

MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

AgroLiquid
3055 West M-21
St. Johns, Michigan 48879

MAY 15, 2019
TENTATIVE AGENDA – Revised 5/6/19

- 9:00 a.m. 1. **Call to Order and Roll Call**
2. **Approval of Agenda (action item)**
3. **Approval of Minutes** from the March 27, 2019, Commission of Agriculture and Rural Development Meeting (**action item**)
4. **Next Scheduled Meeting** (information only)
- July 18, Marquette Area
- 9:05 a.m. 5. **Commissioner Comments and Travel (action item)**
- 9:10 a.m. 6. **Commissioner Issues**
- 9:15 a.m. 7. **Director's Report**
- 9:25 a.m. 8. **Public Comment on Agenda Items**
In accordance with the Public Appearance Guidelines in the Commission Policy Manual, individuals wishing to address the Commission will be allowed up to three minutes for their presentation. Documents distributed at the meeting will be considered public documents and are subject to provisions of the Freedom of Information Act. The public comment time provides the public an opportunity to speak; the Commission will not necessarily respond to the public comment.
- 9:40 a.m. 9. **Michigan Apple Committee:** Diane Smith, Executive Director, Michigan Apple Committee (information only)
- 10:00 a.m. 10. **2019 Site Selection Generally Accepted Agriculture and Management Practices (GAAMP):** Jim Johnson, Division Director, and Ben Tirrell, Right to Farm Program Manager, Environmental Stewardship Division; and Dale Rozeboom, Chair, Site Selection GAAMP (**action item**)
- 10:40 **Break**
- 10:50 a.m. 11. **Commission Policy Manual:** Brad Deacon, Director, Legal Affairs and Emergency Management (**action item**)

- 11:05 a.m. 12. **Proposed 2019 Deer Regulations:** Vicki Pontz, Chair, Natural Resources Commission; and Chad Stewart, Deer Management Specialist, Michigan Department of Natural Resources (information only)
- 11:20 a.m. 13. **Bovine Tuberculosis Update** – Dr. Nancy Barr, Assistant State Veterinarian, Animal Industry Division (information only)
- 11:40 a.m. 14. **Food and Agriculture Investment Fund Requests:** Peter Anastor, Agriculture Development Division (**action item**)
- 12:40 p.m. 15. **Legislative Update:** Nathan Kark, Legislative Liaison (information only)
- 12:55 p.m. 16. **Public Comment**
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- 1:05 a.m. 17. **Adjourn (action item)**

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3055 West M-21
St. Johns, Michigan

MEETING MINUTES MARCH 27, 2019

PRESENT:

Trever Meachum, Acting Chair, Michigan Commission of Agriculture and Rural Development
Brian Pridgeon, Secretary, Michigan Commission of Agriculture and Rural Development
Dru Montri, Michigan Commission of Agriculture and Rural Development
Patricia Bergdahl, Michigan Commission of Agriculture and Rural Development
Charlie Meintz, Michigan Commission of Agriculture and Rural Development
Gary McDowell, Director, Michigan Department of Agriculture and Rural Development

CALL TO ORDER AND ROLL CALL

Acting Chairperson Meachum called the meeting of the Commission of Agriculture and Rural Development to order at 9:03 a.m. on March 27, 2019. Commissioner Pridgeon called the roll with Commissioners Bergdahl, Meachum, Meintz, Montri, and Pridgeon, and Director McDowell present.

Commissioner Meachum advised the building will not be participating in the 1:00 p.m. tornado drill today.

INTRODUCTIONS

With two new Commissioners, as well as a new Department Director, Commissioner Meachum asked each to introduce themselves and briefly share their background.

Commissioner Montri advised this is her fifth year serving as a Commissioner. She and her husband own and operate Ten Hens Farm in Bath, Michigan, a diversified vegetable operation with 17,000 square feet of hoop house production. They sell both direct market and wholesale, primarily to local restaurants and food hubs. She was raised in animal agriculture and has been directly involved in the agricultural community for more than a decade. She previously was Executive Director for the Michigan Farmers Market Association and currently works for the Michigan State University (MSU) College of Agriculture and Natural Resources. She has two daughters, seven and ten, who add to their family farming operation.

