professional development into the market season, which makes for a happy first day of spring.

**Commissioner Hanson** advised her only travel was for today's meeting. February 26-28, she met with MDARD's Mike DiBernardo and Donna LaCourt regarding economic development in the Upper Peninsula (UP). She attended the U.S. Potato Board meeting on March 11-14, during which many of the same issues were expressed across the country, one being that people are interested to know where their food is originating. In the UP area, producers are concerned that MDARD's Dr. Mike Brunner is retiring in April because that position is critical to UP producers. The UP is still getting snow, with eight inches just yesterday, and it will be a good month before spring arrives.

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

#### **DIRECTOR'S REPORT**

Director Clover Adams traveled to Chicago at the end of February to join her colleague from Oregon and National Association of State Departments of Agriculture (NASDA) staff to meet with the Food and Drug Administration (FDA) regarding the Food Safety Modernization Act (FSMA). Considerable challenges lie ahead with implementation of FSMA because FDA does not seem to understand the implications. MDARD has a good working relationship with the FDA District Office in Detroit, but there is considerable concern about what will happen when the Produce Rule becomes effective and FDA begins visiting farms to enforce that rule. They have been working with FDA toward partnerships and education; however, that is not FDA's mindset. She continually attempts to share with them that FSMA is a new way of looking at food safety and means we need a new way of working with people to enforce the law. There are discussions within the department about ways to help the industry cope with what is coming and how best to accomplish that. An overall strategy should be developed by the end of this year.

Regional meetings she is conducting with staff this year are more positive than a year ago. However, staff still feel very pressed and lacking in capacity to accomplish the job they would like to for their customers. The department will continue to address those areas affecting staff.

Next week, MDARD will host the first ever Pure Michigan Agriculture Business Connect Summit, which is a business-to-business event. The department is very excited, as there are 15 buyers and 184 suppliers interested in selling to those businesses. MEDC has conducted this type of event with other segments of our economy, but normally it involves only one-two buyers; even so, the success of those events has increased the

business of Michigan buyers purchasing from Michigan suppliers by \$1.7 billion. This event will be beneficial to both the agricultural and overall economies. Also, because buyers indicated their needs when registering, MDARD will be able to continue using that information to match buyers and sellers in the future.

The preliminary 2012 Agriculture Census data received from the National Agriculture Statistics Services Great Lakes Regional Field Office only reflects the primary operators and that initial data can be influenced by what person actually completes the survey form. Once the complete data is captured, more accurate statistics regarding farm operators will be available.

The Administration will be submitting comments to the Coast Guard about barges on the Great Lakes. There are concerns relative to Asian Carp and effects of technology.

The Governor's Economic Summit was held in Grand Rapids earlier this week. The Governor was on point speaking about workforce development in agriculture. Overall it was an excellent event that emphasized the enthusiasm in Michigan. In responding to a question, a speaker from the University of Michigan stated future trends will focus on green, because viability of the current model is not sustainable. He also noted the millennial generation is different from their elders, and in fact, their values are the exact opposite – this is a fact we need to consider in food production.

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

Director Clover Adams requested approval for travel in May to attend the National Restaurant Association Show being held in Chicago, Illinois.

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

#### **MICHIGAN APPLE COMMITTEE (MAC) – REDISTRICT OF BOARD MEMBER AREAS: Gary Bartley, Board Member, Michigan Apple Committee; and Jeff Haarer, Producer Security and Agricultural Products Unit**

Mr. Haarer advised that in accordance with the Agricultural Commodity Marketing Act, Section 7(4), the Michigan Apple Committee (MAC) is requesting a reapportionment of districts from seven to five and to increase the number of board representatives in District Three from one to three. The other four districts would continue to have one representative and the total number of representatives would remain the same.

On behalf of the MAC board, Mr. Haarer requested approval by the Commission for the proposed district reapportionment and introduced Mr. Gary Bartley, Board Member of MAC, who could answer any questions.

As Research Chair for MAC, Commissioner Meachum advised they fully support this request. The annual production in District Three clearly indicates those growers should be better represented.

**MOTION: COMMISSIONER MEACHUM MOVED APPROVAL OF THE MICHIGAN APPLE COMMITTEE'S REQUEST FOR DISTRICT REAPPORTIONMENT AS PRESENTED. SECONDED BY COMMISSIONER KENNEDY. MOTION CARRIED.**

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

Commissioner Hanson thanked everyone for participating in today's meeting and noted public input is important to the Commission and it is one of the many factors they take into consideration as they make their decisions.

Review of the Generally Accepted Agricultural and Management Practices (GAAMPs) is something the Commission does every year. And although not required, they asked the department to hold a public input meeting. Those comments do matter and the Commission reviews all comments received in writing, as well as the full transcript of the comments given during the public input meeting. In addition, this year all public comments and the full transcript have been posted on the MDARD webpage.

Today, the Commission will be taking a vote on the 2014 proposed GAAMPs and is accepting public comments, just as it does at every Commission meeting. To be fair to all members of the public wishing to speak today, each person will be held close to the three-minute limit during the public comment period. She noted the Commission also accepts written comments during their meetings and if there are individuals who would prefer to offer comments in writing rather than standing up to speak, the Commission will accept those at this time and they will be made part of the official meeting record.

