Right to Farm

FY 2005 Report

The Right to Farm Program is administered through the Michigan Department of Agriculture (MDA) Environmental Stewardship Division and is comprised of two parts, environmental complaint response and site selection and odor control for new and expanding livestock facilities.

The complaint response program began in 1986 and was initiated to address farm related environmental complaints received by MDA. Through this program, producers and complainants alike, receive education regarding Generally Accepted Agricultural and Management Practices (GAAMPs) as they relate to on-farm production agriculture and protection of the environment. The GAAMPs that have been developed are as follows:

1) 1988 Manure Management and Utilization
2) 1991 Pesticide Utilization and Pest Control
3) 1993 Nutrient Utilization
4) 1995 Care of Farm Animals
5) 1996 Cranberry Production
6) 2000 Site Selection & Odor Control for New/Expanding Livestock Facilities
7) 2003 Irrigation Water Use

Since June 2000, RTF practices for Site Selection and Odor Control at New and Expanding Livestock Facilities have been available. This new set of GAAMPs is designed to help producers carefully plan, site, build, and manage their new or expanding livestock facilities in a manner that protects natural resources, controls odors, and enhances neighbor relations.

While the RTF Program includes complaint response activities that determine verified environmental problems, it is also a very effective mechanism for farmers to implement

the necessary corrective management practices to fix those problems and earn nuisance protection. Work, coordination with other agencies, and RTF follow up inspections track the progress of farmers and document completion of projects. This follow through assures compliance with environmental laws, rules, and regulations, which help producers avoid future complaints.

Development and implementation of farm specific Manure Management System Plans, Site Selection Practices, and the distribution of thousands of RTF Practices to farmers all across the state, are important ways that the RTF program contributes to Michigan's overall pollution prevention strategy.

Right to Farm Program Environmental Complaint Response

FY 2005

Fiscal year (FY) 2005 was an anomaly when compared to past years. For the first time ever, complaints concerning odor surpassed surface water, and equine complaints doubled their average and climbed above dairy.

In the 2005 FY the Michigan Department of Agriculture (MDA) Right to Farm (RTF) Environmental Complaint Response Program responded to 162 new complaints received from the public, Michigan Department of Environmental Quality (MDEQ), and other agencies. Although the number of complaints has slightly decreased over the last few years, FY 2005 produced the highest number of complaints in the history of RTF. In addition, there were six requested proactive inspections at facilities across the state. Furthermore, 134 follow up inspections were conducted during FY 2005.

Table 1. Total complaints per fiscal year

Fiscal Year	Total Complaints	Follow Up Inspections
FY 05	162	134
FY 04	121	102
FY 03	127	162
FY 02	145	231
FY 01	157	135

During FY 2005, Right to Farm complaints came from 51 counties all across Michigan. Kent County recorded ten complaints, Shiawassee nine, and St. Clair and Clinton Counties each had eight. Other counties recording a high number of complaints include Mason with seven, Lenawee and Tuscola with six, and Huron, Ionia, Montcalm, and Van Buren, each with five complaints.

This report also includes a table of accomplishments with corrective practices grouped by the major resources of surface water, air quality, and groundwater, and the measurable results of each farmer's work to implement those practices. In addition,

management plans are an effective way for producers to maintain those practices, sustain their farm operations, and prevent pollution.

Throughout this report, the numbers will indicate the total number of inspections completed based on complaints. In FY 05 those on-site inspections that were conducted due to a proactive request by the producer, have been included in the data generation. Beginning in FY 04, RTF received five proactive inspection requests with six in FY 05. Some of the charts, graphs, and tables may depict this data; however, if it is not specified, it was not included.

In cases where, after an on-site inspection the complaint was not verified but the farm facility was not covered by a MMSP, the producer was asked to complete a plan. RTF staff then determined whether the producer was following all the GAAMPs that apply to their farm operation. This, too, will be shown separately in some of the charts, graphs, and tables.