Commissioner Bergdahl advised she is from Skandia, in Michigan's Upper Peninsula (UP). She and her family are fifth generation dairy farmers who also own and operate an outdoor power farm equipment business. Her son works on the farm and her grandson also enjoys being around their cows.

Commissioner Pridgeon advised he is the owner of Pridgeon Farms, a seventh-generation hog farm. The best part of his job is being able to work alongside his brother and father. They are located at the very southern part of the state, south of Coldwater.

Commissioner Meintz advised he is owner of Pleasant View Dairy Farm in Stephenson, a centennial farm in the UP county of Menominee. They milk about 500 cows, raise their own crops, and sell to various cash crop buyers. He serves as a County Board Commissioner, is involved with the Michigan Farm Bureau, and is working with MSU on a trial corn test plot on his farm. He has four children, with the two younger sons expressing interest in the farm. His father also continues to be involved in the operation.

Commissioner Meachum advised he is a fruit, vegetable, and cash crop farmer in southwest Michigan. He is also the father of seven-year-old twins. He has served on the Commission for seven years. He is a third-generation farmer and farms with his father and two brothers. He also has been involved in numerous local community organizations.

Commissioner Meachum welcomed new members, Commissioners Bergdahl and Meintz, and thanked returning members for continuing to serve with the Commission.

Commissioner Meachum introduced the Michigan Department of Agriculture and Rural Development's (MDARD) new Director, Gary McDowell. The Director advised he is very excited about this new endeavor and the great people with whom he is working. He was born and raised on a farm in Rudyard, in Michigan's UP. He owns and operates a farming operation with two of his brothers and emphasized it is great being in business with family. They farm approximately 1,000 acres, with high-quality timothy hay being the main crop. He is married and has three daughters and one grandson. He served three terms as State Representative from the eastern UP. He is very happy to have taken the opportunity to serve as MDARD's Director. The department has a great staff that works together well and is very committed to the promotion and growth of Michigan agriculture.

APPROVAL OF AGENDA

Commissioner Montri submitted the additional agenda item of the Commission Policy Manual following Item 9 on the agenda.

MOTION: COMMISSIONER MONTRI MOVED TO APPROVE THE MEETING AGENDA AS AMENDED FOR MARCH 27, 2019. SECONDED BY COMMISSIONER PRIDGEON. MOTION CARRIED.

APPROVAL OF NOVEMBER 7, 2018, MEETING MINUTES

Commissioner Montri advised the minutes, as usual, are very helpful and serve as a good refresher of important points made during the meetings.

MOTION: COMMISSIONER MONTRI MOVED TO APPROVE THE NOVEMBER 7, 2018, MEETING MINUTES. SECONDED BY COMMISSIONER PRIDGEON. MOTION CARRIED.

NEXT SCHEDULED MEETING

The next scheduled meeting is Wednesday, May 15, 2019, location for which is to be determined.

COMMISSIONER COMMENTS AND TRAVEL

Commissioner Montri advised her only Commission travel is for today. On their farm, they have numerous transplants started in the greenhouse. The hoopouses are also planted and many of the greens are growing well. Fortunately, conditions are dry, which may allow for planting in the fields within the next two weeks. She attended Agriculture Day at the Capitol and recognized Michigan Farm Bureau's efforts for hosting that very successful annual event highlighting the diversity of Michigan agriculture.

Commissioner Bergdahl reported her only Commission travel was for today's meeting. She advised a significant amount of snow remains in their area, preventing any spring farming activity.

Commissioner Pridgeon advised his only Commission travel was for today's meeting. In the southern part of the state, his local Amish neighbors are beginning to plow, which means others are about one-two weeks away from getting into the fields. Producers have experienced a nice rise in the price for pork, primarily due to speculation around what China might be buying.

Commissioner Meintz reported his only Commission travel was for today's meeting. Snow melt in the UP has been gradual and they are dealing with some road break-up. It was a strenuous winter for many farmers, businesses, and homes, and there was a high percentage of building collapses due to the heavy snowfall in February. This will no doubt show more relevance for the agricultural community as spring arrives and they can begin digging out the buildings. They are about three-four weeks from entertaining the thoughts of being in the fields. Dairy farmers are still dealing with low prices and struggling to find new ways to become more efficient and accommodate the market.