**Doug Merriam, Michigan Association of Realtors**, submitted a letter on behalf of the Association in support of the creation of the primarily residential Category Four Site and a new definition of Livestock Facility that encompasses any number of animals, noting the draft Site Selection GAAMP appropriately clarifies that a local governing authority has the right to authorize possession and raising of livestock in primarily residential areas. The Association hopes these changes will help prevent livestock nuisance complaints and promote friendly neighbor relations.

**Val Vail-Shirley**, Executive Director, **Michigan Allied Poultry Industries, Inc.**, submitted a letter on behalf of her organization in support of the proposed changes to the Site Selection and Odor Control for New and Expanding Livestock Production Facilities GAAMP. She thanked the Commission for their time and efforts in addressing the broad range of issues before them.

**Fred Kaluza, Warren**, submitted a comment letter and advised he came to Lansing to defend his right to produce his own food on his own land, noting one of the key concepts in America is personal choice and making your own food was a basic tenet of early American life. He feels a Right to Farm Act with a Site Selection GAAMP as proposed is no longer a functioning Right to Farm Act.

**Deborah Heiser, Portage**, referred to what Senator Stabenow said earlier, "buying local, growing local, supporting Michigan farms." She noted from the MDARD website, that the Commission has responsibility to recommend policy on food, agriculture, and

rural development issues; but is not charged with protecting an urban way of life. She believes the proposed changes to the Site Selection GAAMP will leave the state vulnerable to challenges in a court of law and are in direct conflict with protecting the rural lifestyle. She feels the GAAMP appears to have been hastily revised without adequate clarification.

The most recent changes to the Site Selection GAAMP appear to take into account that small farms with less than 50 animal units are not a danger by differentiating between livestock facilities and livestock production facilities. The tables for Categories I and II now have footnotes specifically exempting small farms with fewer than 50 animal units. The problem is that small farms in Categories III and IV do not have that same protection. Even though a local government has zoned an area for farming, it may or may not be suitable for livestock with less than 50 animal units, and she questioned how that is determined on any given day and where the science is in those decisions.

She encouraged the Commissioners to not vote for something that is not clearly understood or entirely accurate and asked them not to approve the proposed changes to the Site Selection GAAMP.

**David Hunter, Mattawan**, continued from where Ms. Heiser was speaking. He noted the draft Site Selection GAAMP notes that Category IV sites are locations primarily residential, do not allow agricultural uses by right, and are not acceptable under the Site Selection GAAMP for livestock facilities or livestock production facilities regardless of the number of animal units. However, possession and raising of animals may be authorized in such areas pursuant to a local ordinance designed for that purpose. He noted this seems contrary to the RTF Act as amended to prevent local governments from having power to make those decisions. Zoning is not a standardized process in Michigan and rules vary from one township to another. He reviewed several examples.

With wording of the proposed Site Selection GAAMP, only people in areas specifically allowed to have farm animals are allowed to raise those animals, even if in a rural area. The proposed GAAMP would not provide RTF protection for farmers with a flock of chickens and a roadside stand.

He asked the Commission to not vote to approve something that should be further investigated

**Wendy Banka, Michigan Small Farm Council**, advised she is President of the Council which was organized largely around the issue of the 2012 Site Selection GAAMP. She noted 684 people submitted individual comments during the two-week public comment period this January asking the Commission to not approve the proposed changes and she encouraged the Commission to consider that most likely there are thousands of people who are counting on the Commission to protect their rights.

She noted this is a legally ambiguous situation, because if one assumes everyone who meets the RTF criteria is protected by RTF, then the proposed changes would make it more difficult for individuals to exercise their legal rights; and if it is felt the small farmers are not protected by RTF, then the changes are unnecessary.

This new policy, if approved, is out of sync with current federal efforts to support and encourage small farmers. She encouraged the Commission to not keep Michigan in a old idea, but rather allow small farms in urban and rural areas.

If the proposed changes to the Site Selection GAAMP are approved, the conversation will leave this venue and be addressed elsewhere. She believes it needs to be addressed with the Commission, who represents a wide range of agricultural issues. The Council would rather work with the Commission to remedy this situation.

**Randy Zeilinger, Garden City**, and Vice President, **Michigan Small Farm Council**, voiced his objection to the Pesticide GAAMP and removal of some language that regulates off-label usage. He believes this is poor science and opening the door for pollution of our environment.

In reviewing all of the GAAMPs this year, he believes approval of any of them is ill advised. If approved, he feels it will lighten the workload of MDARD employees, because people will be dealing with local authorities instead. Many of the small farmers will no longer be able to operate and there would be no need to regulate them.

When he attempted to apply for FSA (Farm Services Agency) and NRCS (Natural Resources Conservation Service) grants that promote small scale farms, he was told this was a wonderful idea because we need to grow new farmers. We need all farm operations regardless of the scale.