Enterprise Type

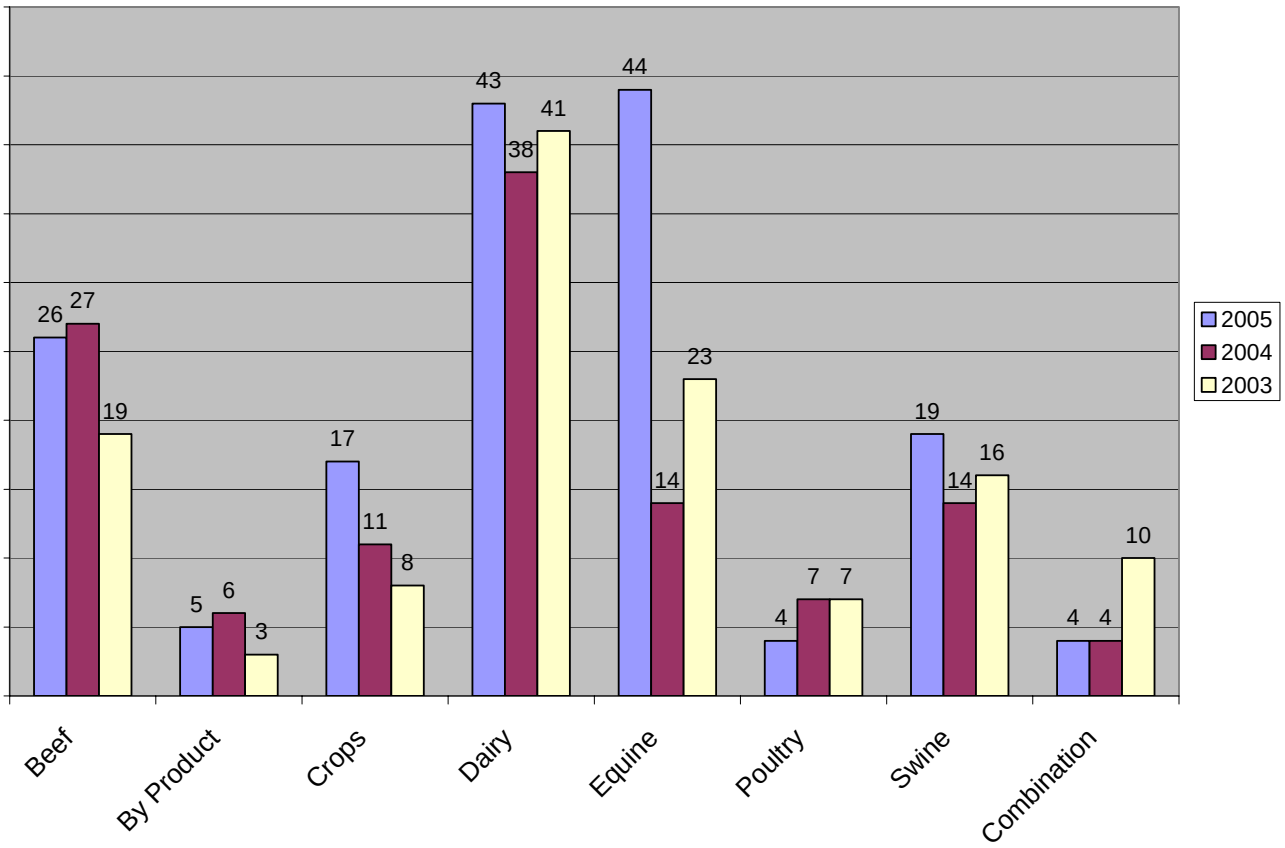
As shown in Table 2, in FY 2005, complaints regarding equine rose from 12% of the complaints in FY '04, to 27%, making it the first time that equine has surpassed dairy as the most frequent complaint for enterprise type. Although the actual number of dairy complaints rose slightly, the percentage dipped from 31% in FY 04 to 26% in FY 05.

Table 2. RTF complaints by enterprise type for fiscal years 2002 through 2005

Comparison of Complaints Between Enterprise Types (Percent)				
	2005	**2004**	**2003**	**2002**
Beef	16	22	15	14
By-Products[1]	3	5	2	3
Crops[2]	11	9	6	4
Dairy	26	31	32	31
Equine	27	12	18	16
Poultry	2	6	6	8
Swine	12	12	13	14
Combination[3]	3	3	8	10

[1] By-products from fruit and vegetable food processing
[2] Crops refer to complaints concerning fertilizer, soil erosion, and crop production practices
[3] Two or more species included in complaint

Figure 1. Number of complaints by enterprise type per fiscal year



Resource Concerns

Table 3 shows the complaint types by resource concerns as a percentage of the total. Surface water and air quality consistently have been the top two complaint types. However, in FY 05 air quality complaints jumped significantly from 39% in FY 04 to 51% in FY 05, whereas surface water complaints went from 42% in FY 04 to 25% in FY 05.