Commissioner Meachum advised his only Commission travel was for today's meeting. He attended former Director Gordon Wenk's retirement celebration in December, which was an excellent event, well attended, and provided Mr. Wenk with some very well-deserved recognition for his long-standing efforts for the department and the State of Michigan. On their farm, they began chisel plowing this week, as the sandy fields are dry and ready. Three days after the state's polar vortex, it was 50 degrees, melting the snow cover which resulted in crop damage in the fruit following the return of very cold weather. Berrien County growers are reporting peaches, wine, and Niagra juice grapes have been significantly damaged. The Concord grapes survived and are doing well. Grain markets are improving somewhat; however, long-term grain margin projections are not good. He attended numerous industry meetings over the winter.

Commissioner Montri asked Commissioner Meachum about the agriculture labor situation. Commissioner Meachum advised he typically is aware of the situation when his laborers begin returning in May. He has not had any indication of new developments affecting the season this year and is hopeful all workers do return. Those growers needing H2A labor are working hard to obtain what is needed. Other industries are

pulling those workers from agriculture, which creates an unsure situation for many growers.

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE COMMISSIONERS' TRAVEL. SECONDED BY COMMISSIONER MONTRI. MOTION CARRIED.

COMMISSIONER ISSUES

Commissioner Meachum advised the Commission is needing to fill its positions of Secretary, Vice Chair, and Chair for 2019.

MOTION: COMMISSIONER MONTRI MOVED TO NOMINATE COMMISSIONER MEACHUM AS CHAIR AND COMMISSIONER PRIDGEON AS VICE CHAIR OF THE COMMISSION FOR 2019. COMMISSIONER MEINTZ SECONDED. MOTION CARRIED.

MOTION: COMMISSIONER PRIDGEON MOVED TO NOMINATE COMMISSIONER MONTRI AS SECRETARY OF THE COMMISSION FOR 2109. COMMISSIONER BERGDAHL SECONDED. MOTION CARRIED.

Commissioner Meachum reviewed retirement resolutions before the Commission recognizing Bob Andorfer and Jane Winkler, who retired from the department in January and March respectively. He thanked them for their many years of dedicated service.

MOTION: COMMISSIONER MONTRI MOVED THE RESOLUTIONS FOR BOB ANDORFER AND JANE WINKLER BE ADOPTED WITH BEST WISHES FOR THEIR LONG AND HEALTHY RETIREMENT. COMMISSIONER MEINTZ SECONDED. MOTION CARRIED.

DIRECTOR'S REPORT

Director McDowell reported in March, he and Chief Deputy Director McFarlane attended the National Association of State Departments of Agriculture (NASDA) Winter Policy Conference held in Washington, D.C. While there, they had the opportunity to meet with several members of Congress, as well as U.S. Department of Agriculture (USDA) Secretary Perdue and Environmental Protection Agency (EPA) Administrator Wheeler.

He also attended the Rural Development Fund Board meeting held in Mackinaw City on March 15. Wes Kerr, from Connect Nation, gave an excellent broadband presentation; and having been a recipient of an MDARD grant, Mr. Kerr conducted a survey to determine tools available for developing rural broadband. The Board awarded 16 grant projects for a total of \$1,245,500, which is funding to promote sustainable, land-based industries, support workforce training, and benefit rural communities. The Board's next meeting will be held in the UP in August.

The sixth annual Pure Michigan Ag Summit was held March 19 in Kalamazoo. It was a dynamic one-day event, including 359 participants and 23 confirmed buyers, including Beaumont Health, Bronson Methodist Hospital, Firekeepers Casino, Kellogg, University of Michigan, and Western Michigan University, just to name a few. He congratulated

Agriculture Development Division staff for their great effort in organizing a very successful event.

Last week, the 5,000th Michigan Agriculture Environmental Assurance Program (MAEAP) verification was celebrated at an event held at the Lansing Center. Approximately 600 people attended the event, including 13 farms that were honored for having maintained their MAEAP verification for the entire duration of the program. Guest speakers included Matthew J. Lohr, Chief of the USDA Natural Resources Conservation Service. There also were videos from Senator Stabenow and Governor Whitmer, which were well received. He thanked Jim Johnson and the Environmental Stewardship Division staff for coordinating an extremely well-organized event.