**Michelle Regalado Deatrick, Ann Arbor/Ypsilanti**, advised she is Vice President of a technology consulting company where she also teaches for the University of Michigan Continuing Studies. She and her husband are developing a mixed production farm on 80 rural acres zoned agricultural, where a former sheep farm existed for over 150 years. Their business plan calls for small scale livestock production; however, under the proposed changes to the Site Selection GAAMP, they would not be allowed any livestock shelter on nearly 70 percent of their property because it borders a residential area. She realizes the Commission can't make policy based on one farm, but her farm is representative of a surprising number of Michigan farms under this GAAMP – according to the last Agricultural Census, 65 percent of Michigan farms are less than 100 acres. Many townships have freely mixed agricultural and residential zones in which a large number of areas would lose any essential farming right for usage or be severely restricted under the proposed changes. The proposed GAAMP creates an entirely new category of quasi agricultural land in Michigan and the utility of the land will be reduced. If this approved, she and her husband will be unable to move forward with their farming plan and much more likely to give in to the lucrative offers of developers. The spirit of RTF was about preventing residential development from encroaching on reasonable agriculture uses. She pleaded with the Commission to maintain Michigan's friendly agricultural environment.

**Katherine Underwood, City of Detroit Planning Commission and City of Detroit Legislative Policy Division**, advised Detroit began to consider legalizing agricultural uses in the City of Detroit almost a decade ago to define and set standards for that

activity already occurring. Under RTF, they discovered that once they allowed for agricultural uses, the control would no longer be in the hands of the city, but under the state. It was their understanding that the original intent of RTF was to protect existing rural farms from nuisance complaints as a result of urban sprawl, and when written, farming into areas that were residential and urban was not contemplated. Because of this new use, the City of Detroit began to contemplate how they could move forward and keep the authority of determining what occurred, where, and how within the city. As a result, the Administrative Exemption was enacted two years ago in which the City of Detroit was exempt from the GAAMPs. This allowed the city to develop an ordinance, through a multi-stakeholder group and a great amount of assistance from MDARD and MSU, which fits their particular situation.

Relative to the proposed Site Selection GAAMP, there is a statement on page two that actually recognizes there is legitimate agricultural activity in residential urban areas and supports that activity. Detroit understands this is a contentious issue, however they agree there should not be rules that are the same across the board, because every community is different. They encouraged MDARD and local communities to continue the dialogue around animals and agriculture in a multi-stakeholder fashion.

Regarding Category IV, the City of Detroit is glad to see clarity that the possession and raising of animals may be authorized in such areas pursuant to a local ordinance designed for that purpose. The City of Detroit is pursuing the same multi-stakeholder approach to develop an animal ordinance they hope will be acceptable to all impacted parties and be implemented in the near future.

**Nikki Brown, Michigan Municipal League**, advised the League is a membership organization comprised of cities, villages, and some of the larger urban townships who function as full service communities and MML advocates on their behalf. MML is supportive of the proposed Site Selection GAAMP changes. Many of their communities have ordinances that authorize having livestock in one's backyard and they are wholly supportive of local agriculture. MML focuses on placemaking and creating vibrant, successful local communities that attract people and where people want to remain. Part of that is having strong local communities and strong farmers markets. However, they do believe the decision in residential areas should be under the authority of the local communities in conjunction with their residents. Local officials are charged with taking into consideration the desires of all their residents and through an open meetings process, individuals may approach their local officials to request changes.

In response to inquiry from Commissioner Montri, Ms. Brown advised she would reference their database and advise the Commission on how many local units of government have ordinances that allow for livestock.

**James Cliff, Policy Director, Michigan Environmental Council**, advised he is a member of the Site Selection and Irrigation GAAMPs committees, as well as the Michigan Agriculture Environmental Assurance Program (MAEAP) Advisory Committee. Regarding the Irrigation GAAMP, he feels the key to Michigan's future success in the agricultural sector is sustainable management of our water resource and ensuring it remains here for future farmers. He is concerned about some potential non-compliance

from the agricultural sector regarding the legalities of water withdrawal and feels we need to ensure the farmers understand and embrace that completely. Currently, the GAAMP states records should conform to the requirements of the law and he questioned if that is the same as keeping the records and fully complying with the law. Perhaps only guidance from the department is needed to indicate if a producer wants RTF protection, full compliance with the Water Withdrawal Statute is required. In response to inquiry from Commissioner Walcott, Mr. Cliff advised producers withdrawing more than 100,000 gallons per day are required to obtain permission under the statute. Perhaps a water use management plan approach would work well in the future and he feels it would be beneficial to develop.

He has had several people contact him regarding the language that is being removed from the Pesticide GAAMP that requires compliance with label requirements. He has attempted to clarify with those individuals that in other areas of the GAAMP, it clearly states that everyone using pesticides must follow label requirements.

The Site Selection GAAMP committee has been working on changes to its language for several years, he fully supports the proposed changes, and notes it is not the end of the conversation. MDARD will need to help local units of government to understand urban agriculture and provide guidance on how it can be regulated in a way that is acceptable to the vast majority of their residents.

**Matthew Kapp, Michigan Farm Bureau (MFB)**, noted MFB represents over 48,000 farm families across the state and strongly supports Michigan's RTF law, believing it is the best in the country. MFB supports the annual GAAMP review process, because science and technology changes can impact those practices. MDARD and MSU have done an excellent job of facilitating the GAAMP review process over the years.