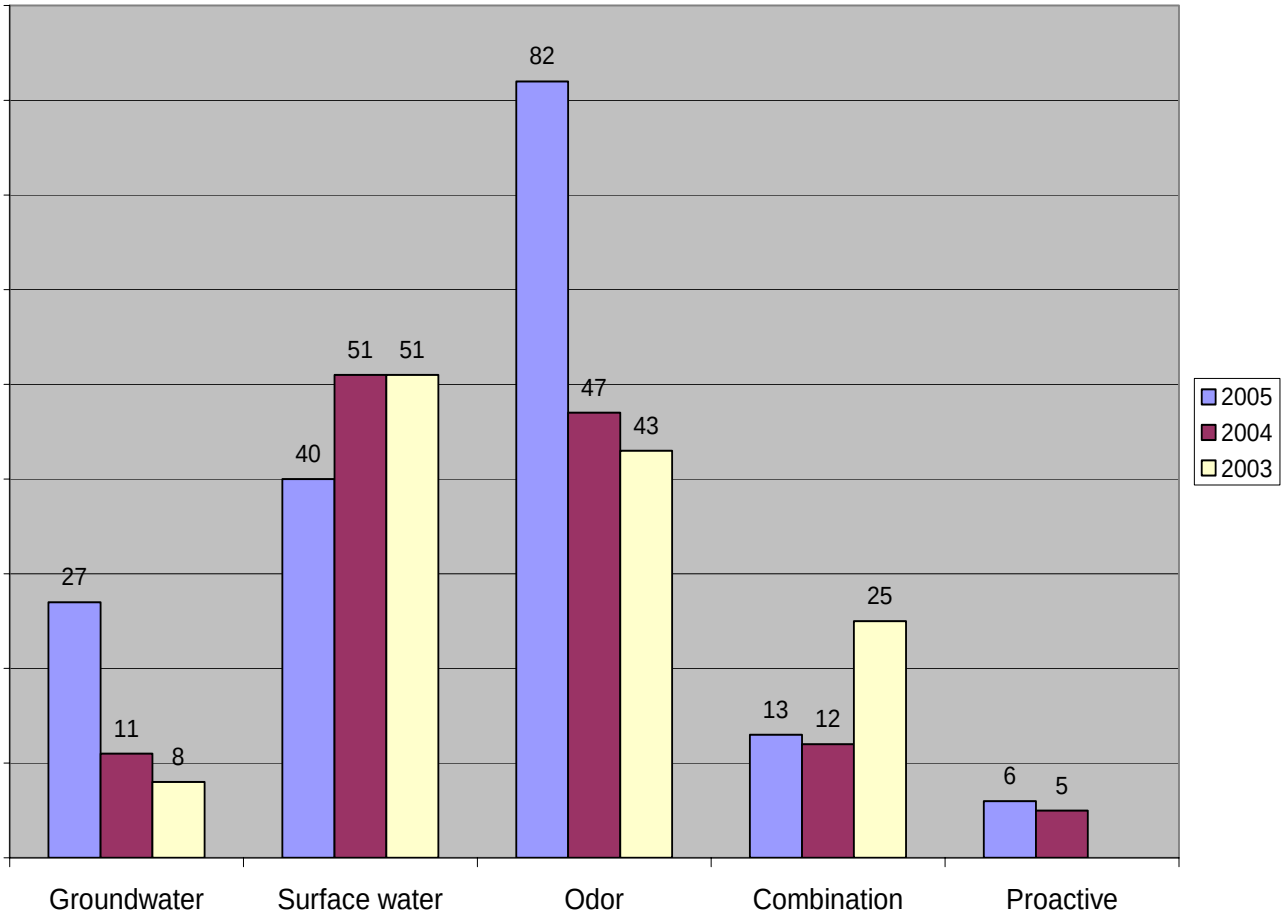
Table 3. Environmental complaint concerns for fiscal years 2002 through 2005

Comparison of Complaints Types (Percent)				
	2005	**2004**	**2003**	**2002**
Air Quality	51	39	34	33
Groundwater	16	9	6	8
Surface Water	25	42	40	41
Combination[4]	8	10	20	18

[4] Two or more resource concerns cited in complaint

Aside from the changing complaints in FY 05, Figure 2, below, illustrates the pattern that surface water had always been the number one resource complaint, while air quality complaints followed closely. Surface water complaints typically concern uncontrolled livestock access to streams, barnyard runoff to roadside ditches, and potential manure runoff from crop fields to drainage ditches or tiles. Air quality complaints usually involve excessive manure odors and sometimes include excessive flies and dust. Historically, groundwater has been a single resource concern in a small percentage of the complaints. However, that number increased from 11 in FY 04 to 27 in FY 05. Combination complaints often concern both surface water quality and air quality, and occasionally involve groundwater.

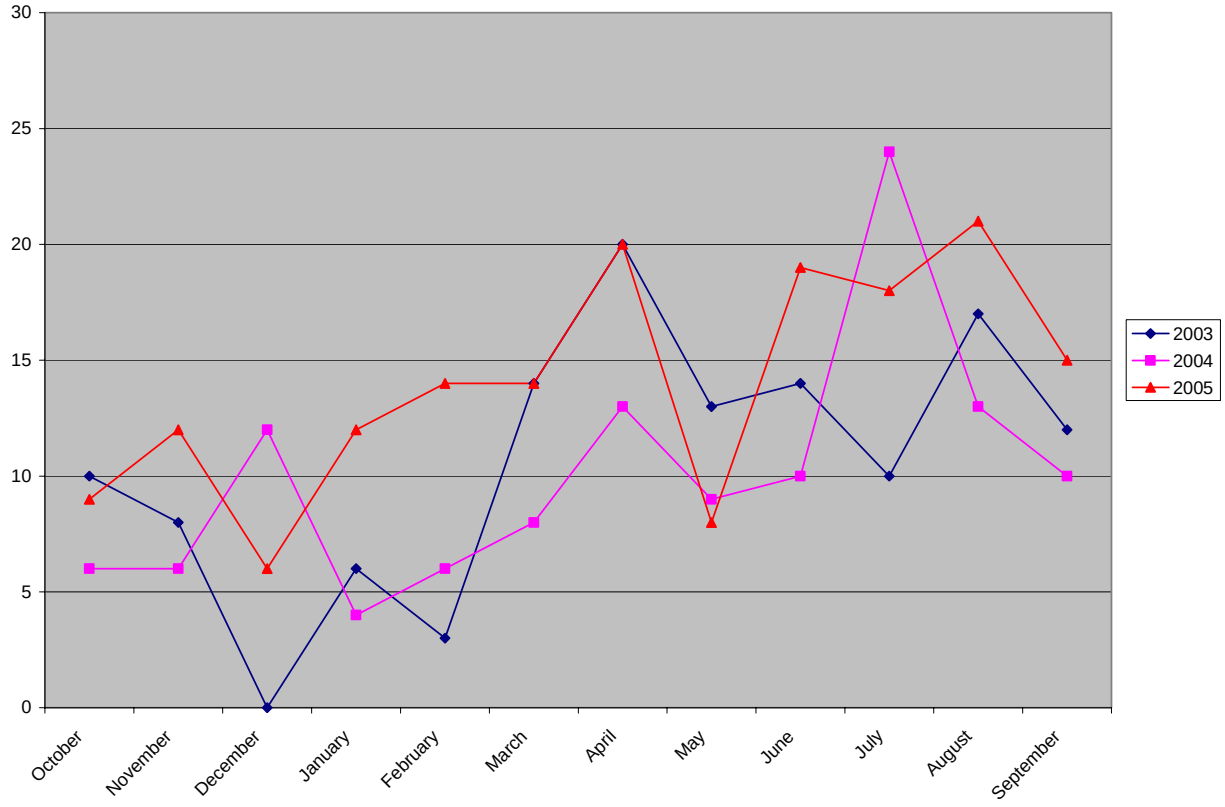
Figure 2. Number of complaints by resource type per fiscal year