The Cabinet participated in a retreat last Friday, which focused primarily on employee engagement. In reviewing accomplishments in state government over the last five years, real improvement in employee engagement and satisfaction was evident. With a 96 percent completion rate, MDARD was at the top in participation of employee surveys. The effort will continue, including developing new ways of engaging employees.

The department is coordinating with the Governor's Office and the Michigan Department of Licensing and Regulatory Affairs (LARA) on how to proceed relative to Cannabis use in the State of Michigan.

Work with USDA relative to language in the Bovine Tuberculosis (TB) Memorandum of Understanding (MOU) continues and agreement is anticipated soon. He thanked Dr. Averill for his outstanding coordination leading the department in this effort.

Tomorrow, MDARD will begin a series of Sampling Team Exercises. These exercises will provide department field staff with an opportunity to sharpen their emergency management skills and are being conducted at various locations across the state. In conjunction, he will be participating in agriculture tours in each of the meeting areas.

The Agriculture Census will be released on April 11. Just prior to that release, Marlo Johnson from USDA National Agriculture Statistics Service (NASS) will meet with MDARD executive staff to provide key details of the Census.

In response to question from Commissioner Montri, the Director advised the Brown Bag Lunch events are being scheduled for employees to join him in casual conversation and to assist in the Employee Engagement effort. In addition, whenever an employee receives special recognition, he is personally calling that person to thank them for their extra efforts. For instance, just recently, several employees went out of their way to ensure services were provided during the polar vortex.

Relative to the Agriculture Census, Commissioner Meachum suggested MDARD issue a press release with Michigan highlights from that Census. The Director advised MDARD Director of Communications Jen Holton is already working toward that effort. The agriculture industry has a wonderful story to tell in Michigan, including the potential for substantial growth.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Commissioner Meachum advised that in accordance with the Public Appearance Guidelines in the Commission Policy Manual, individuals wishing to address the Commission will be allowed up to three minutes for their presentation. Documents distributed at the meeting will be considered public documents and subject to provisions of the Freedom of Information Act. The public comment time provides the public an opportunity to speak; and the Commission will not necessarily respond to the public comment. He asked Commissioner Pridgeon to assist in keeping comments within the prescribed time limit.

Wayne Whitman, Holt, Michigan, representing himself, advised he worked with MDARD for 25 years and as Manager of the Right to Farm Program (RTF) for 20 of those. His work with the department was conflict resolution and the Site Selection Generally Accepted Agricultural and Management Practices (GAAMP) is a way to prevent those conflicts. He now serves as an independent consultant on two of the GAAMP Committees. He expressed concerns relative to three actions by the department outside the normal GAAMP Annual Review process. As references to land use zoning are removed in the Site Selection GAMMP there is a potential of increased conflicts and ensuing litigation. He outlined the 2018 review process including 1) March 2018, the Attorney General Opinion was issued regarding several RTF cases; 2) April 2018, the department presented a scaled-down “user friendly” version of the GAAMP for consideration; 3) June 2018, MDARD presented a letter to the Task Force, which he feels was inaccurate and misleading because the Act does not preclude the department, Commission, or Task Force from referencing zoning in the GAAMP; 4) August 2018, the Task Force Chair responded indicating the Committee submitted its final draft with edits that did not change any references to zoning; and 5) October 18 Public Input Meeting, during which an alternative draft was presented by MDARD that had not been reviewed by the Committee, yet appeared to be from the Committee as it was back to the original version with all supporting text, containing edits from the Task Force, as well as the department, and he feels appeared to be circumventing the normal review process. Historically, GAAMPs have been science-based and developed by a multi-agency task force. The department can no longer say this about the alternative version, which was edited to remove most references to zoning.