MFB supports the proposed changes to the Site Selection GAAMP. Members discussed the changes at length during their annual meeting in December and the consensus was that if someone wants to raise livestock in an urban area, it is reasonable they need to comply with local zoning. And, through the annual GAAMP review process, that can be modified in the future as needed.

MFB sees urban agriculture as an opportunity and recently added a policy on urban farming. MFB is interested in working with MDARD to help that sector grow in the State of Michigan.

### **RECESS AND RECONVENE**

Chairperson Hanson recessed the meeting at 10:21 a.m. for a brief break. She reconvened the meeting at 10:29 a.m.

**FINAL DRAFT OF THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPs): Jim Johnson, Director, and Wayne Whitman, Right-to-Farm Program Manager, Environmental Stewardship Division; Nutrient Utilization GAAMP Chair, Tim Harrigan, Associate Professor, MSU Biosystems and Agricultural Engineering; Care of Farm Animals GAAMP Chair, Janice Swanson, Director, MSU Animal Science Department; Irrigation Water Use GAAMP Chair, Steve Miller, Specialist, MSU Biosystems**

**and Agricultural Engineering; Manure Management and Utilization GAAMP Chair, Dale Rozeboom, Professor, MSU Animal Science Department; Pesticide Utilization and Pest Control GAAMP, Allen Krizek, MAEAP Education Coordinator; and Site Selection and Odor Control for New and Expanding Livestock Production Facilities GAAMP Chair, Wendy Powers-Schilling, Professor and Institute Director, MSU Animal Science Department**

Mr. Johnson advised the RTF Act provides for the review and approval of GAAMPs on an annual basis. That process includes feedback from a number of organizations coordinated by the eight committees that have a great working relationship with MSU who chairs all but one of the committees. Members on each of the committees represent experts within that particular GAAMP area who spend the entire year reviewing and discussing new science and technology to determine if changes are needed. The Commission's task today is to make decisions about approving each of the GAAMPs as presented last month. The GAAMP committee chairs are present today to answer any questions.

Mr. Whitman advised he attends GAAMP committee meetings and serves as a member on several of them. He is always available to those committees to answer any questions related to RTF and specific application to the GAAMPs as they are utilized every day by the department.

The Cranberry Production GAAMP was initially approved in 1996. The chair, Professor Hanson, asked that Mr. Whitman present the GAAMP on his behalf. There were no changes recommended from the current 2013 version.

The Farm Markets GAAMP was adopted in 2010 and clarifications were made over the next three years. There were no recommended changes from the 2013 to 2014 GAAMP.

Mr. Whitman introduced the chair of the Nutrient Utilization GAAMP committee, Professor Tim Harrigan. Professor Harrigan advised the committee had considerable discussion regarding the GAAMP, including beneficial use, sugar beet residuals, waste handling procedures, and new technologies. This year, no changes are recommended to the GAAMP. In response to questions from the Director and Commissioner Kennedy, Professor Harrigan advised the committee considered beneficial use products such as foundry sand, wood ash, and coal ash as to their potential suitability of those products for land application and if so, at what rate. Because of the unknowns at this point, that topic will be further addressed by the GAAMP committee in the future.

**MOTION: COMMISSIONER WALCOTT MOVED TO APPROVE THE 2014 CRANBERRY PRODUCTION, FARM MARKETS, AND NUTRIENT UTILIZATION GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES WITH NO CHANGES AS PRESENTED. COMMISSIONER MEACHUM SECONDED. MOTION CARRIED.**

Mr. Whitman introduced the chair of the Care of Farm Animals GAAMP committee, Dr. Janice Swanson, noting the practices have been in place since 1995. Dr. Swanson

advised most of the recommended revisions are for clarification, additional language, or making text changes relative to references.

The major revision relates to the farm-raised mink and fox section, which was stimulated by revised guidelines of the North American Farm Animal Care Council with respect to mink and fox. Several areas of that section were strengthened, such as management, sanitation facilities, and equipment. In addition, more guidance on distribution of feed and water systems were added.

In the cattle sections, instructions on Michigan's mandatory Radio Frequency Identification (RFID) requirement were added.

**MOTION: COMMISSIONER MONTRI MOVED TO APPROVE THE 2014 CARE OF FARM ANIMALS GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED. COMMISSIONER KENNEDY SECONDED. MOTION CARRIED.**

Mr. Whitman introduced chair of the Irrigation Water Use GAAMP committee, Steve Miller, noting this GAAMP was first approved in 2003. Mr. Miller advised there were extensive committee discussions regarding record keeping. The point made was that compliance with the law is still lacking in terms of registration and it is not possible to manage the resource until it is known what we are using. The significant majority of the committee opposed making any changes to the GAAMP because they felt it would be moving into more of a regulatory role than would be appropriate. The only changes recommended this year are editorial in nature, as well as changes to the membership.

With the help of MDARD, the committee has conducted trainings across the state on irrigation management, optimal and beneficial use of water, and potential water use conflicts. MAEAP technicians are also working with producers and the education component of all of the GAAMPs is increasing.

Commissioner Montri asked if the committee had considered how to increase water use reporting within the industry. Mr. Miller advised that discussions determined the GAAMP was not the method to utilize; however, based on recommendations made to MSU Extension to increase education, ten workshops have been conducted to address that issue. MFB has also published articles to help raise awareness.