Annual Distribution of Complaints

The distribution in Figure 3 below shows the number of complaints per month and their variation over the course of the last three fiscal years.

Figure 3. Number of complaints by month per fiscal year



Some of these variations may have occurred due to seasonal or annual weather conditions, an increase in the general public's environmental awareness, more exposure of the Right to Farm program, or any combination of these.

Verified vs. Not-Verified Complaints

Figure 4 illustrates the pattern of increased verified complaints. Multiple factors, again, may explain this increase in verifications. Right to Farm inspections are more comprehensive and utilize a whole farm approach. This approach contributes to Michigan's pollution prevention strategy and will help farmers avoid future complaints. It

should be noted, proactive inspections, as well as those complaints that were not verified but the farm facility was not covered by a Manure Management System Plan (MMSP), are detailed here as well. In past years, those complaints that were not verified but the facility did not have a MMSP, would be counted as verified complaints.

Figure 4. Verified vs. non-verified complaints

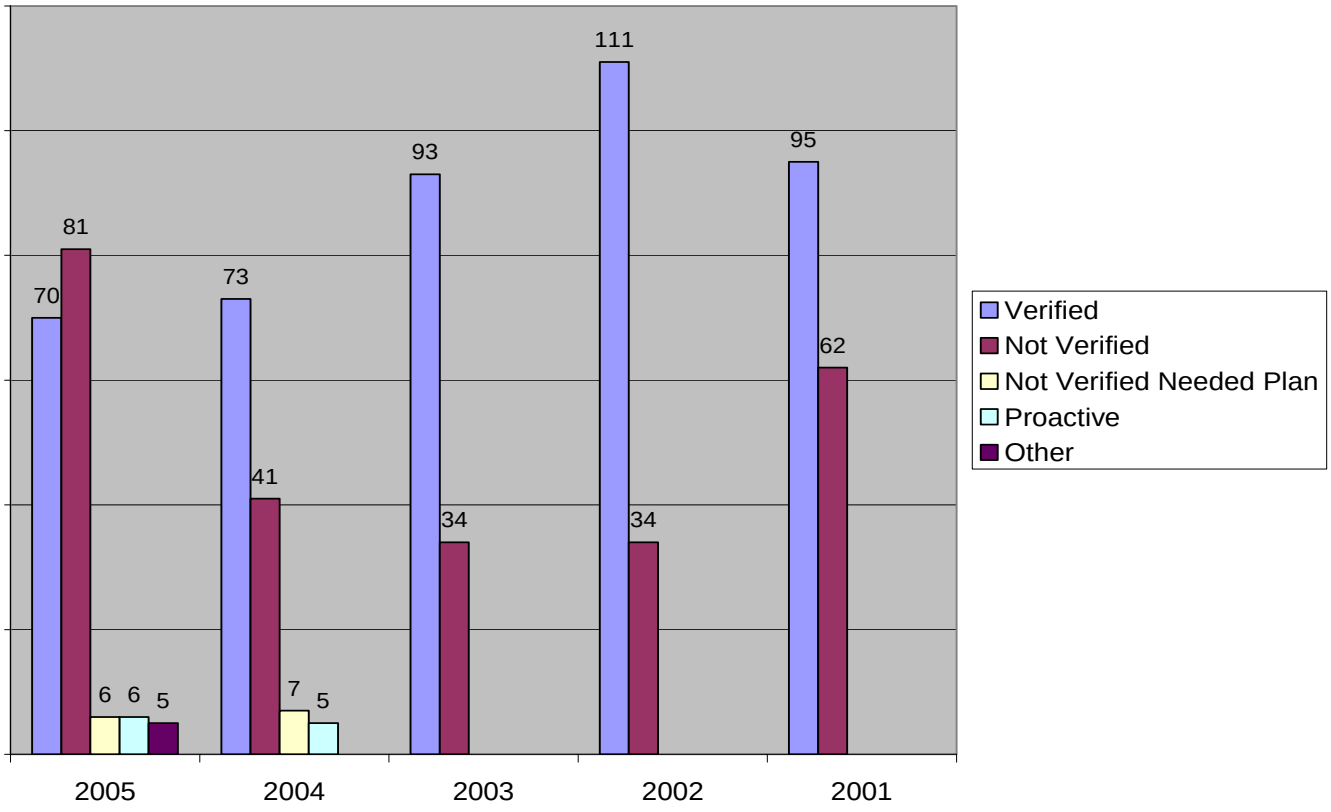


Table 4. Comparison of verified versus non-verified complaints per year

Fiscal Year	Verified versus Non-verified (Percent)
FY 05	43 : 50 (remaining 4% for Not Verified Needed Plan and 3% for other)
FY 04	60 : 34 (remaining 6% for Not Verified Needed Plan)
FY 03	73 : 27
FY 02	77 : 23
FY 01	61 : 39

Complaint files classified as "**Not Verified**" are cases where the RTF investigation found that the conditions and activities observed at the farm and the documentation provided, demonstrate conformance to all GAAMPs that apply. MDA concluded that those complaints were not verified; and as such, the files were closed.