Jim Spink, Horton, Michigan, representing himself, reported he and his brothers operate a sixth generation MAEAP verified crop farm in southern Jackson County and he has a 27-year career in law enforcement and as a township supervisor. When his operation wants to expand its irrigation or pesticide use, they are referred to state rules and guidelines and nowhere is there a provision for third-level township review of those policies or the ability to interject local rules on top of those. The initial step in the Site Selection GAAMP is that any new expansion must occur in an area that meets the master plan for that township and is within an agricultural zone. The remainder of the process includes various state standards that must be met. There are over 1,300 townships in Michigan and if there were third-level review, we would end up with unconstructive promulgation of additional rules by planning commissions and township boards, and in other words, an effort that is nothing more than a “not in my backyard” mentality of rules. He supports the removal of zoning in the additional text, as it is there

in the very first premise that this must occur in an agricultural zone consistent with the master plan, and that is sufficient.

Doug Darling, Maybee, Michigan, representing Darling Farms, LLC, advised his farm operation in Monroe and Washtenaw Counties is also MAEAP verified, he served as a township supervisor for 10 years, currently serves on the township planning commission, and served on the Commission of Agriculture for 12 years. During his tenure as a Commissioner, MAEAP and the GAAMPs and its Public Comment process were created. In reviewing the RTF Act, it specifically exempts local units of government from passing and enforcing ordinances regarding agriculture that conflict with RTF or the GAAMPs. The amended RTF Act strengthens that language. When the first Site Selection GAAMP was created, it referenced local units of government, ordinances, and zoning. He feels he made a mistake in supporting the inclusion of that language in the GAAMP. The March 2018 Attorney General Opinion regarding the RTF Act upholds the exemption of local units of government from regulating agriculture and reinforces its trust in MDARD and the Commission to protect the citizens of Michigan, consumers and producers alike. He supports the proposed Site Selection GAAMP language as presented today.

Rob Richardson, Vicksburg, Michigan, representing R. Richardson Farms, LLC, advised he owns a sixth generation farm in Brady Township near Kalamazoo. Their operation was expanded to 5,000 head under the Site Selection GAAMP and they appreciate the effectiveness of that process. Their township is continually chasing animal agriculture through becoming very creative with the large rural residential district established by passing an ordinance no longer permitting agriculture in that zone, which attempts to eliminate livestock agriculture in the area. He supports the GAAMP and removal of references to zoning contained within.

Scott Oswalt, Vicksburg, Michigan, representing Oswalt Family Farms, LLC, reported he and his brother farm 1,000 acres, raising commercial angus beef and sheep. He has served for 10 years as the only farmer on the Brady Township Planning Commission, one that seems to pride itself on being out in front on issues relative to GAAMPs. The rural residential area created by that body has eliminated any new agricultural use. He is concerned that if his township can accomplish this, what will prevent future members from applying this same idea of zoning agriculture out of the more agricultural rural areas. He feels very strongly that future use needs to be controlled. The township spent two years working with MDARD and Michigan Farm Bureau in an attempt to educate their township board and planning commission on the agricultural perspective. By removing zoning from the GAAMP, it will help control the process at the state level. The GAAMP has always worked well and he hopes to see that continue in the future. He complimented the department and Commission on their good work.

In response to question from Commissioner Montri, Mr. Oswalt advised the lot size in Brady Township's rural residential area ranges from two-acre lots to over 80 acres of open farmland.

Tom Zimnicki, representing Michigan Environmental Council, advised he also serves on the Manure, Site Selection, and Irrigation GAAMP Task Force Committees.

He recognizes RTF serves that purpose of not allowing local government to preempt practices that are conforming to GAAMPs, which the Attorney General Opinion supports. The department presented five instances across the state where local zoning was in fact trying to preempt some generally accepted practices. He is concerned with the process, because fundamentally, zoning has been included in the Site Selection GAAMP since the beginning. Consideration of zoning within the GAAMP is not a precondition to site approval, it is simply one of the things the department may consider when making a determination around site selection. It is their view the department should be considering all relevant and applicable language and standards available when granting a site selection. Changing references from “commercial zoning” to “commercial areas,” for instance, seems to suggest zoning does not occur anywhere. If the goal is to reduce future disputes, given this language has been in the GAAMP from its beginning, it would seem to make the most sense to at least provide opportunity for the Task Force Committee to review and comment on the proposed changes relative to the removal of zoning as related to the scientific justification.