In response to inquiry from the Director, Mr. Johnson advised there was consideration to include in the preamble to each GAAMP the expectation that farms will abide by all laws, and the Natural Resource Environmental Protection Act (NREPA) specifically, that apply to a farm operation. The Commission indicated at the time they did not feel the GAAMPs should be a restatement of all legal requirements by which farmers have to abide. This would result in hundreds of pages of documents, rather than simply generally accepted management practices that help a farm do a better job of addressing environmental issues and reducing conflict. And because the GAAMPs themselves are voluntary, the general attempt has been to not include those legal requirements. There also are other places that address legal requirements and environmental issues, and this

through MAEAP. RTF is generally accepted; MAEAP is best management and includes those legal requirements as part of that assessment process.

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE 2014 IRRIGATION WATER USE GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED. COMMISSIONER KENNEDY SECONDED. MOTION CARRIED.**

Mr. Whitman introduced the chair of the Manure Management and Utilization GAAMP committee, Professor Dale Rozeboom, noting this foundation GAAMP was adopted in 1988 and is used extensively in terms of complaint response work and education outreach. Professor Rozeboom advised the committee is recommending three substantial changes to the GAAMP.

The first is in the area of field stockpiling, emphasizing that it is temporary and is not an annual practice, with rotation recommended. Text was added on practices to enhance shedding of precipitation and reducing leaching and groundwater risk, as well as recommendations to reduce pests and odors.

Language to address indications of nutrient movement through tile water was added, noting the responsibility should be referred to the Michigan Department of Environmental Quality (MDEQ) for management.

In the section relative to application of manure to land, wording was added to indicate the recommended practices may be used to reduce both the amount of odor and the impact of odor during application. It was further emphasized these are recommended practices.

In response to question from Commissioner Kennedy, Mr. Whitman advised during the first 15-20 years of complaint investigation, the primary complaint was surface water. As complaints increased, there were an increasing number regarding odor and in the years since, that has been slightly more than half of the total.

**MOTION: COMMISSIONER WALCOTT MOVED TO APPROVE THE 2014 MANURE MANAGEMENT AND UTILIZATION GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED. COMMISSIONER MONTRI SECONDED. MOTION CARRIED.**

Mr. Whitman introduced Dr. Allen Krizek representing the Pesticide Utilization and Pest Control GAAMP Committee, noting this GAAMP has been in place since 1991. Dr. Krizek advised the committee recommends minimal changes to the GAAMP. Throughout the document, there are updates to MSU Extension bulletin numbers, titles, and web addresses. The Michigan Groundwater Stewardship Program (MGSP) references are changed to MAEAP, since MAEAP has absorbed the functions of MGSP. Correction was made to the pesticide storage isolation distances from private and public wells, which was prompted by a recently amended agreement between MDARD and MDEQ concerning isolation distances and secondary containment. Several comments were received relative to deletion of reference to state management plans. State

management plans were an initiative developed by the U.S. Environmental Protection Agency (EPA) in 1993 that was never implemented, thus the language was obsolete. The concern about groundwater is fully covered through the first sentence in the item which states, "Avoid applications that would lead to contamination of aquifers (PA 451 of 1994 as amended, Part 87, and Part 31, Rule 2203) or runoff to surface waters. The committee continues to actively work on protection of ground and surface waters of the state.

In response to question by Commissioner Meachum, Dr. Krizek advised the GAAMP guidelines are voluntary and the public is misinterpreting the deletion of the obsolete sentence referring to labels, because in the introductory section of the GAAMP, it states one must follow the label directions and there also is a separate pesticide label section that states one must follow label instructions.

Mr. Johnson noted later in the agenda, the Commission will consider a resolution honoring Dr. Krizek for his 18 years with the department. Allen's commitment to MAEAP was especially evident when he led the process of developing the MAEAP Standards for Commission approval by the short deadline established in PA 2 of 2011. Allen has been the department's key resource for standards relative to the RTF GAAMPs and MAEAP Standards, including the assist tools and documentation involved with that program. He has been a tremendous help to the department and leaves an immense pair of shoes to fill. The department wishes him all the best in his retirement. Dr. Krizek expressed his appreciation for the resolution from the Commission.

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE 2014 PESTICIDE UTILIZATION AND PEST CONTROL GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED. COMMISSIONER KENNEDY SECONDED. MOTION CARRIED.**

Mr. Whitman noted the Site Selection and Odor Control for New and Expanding Livestock Facilities GAAMP is the one set of practices required by the RTF Act and was implemented in 2000. Since then, over 400 facilities have been sited by MDARD through that process. He introduced the chair of the committee for that GAAMP, Dr. Wendy Powers-Schilling. Dr. Powers-Schilling advised most of the substantive changes focus on the addition of a Category IV Site. The GAAMP introduction includes language that outlines livestock facilities and suitability of sites to place or keep farm animals, and this is the thrust behind the addition of Category IV.

Language is added to convey the department's interest in encouraging the growing trend of urban agriculture and livestock production and support for those efforts. A new definition is added for a livestock facility, which is any facility where farm animals as defined in the RTF Act are kept regardless of the number of animals. Livestock production facilities, which has been included previously, includes those facilities with a capacity of 50 animal units or greater.