When complaints are verified, or further documentation is needed to determine conformance to the GAAMPs, then a MDA RTF follow-up inspection is conducted to review the effectiveness of those changes and the provisions of the farm's plan. If the changes abated the source of the complaint; and/or the required documentation is provided, then these cases are classified as "**Abated**".

A complaint classified as "**Not Verified Needed Plan**" is a combination of the above. A specific complaint may not have been verified; however, the farm facility was not covered by a Manure Management System Plan (MMSP). Therefore, MDA requested that the farmer develop a MMSP for their farm facility.

A "**Proactive**" inspection request is one where the producer contacts MDA for an inspection of their facility. They have not received a complaint but want to make sure they are following all of the GAAMPs that apply to their facility.

In FY 05 a new classification "**Other**" was added to capture transferred or withdrawn cases. Those transferred would have been referred to the Michigan Department of Environmental Quality (MDEQ) for not making the necessary changes to bring their farm operations into conformance with the GAAMPs or due to a direct discharge to waters of the State. Withdrawn cases are those that the complainant chose to retract their initial complaint.

Where Complaints Originate

Urban encroachment, suburban sprawl, residential housing growth and development, and increased awareness all contribute to the pattern depicted in Figure 5. The percentage of complaints referred to MDA from the Michigan Department of Environmental Quality (MDEQ) increased from 28% in FY 03 to 35% in FY 04 and

declined to 25% in FY 05. Still, complaints from neighbors remain the largest percentage of the total each year.

Figure 5. Number of complainants by fiscal year

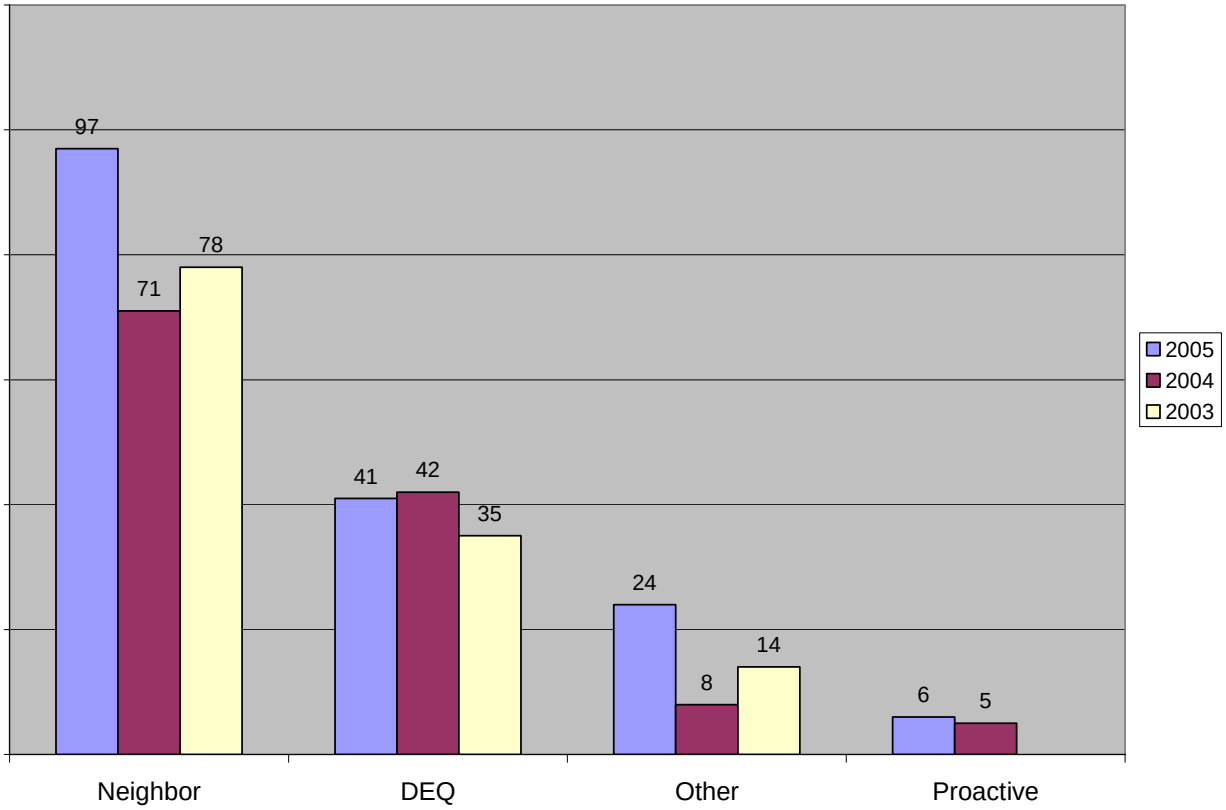


Table 5. Complainants in percentage by fiscal year

Fiscal Year	Total Complaints (Percent)		
	Neighbor	**DEQ**	**Other**
FY 05	60	25	15
FY 04	59	35	6
FY 03	61	28	11
FY 02	68	29	3
FY 01	81	15	4

Accomplishments

The accomplishments outlined in the following table are the result of the cooperation and work from the people whose farms were identified in RTF complaints during FY 2005. These farmers utilized the RTF GAAMPs to implement effective management practices to manage manure and other nutrients and control odors on their farm operations.