2019 GENERALLY ACCEPTED AGRICULTURE AND MANAGEMENT PRACTICES (GAAMPs): Jim Johnson, Division Director, and Ben Tirrell, Right to Farm Program Manager, Environmental Stewardship Division, and Dr. Dale Rozeboom, Professor, MSU Department of Animal Science, Professional Committee Chair, and Chair, Site Selection GAAMP Task Force

Mr. Johnson advised he appreciates the opportunity to complete the review and approval process for the 2019 GAAMPs. He reminded the Commission the RTF Act is very specific in terms of the role the Commission has relative to establishing a set of defined GAAMPs, those standards that are used for determining compliance with the RTF Act. The Act also dictates the GAAMPs be reviewed and approved on an annual basis. In November, the GAAMPs were introduced for the Commission’s review, and normally in January, the Commissioners have the opportunity to ask questions and ultimately make a decision about each of the eight GAAMPs as presented. Because of the polar vortex, the January meeting was cancelled and the GAAMPs are now being presented today. He expressed his appreciation to Dr. Rozeboom, the other Task Force Chairs, and their committees for the considerable amount of time and effort spent in reviewing the GAAMPs every year. They work tremendously hard to ensure the GAAMPs represent the latest understanding in terms of technical standards and science in attempting to improve production agriculture in Michigan.

In respect of Dr. Rozeboom’s time, they will begin today with review of the Site Selection and Manure Utilization GAAMPs. Mr. Tirrell explained the Site Selection GAAMP contains four sets of text proposals to provide transparency and clarity on the source of each proposed edit.

Dr. Rozeboom advised the Task Force has worked closely with the department since January 2018 to fully incorporate the Offset 2018 Odor Model tool in the site selection process and how best to apply that tool. One approach included adopting the Scentroid odor approach as being the most accurate in considering large facilities containing multiple facilities. Other states and countries now are inquiring about the Offset 2018 Odor Model tool for their potential use. The Task Force also worked with the department to make improvements in their site selection notification process. Consideration around

a “user friendly” GAAMP resulted in their concluding not to adopt that version. The GAAMP has been developed over several years with careful scrutiny by the Task Force, and although the attempt to make them more understandable was a worthy effort, the potential to lose the intended meaning through the technical language would be lost. It would take a dramatic amount of additional time to ensure that could be accurately accomplished. The Task Force suggested the “user friendly” text be provided in documents for the public to help them better understand the GAAMP.

Other issues taking considerable time and being considered by the Task Force Committee included E. coli impaired watersheds as related to recreational or high-use areas and receptor-based modeling to consider the impact of multiple farm sites on single receptors.

In the midst of the above, they also considered Commission Policy 12 and the changes proposed by the Commission. They agreed with many of those changes, which are reflected by green text in the draft GAAMP as their suggestions to the Site Selection Appeal Process. Their intention is to accurately reflect the role of the Task Force and a Professional Subcommittee of that Task Force as it serves a role in the Appeal Process.

There were no other changes suggested by the Task Force. Late in the year, the Task Force received comments from the GAAMPs Public Meeting and Public Comment Period. None of those pertained to changes the Task Force was recommending, as they all referred to to the proposed zoning changes.

Mr. Tirrell advised MDARD attempted to be very clear and transparent about the changes proposed by the department. The statute itself gives MDARD an obligation to provide the Commission with information related to relevant policy issues and any unforeseen consequences. The purple text represents revisions proposed by MDARD related to Category 4 sites, adding “Category 4 sites are also those locations where environmental land and resource use controls (institutional controls) have been adopted that prohibit livestock agriculture. These sites are not acceptable for new and expanding livestock facilities if 1) the land and resource use controls (institutional controls) were approved by the Michigan Department of Environmental Quality pursuant to the Natural Resources and Environmental Protection Act (NREPA), MCL 324.101 or the Environmental Protection Agency (EPA) pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act or the Resource Conservation and Recovery Act; and 2) the land and resource controls (institutional controls) are necessary to protect human or animal health.” Subsequently, at the November Commission meeting, former Director Wenk proposed a conceptual revision as indicated by the blue text. This adds a stipulation these institutional control sites be confirmed by a vote of the Michigan Commission of Agriculture and Rural Development.

The proposed changes to zoning as related to livestock production facilities are noted in red text and continue throughout the document.