Minimal changes are made to Categories I and II. Clarification and additional considerations are made for Category III sites, which are those generally not acceptable for new and expanding livestock production facilities, but may be acceptable for livestock

facilities which have less than 50 animal units. Time needs to be spent in the future identifying specifics for Category III sites.

Extensive time was spent by the committee considering the Category IV sites and that definition is delineated in the GAAMP. The intent of adding this category was to allow decisions to be made at a local level in those areas that are more residentially populated.

Additional language was added to the section for proactive requests for site review. Another change proposed is under site suitability determination, designating approval for construction initiation within three years, with an option for an additional two-year extension. Under the Community Relations section and its sample management plan, there is an additional task of notifying potentially impacted neighbors at least 24 hours in advance of manure application.

In response to question from Commissioner Montri, Dr. Powers-Schilling advised defining primarily residential was discussed, however it was decided that should be determined at the local level. Category IV states locations primarily residential and do not allow agriculture uses by right. Mr. Johnson clarified there are many locations defined as residential and agricultural and this mixed use is a common zoning condition that would come under RTF and site selection.

In response to inquiry from the Director, Dr. Powers-Schilling and Mr. Whitman advised there have been substantial changes to the Site Selection GAAMP every year since its existence and the committee will be meeting again in April.

Commissioner Kennedy expressed appreciation to the committee for all of their efforts in working on this set of practices. He advised he is supportive of the concepts proposed, in particular clarification of where livestock is appropriate. However, he is hesitant to vote on the GAAMP at this point. More clarification is needed on zoning, transition areas, the farm market aspect, and potential consequences or adverse effects. He proposed delaying final vote on this GAAMP to the May meeting or a special meeting that could be called in April. Following discussion, it was determined the GAAMP will not be returned to the committee, rather additional information from the department is needed, and final vote will be taken at a special meeting to be called in April.

**MOTION: COMMISSIONER KENNEDY MOVED TO POSTPONE FINAL VOTE ON THE 2014 SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK PRODUCTION FACILITIES GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED TO A SPECIAL MEETING TO BE CALLED IN APRIL. COMMISSIONER MEACHUM SECONDED. MOTION CARRIED.**

**ANNUAL BOVINE TUBERCULOSIS (TB) REPORT: Rick Smith, Assistant Veterinarian over Ruminant Programs, Animal Industry Division; and Steve Schmitt, Wildlife Health Section Supervisor, Michigan Department of Natural Resources Wildlife Division**

Dr. Schmitt reported that bovine TB is not native to North American wildlife; it was introduced by cattle. As cattle, some of which were infected with bovine TB, were

moved around the world, there was a potential for the disease to spill over into native wildlife, including deer. Even so, it is a rare and sporadic disease in wild deer. There have been only eight occurrences prior to the current outbreak and most involved only one or two infected white-tailed deer. Michigan is the first recorded self-sustaining North American TB outbreak in wild deer. The Michigan Department of Natural Resources (MDNR) has tested over 205,000 white-tailed deer for bovine TB since the disease was diagnosed in deer in 1975. In 2013, almost 6,000 deer were tested and 21 of those were found to be positive for bovine TB. Of the total 747 positive deer diagnosed since 1975, 725 came from a five-county area in northeastern Michigan. And, 16 of the 22 found outside that five-county area were in the first tier of surrounding counties. Therefore, an intensive surveillance has been conducted in the northeastern part of the state.

Bovine TB surveillance is accomplished through active surveillance, where hunters within Deer Management Unit (DMU) 452 and its surrounding counties voluntarily submit deer heads for examination, and through passive surveillance, where hunters may submit deer carcasses with TB chest lesions from anywhere in the state. Hunters are educated through information and colored pictures of TB lesions through the *Hunting and Trapping Guide* and the TB brochure.

Last March, enhanced surveillance to test for TB in the deer herd was conducted in the Saginaw area as a result of finding a bovine TB positive cattle herd in that area. Because this was in the TB Free Zone, it caused concern. Thoughts on how that infection occurred were that it either was from an infected cow being moved into the herd or there were some TB positive deer in the area. Almost immediately, Wildlife Services shot 80 deer within two miles of the infected cattle herd. Culture tests from those deer were all negative. Through a ten-mile radius test circle around the Saginaw herd and several associated herds, over 639 deer were tested and all were negative. The circle testing will continue for two additional years.

Since 1995, two bovine TB eradication strategies have been in place on the deer side, which include 1) keep deer from concentrating by eliminating supplemental feeding and baiting; and 2) reduce deer numbers through hunting to a level supported by the natural vegetation. Estimated non-compliance with the baiting ban is about 25 percent. Hunting is the only practical way of reducing deer numbers in a large area, such as in the five-county area.

Apparent bovine TB prevalence in white-tailed deer is determined as the progress of intervention strategies is measured with TB prevalence in DMU 452. Apparent prevalence in the core area of DMU 452 was 1.7 percent in 2013. Trend analysis of prevalence data from 1995 to 2013 indicates a statistically significant decreasing trend – a 65 percent decrease. The Bovine TB Deer Model suggests that eradication, if it can be achieved, will take decades. It will take more aggressive management action than what is currently in place, most importantly, to reduce the deer population level below 100,000 in the five-county area. Land owners and hunters are very reluctant to reduce the level below that number, and in fact, refuse to take the deer to accomplish that reduction.