With assistance from Michigan State University Extension, local conservation districts, the USDA Natural Resources Conservation Service, and private sector plan writers, many farmers developed and implemented Manure Management System Plans (MMSP). The MMSPs on these farms are excellent management tools to manage manure and other nutrients, control odors, and prevent pollution.

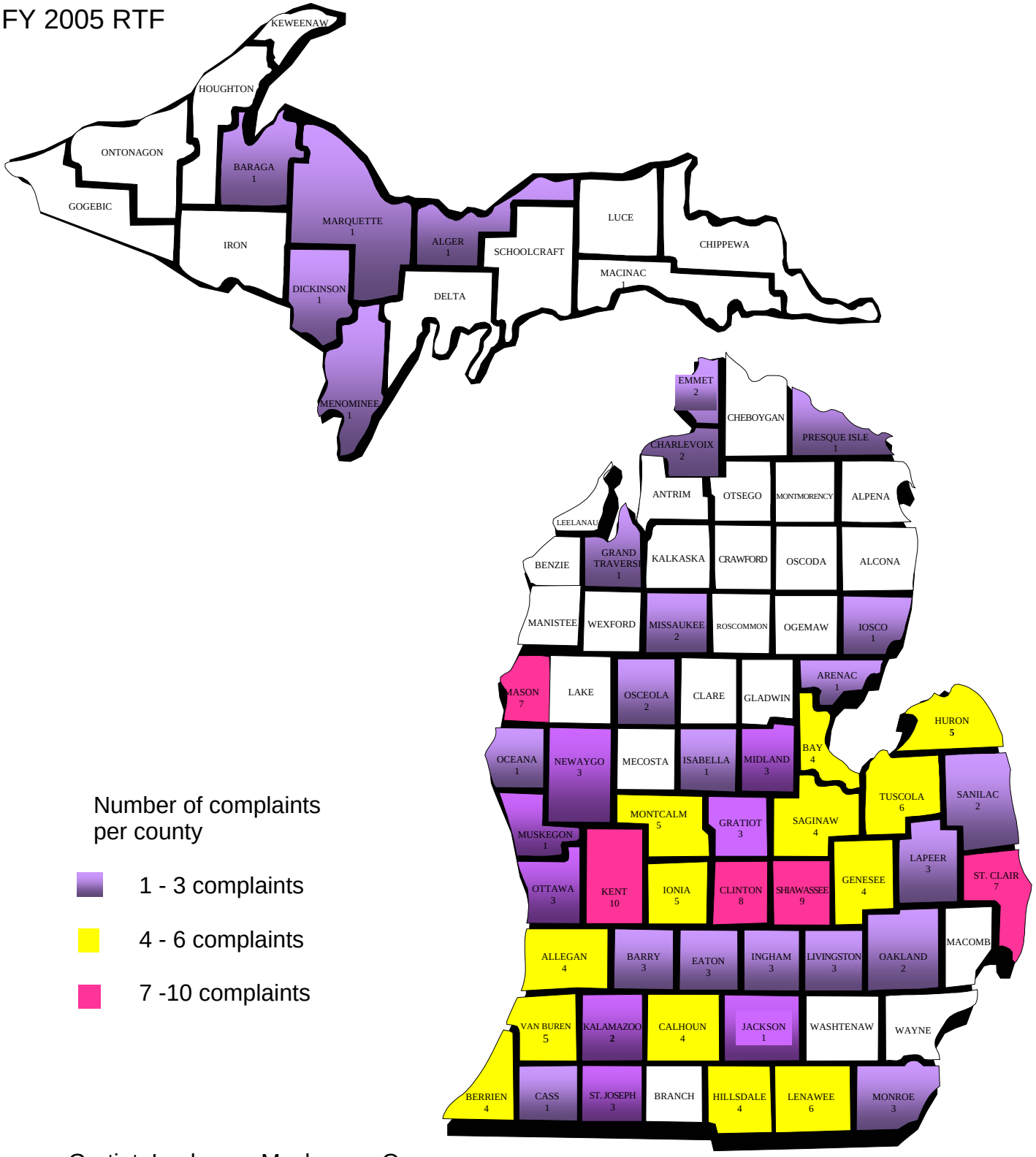
The Right to Farm approach to investigate and resolve environmental complaints about activities and conditions on Michigan farms utilizes awareness, education, and technical assistance in partnership with other agencies. We advocate the sound environmental stewardship practices included in the GAAMPs. This is the most cost effective method for farmers to achieve compliance with environmental laws and earn nuisance protection under the RTF Act.

Table 6. Agricultural management practices implemented in response to RTF complaints

Corrective Practices	Results
Surface water quality protection	
Livestock excluded from surface water	296 Animal Units
Stream bank fencing installed	19480 Feet
Controlled watering access sites installed	4
Vegetative buffer areas installed	1.5 Acres
Runoff control/groundwater protection	
Runoff control structures installed	6
Number of farms that utilized stockpiled manure/by-products	9
Number of fields on which manure was incorporated	3
Number of soil tests received	10
Number of application records received	2
Change of management for runoff/leachate control in flood plain/wetland/sensitive areas	11
Pollution prevention	
Manure Management System Plans (MMSP) or nutrient management plans developed and implemented	21
Animal units covered by plans	15132 Animal Units
Application acres covered by plans	19447 Acres
Proactive	
Proactive inspections	6
Not verified complaints but facility was not covered by a MMSP	6
Other	
Installed new manure storage structure	1
Installed new milk house/parlor wastewater system	4
Decommissioned manures storage structure	1
Odor control plan	1
Alternative pest management plan	1

Figure 6. Number of complaints by county

FY 2005 RTF



** Genesee, Gratiot, Leelanau, Muskegon, Oceana, and St. Clair each had a proactive inspection

Right to Farm - Site Selection and Odor Control for
New and Expanding Livestock Facilities
FY 2005

The Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (Site Selection GAAMPs) were first adopted in June of 2000. Site Selection GAAMPs and the preemption of local ordinances regulating certain agricultural practices on agriculturally zoned property, were two major changes to the Michigan Right to Farm Act when it was amended in 1999. Since June 2000, the Site Selection GAAMPs have been utilized by dozens of producers in selecting the best site to construct a new facility or expand their existing facility.

The Site Selection GAAMPs verification process begins with a livestock producer, submitting to MDA, a verification request to construct a new or expand an existing livestock facility. The verification request consists of a detailed site plan, a Manure Management System Plan (MMSP), construction drawings and specifications, subsurface investigations, and the results of the Michigan OFFSET Model for the proposed facility.

When the verification request is received, MDA sends a letter acknowledging receipt of the request; and a copy of this letter is sent to the township of the proposed site. After the verification request is thoroughly reviewed, MDA schedules and conducts a site visit to inspect the site and discuss the proposed project with the farmer. Upon completion of this process, if all of the conditions outlined in the Site Selection GAAMPs application checklist are being met, then MDA sends a letter to the livestock producer granting their verification request; and a copy of this letter is also sent to the township.

MDA may conduct interim inspections to ensure that approved construction standards are being met. When the project is completed, and, for some new operations, before the facility is populated with livestock, MDA will conduct a final inspection to verify the facility was constructed according to the approved verification request.

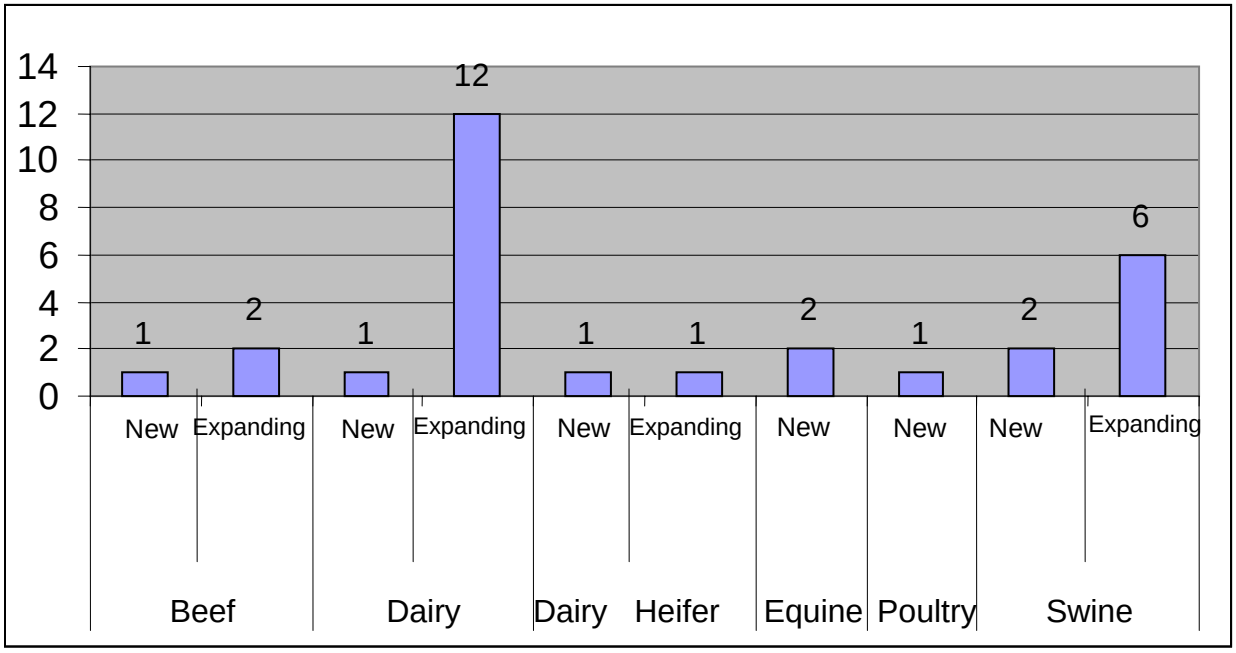
MDA received 35 verification requests in Fiscal Year 2005. Of the 18 verifications for dairy, fifteen were for expansions and three for a new facility. Dairy heifer verifications include one new and one expanding; swine had two new, and six expanding facilities; poultry had one new facility; equine had two new facilities; beef included one new and two expanding facilities; and one expanding "various species".