There is no evidence that bovine TB is spreading or increasing in the deer herd outside the five-county core TB area – there have been no positives since 2010. Bovine TB has not become established in Michigan’s elk herd and there is no evidence that bovine TB has become established in any wildlife species other than deer. Another encouraging statistic is that fewer cattle herds are becoming infected – only one to three per year. The overall conclusion is to “stay the course” with our TB management strategies; because, if we roll back our management of TB, we can expect to see a decline in these positive effects.

Dr. Smith reported that of the 808 herds and over 49,800 cattle that were tested for bovine TB in 2013, 49 bovine TB positive cattle were discovered. Much of that testing was related to the Saginaw situation.

The fifth year is being completed with the Wildlife Risk Mitigation (WRM) Program. There now are 1,027 farms participating with 1,000, or 97 percent, of those being WRM verified. Staff conducted 891 annual inspections on farms this past winter.

As of February 25, 2014, Michigan had four TB infected herds and one infected feedlot. Stemming from the Saginaw infected herd discovered in February of last year, investigations were completed in the 10-mile circles in Saginaw, Gratiot, and Midland Counties, which included 100 different farms with 10,799 head of cattle being tested. The good news is that no further disease was discovered in any of these circles. Testing in the Arenac County three-mile circle is in progress and there is no evidence of disease to date.

An infected dairy steer was found at slaughter in Huron County on February 10, 2014. It was found to be mycobacteriosis compatible on February 24 and immediately quarantined. The animal’s ear tag simplified the tracking process. Genetic testing results are anticipated in early April to confirm if it is linked to the Saginaw herd. A controlled depopulation is being conducted, including cleaning and disinfecting of that facility and any operation that could have been potentially exposed.

Circle testing in 2014 will include 34 herds in Presque Isle and Cheboygan Counties, based on the bovine TB positive deer found in that area. The circle testing in Huron County will be determined by the results of the genome study.

An updated Memorandum of Understanding (MOU) should be executed between MDARD, MDNR, and the U.S. Department of Agriculture-Veterinary Services later this month. Initiation of a new surveillance plan in the proposed TB Free Zone is planned for April. A modified split state status application has been submitted and it is anticipated to be completed within the next few weeks, with official publication later in the year. This would leave only four Michigan counties in the Modified Accredited Zone.

In response to question from Commissioner Walcott, Dr. Smith advised the use of pasture fencing was investigated, with about 50 percent of the producers being open to the idea if it were through a cost share program. If there were a suitable program, that could be encouraged on the most at risk farms where there is supplemental feeding of

cattle. As part of the WRM program, usage of various types of fences has been investigated.

In response to inquiry from Commissioner Hanson, Dr. Schmitt advised there will be considerable starvation in the deer herd this year, as much as 35 percent in the UP. This will potentially lead to the hunters taking less deer this fall in the TB area.

In response to question from the Director, Dr. Schmitt advised the Natural Resources Commission is very supportive of the current eradication strategies and feels that both departments are doing a good job managing bovine TB.

The Director expressed appreciation to MDNR for their assistance in aggressively testing the deer around the Saginaw positive herd.

Dr. Schmitt introduced Melinda Cosgrove from the Animal Disease Lab, noting she creates the bovine TB maps for each of the departments.

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

Mr. Bajema reported House Bill 4168 is now Public Act 23 and eliminates requirements that county sheriffs kill unlicensed dogs.

House Bill 5195 was reported out yesterday and would allow the production of wild game sausage from more than one owner as long as written notice is provided and it is not sold. Commissioner Montri advised the Michigan Meat Association is very appreciative of work accomplished by MDARD's Food and Dairy Division and Mr. Bajema on this issue. There has been considerable collaboration between the industry and the department.

A package of bills, House Bills 5321-5323, adds agriculture to the list of departments that are required to follow procedures when involved in takings.

House Bill 5379 is a reintroduction of a previous bill that eliminates the authority of a county to levy a special tax for advertising agricultural advantages in their county.

Another package, House Bills 5400-5402, contains the beneficial use bills, which will have a second hearing next week. The department continues to work with MDEQ, who is lead agency on the bills, to address some of MDARD's concerns.

Senate Bill 685 would amend the Weights and Measures Act to adopt the latest National Institute of Standards and Technology (NIST) standards, which would among other things, require the department to investigate complaints regarding oil change facilities. This would be a significant increase in responsibilities for MDARD and the department is concerned about the costs involved. Based on current budget discussions, it is clear there will be pressures on the budget as legislators look to other priorities, such as road funding, that may come out of the General Fund and that will exert pressure on the budgets of all agencies. Maintaining the Governor's priorities will be difficult enough without adding new duties and General Fund pressures. In response to inquiry from Commissioner Montri, Mr. Bajema advised this added program would cost the

department about \$190,000 per year to administer. The Director added the same group who is advocating for this addition, also is pushing a bill that would remove the current funding mechanism for gasoline station inspections.

Senate Bill 730 would place new requirements on the Food and Dairy Division in working with restaurants to identify those that are allergy friendly. There are concerns around the obligations that would be imposed on multi-state restaurants, which would create an island in Michigan. MDARD will continue to work with the bill's sponsor.

Two important bills, that are a priority of the Administration, Senate Bills 786 and 787 would eliminate the current property tax on hydroponic and indoor aquaculture facilities and replace those with a specific tax that would equate to a 25 percent reduction. These are important bills because through a more equitable tax structure, Michigan has real potential for garnering more of those types of agricultural production.

Senate Bills 795-802 would increase penalties on those who knowingly introduce an invasive species. This package is moving quickly through the Legislature and MDNR is lead. MDARD is working to ensure the department's concerns are carried forward in the plant, aquaculture, and insect areas.

Of concern to the department is Senate Bill 851 that would specifically list low risk foods in Michigan's Food Law. While we can identify with the intent, we have offered more flexible wording that would work for the local public health official that has brought this to the attention of Senator Casperson in an attempt to reach some common ground. Listing specific foods as low risk in Michigan's Food Law could imply that those not listed are high risk and many in the industry agree with the department's position.

He continues to hear concern from Legislators on the west side of the state regarding the cost of supplying utilities to rural areas and a bill will potentially be introduced soon to address that. Also, significant concerns relative to finding sufficient migrant labor this year are being expressed. The department continues to work on that issue.

Commissioner Meachum inquired regarding Senate Bill 515 that would change the official state fruit to the blueberry. Mr. Bajema advised movement on that bill is not anticipated in the near future and added that the legislators are very adept at handling multiple issues at the same time.

### **COMMISSIONER ISSUES**

Commissioner Kennedy asked to clarify what he noted earlier concerning the Draft 2014 Site Selection GAAMP. He is, and feels the rest of the Commission is as well, very comfortable with the new language as it addresses the difference between urban and suburban. He simply wants to ensure it does not have adverse consequences before a final decision is made.

Commissioner Hanson reviewed a retirement resolution before the Commission recognizing Allen Phillip Krizek.

**MOTION: COMMISSIONER HANSON MOVED THE RESOLUTION FOR ALLEN PHILLIP KRIZEK BE ADOPTED WITH BEST WISHES FOR HIS LONG AND HEALTHY RETIREMENT. COMMISSIONER MEACHUM SECONDED. MOTION CARRIED.**

**PUBLIC COMMENT**

**Mickey Martin, Supervisor of Williamston Township**, advised her township has six residential zones and in all but two of those, farming is allowed. When GAAMPs were implemented, their zoning ordinance was revised through the assistance of MDARD. The two zones that do not allow farming are very densely populated residential subdivisions. The delineation between zones is very clear and very clean. They promote agriculture while protecting their strictly residential zones, which are primarily one acre or less.

As discussed in Michigan Association of Townships conferences, agricultural zoning can never be uniform across the state because each area is specific and unique. She noted that commercial zoning is similar, allowing for specific uses in appropriate areas. The zoning provides for people knowing when they move into an area they are protected from certain things moving next door to them.

In response to inquiry from Commissioner Montri, Ms. Martin advised their residential zoning is clearly outlined in their ordinance, master plan, and future land use plan.

Ms. Martin advised, in response to question from Commissioner Kennedy, that those residential areas that allow agricultural use are covered by RTF. Mr. Johnson noted this is why the additional language was added to the GAAMP, stating, "... that does not allow agriculture by right." This is an upfront zoning designation and if agriculture is allowed, then that is siting, and RTF. If zoning does not include agriculture in any form, but includes an exception or conditional use, then that would be regulated by the local unit of government.

In response to question from the Director, Ms. Martin advised that "agriculture by right" means that in that zone, agriculture is a permitted use. Zoning is often changed annually based on growth and population density changes over time. A home-based business is allowed through a special use permit and a home occupation (must be the person's home occupation, with no employees, and no more than 25 percent of the home's space) would be provided by right.

She advised she would be available for additional assistance to the Commission if they would like.

**ADJOURN**

**MOTION: COMMISSIONER KENNEDY MOVED TO ADJOURN THE MEETING. COMMISSIONER MONTRI SECONDED. MOTION CARRIED.**

The meeting was adjourned at 12:20 p.m.

Attachments:

- A) *Farm Bill: Agricultural Act of 2014*
- B) *Agenda*
- C) *Agriculture and Rural Development Commission Meeting Minutes February 12, 2014*
- D) *Revised 2014 Proposed Meeting Schedule*
- E) *Director Jamie Clover Adams – Issues of Interest Report*
- F) *Michigan Apple Committee Proposal for Reapportionment*
- G) *Public Comment Letter – Doug Merriam, Michigan Association of Realtors*
- H) *Public Comment Letter – Michigan Allied Poultry Industries, Inc.*
- I) *Public Comment Statement – Fred Kaluza, Warren, Michigan*
- J) *Public Comment – Deborah Heiser, Portage, Michigan*
- K) *2014 Draft Generally Accepted Agricultural Management Practices*
- L) *2013 Annual Bovine Tuberculosis Program Report*
- M) *Legislative Status – March 2014*
- N) *Resolution for Allen Phillip Krizek*