Table 7 and Figure 7 show the number of verification requests by species and if they were new or expanding facilities.

Table 7. Verification requests by livestock species

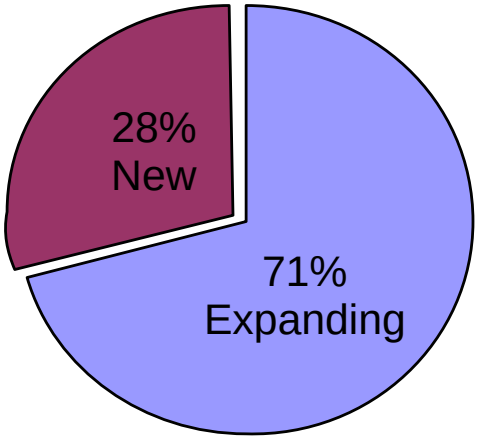
Dairy		**Dairy Heifer**		**Swine**		**Poultry**	**Beef**		**Equine**
Total = 18		Total = 2		Total = 8		Total = 1	Total = 3		Total = 2
Expanding	New	Expanding	New	Expanding	New	New	Expanding	New	New
15	3	1	1	6	2	1	2	1	2

Figure 7. Verification requests by species



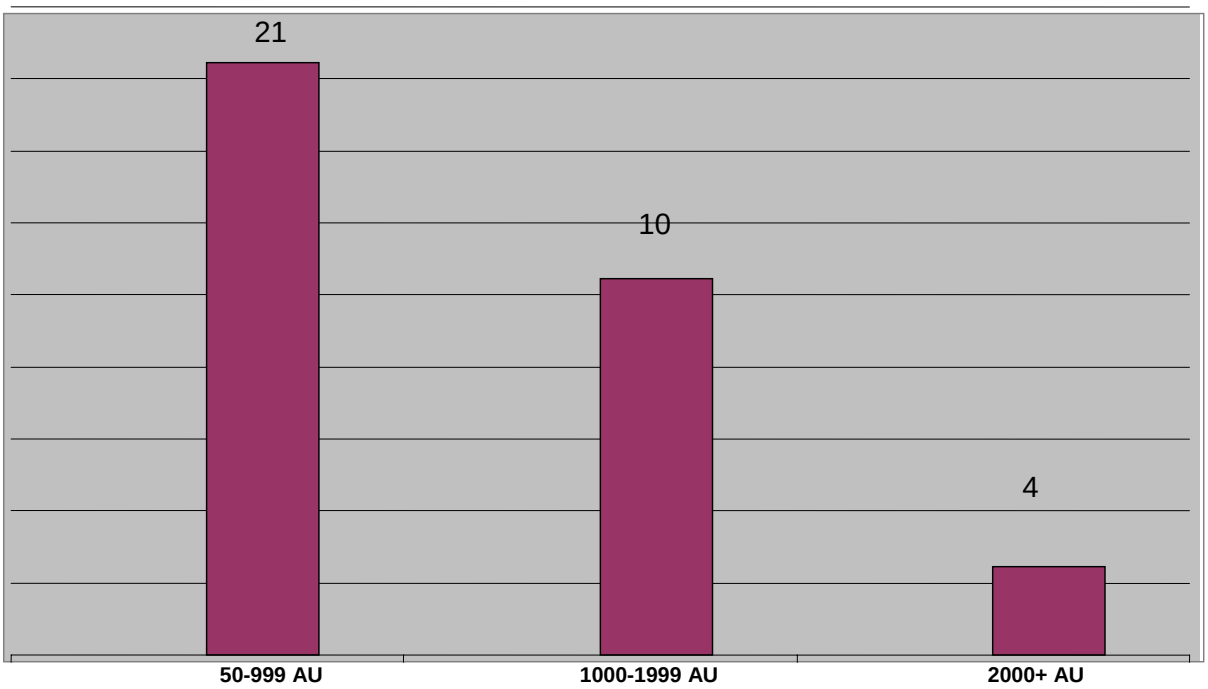
Out of the 35 verification requests, 25 were for expanding facilities and ten were for new facilities. Figure 8 illustrates the percentage of new versus expanding facilities.

Figure 8. Verification requests



Of the 35 verification requests, 21 requests were for 50-999 Animal Units (AU) facilities, ten were for 1000-1999 AU facilities, and four were for 2000+ AU facilities as shown in Figure 9.

Figure 9. Verification requests by animal units



Out of the 35 new verification requests, 25 were approved and ten are pending. RTF staff conducted 28 initial inspections, 11 interim inspections, and 16 final inspections during the 2005 fiscal year.

With an expanding population, growing farms, and greater awareness by citizens and producers of environmental and social issues, site selection for new and expanding livestock facilities is becoming an increasingly important tool to address potential impacts on the overall surrounding environment.

For further information regarding the Right to Farm program, please contact:

MICHIGAN DEPARTMENT OF AGRICULTURE
Environmental Stewardship Division
P.O. Box 30017
Lansing, Michigan 48909
1-877-632-1783
www.michigan.gov/mda

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