Commissioner Montri thanked Dr. Rozeboom and the other Task Force members for their considerable efforts; she appreciates the time and energy each dedicates to the process. She noted there should be consistency with removing zoning and there are

other GAAMPs that also reference zoning and asked about those references. Mr. Tirrell explained zoning and applicable criteria are listed in the Farm Market GAAMP and have not been discussed by that Task Force. Mr. Johnson advised the Farm Market GAAMP is centered on establishing farm markets in places that are much more urban than those being considered for siting of livestock facilities, which is also the challenge when considering zoning relative to Category 3 and 4 sites that are more urban. There are considerable challenges in removing zoning from a consistency standpoint because of the fact the GAAMPs themselves have become so broadly applied across the state. The siting process is an extremely involved process, and by the time you have finished approving a large livestock site, you are very much in rural Michigan. What is now driving the decision relative to Category 1 and 2 sites is the fact that zoning changes are being made in very rural areas that actually exclude agricultural uses. Because the agricultural community is very concerned about these situations, they need to be addressed.

Commissioner Montri agreed and sees those issues as problematic. She advised if we are moving in the direction of removing references to zoning, then we need to do so consistently across the Site Selection GAAMP, as well as the other GAAMPs, to ensure they are in accordance with the Attorney General Opinion. Commissioner Meachum agreed there should be consistency with the removal of zoning in the Site Selection GAAMP; and although townships feel the change is taking away their rights, that is a misconception because the townships actually did not have that right under the RTF Act. He does feel, however, the Farm Market GAAMP represents different issues and zoning should remain in that document relative to any commercial operation.

Commissioner Pridgeon noted with Category 1 and 2 sites, there exists a balancing act of trying to create within scientific reason no nuisance and asked if we are creating a greater challenge of managing neighbor relationships. He asked what role the Odor Model provides in creating that balance as we make adjustments. Dr. Rozeboom advised the new Offset Odor Model improves the accuracy of understanding whether non-farm residents or neighbors will be impacted five percent or greater amount of the time. Commissioner Pridgeon noted as the Commission listened to testimony during Site Selection Appeals, concerns did not relate to zoning conformance, but rather neighbor and perception issues, or other concerns that will be considered by the Task Force in the future.

Relative to the "user friendly" GAAMP, Commissioner Montri confirmed the Commission has not seen that version, which was an attempt to create a more accessible GAAMP. In response to her further questions around proposed MDARD changes, Dr. Rozeboom advised his Task Force has seen, but not had the opportunity to work through the recent suggested MDARD revisions.

Mr. Johnson advised the recent MDARD proposed changes are not science-based items, but rather are policy decisions by the department. If there is an institutional control in place limiting the land use, the department made a policy decision that occurrence should be included in the GAAMP. As confirmed by current and previous Task Force Chairs, the removal of zoning is not a technical question, and therefore, remains a policy decision on the part of the department. The letter sent to the Task

Force in June specifically identified the removal of zoning from the “user friendly” version to ensure they were directly aware.

Commissioner Montri pointed out in the draft version, there still are direct and indirect references to zoning and feels this is problematic. And, although it may be a policy decision, she feels there still is tremendous value in having the expert Task Force provide input around those recommended changes to ensure the document will function as one cohesive guideline that can be used in a clean, productive manner. For instance, references on pages 10, 12, and 14 perhaps could be rewritten as opposed to deletion. She further requested reference to institutional controls be better defined with explanation of how that functions within the remainder of the GAAMP; and, are there other similar instances of which the Commission should be aware or considering. Finally, she would like to honor the established process of allowing the Task Force to review all the proposed changes. Commissioner Meachum agreed with her thoughts.

Commissioner Meintz asked what legal ramifications, arguments, or costs could be expected with the removal of zoning from the Site Selection GAAMP. Mr. Tirrell advised the decisions being made in terms of the overall Site Selection process would not be significantly altered. The department observed the unintended consequence and trend around this issue, which is being brought to the Commission’s attention. Commissioner Meintz advised he feels the zoning changes within the Site Selection GAAMP would be beneficial in creating consistency throughout the state.

Commissioner Pridgeon advised this is the first time he has seen policy changes recommended as opposed to adjustment of the science model, and reiterated the department believes it has the obligation to lead those changes. Commissioner Montri agreed, advising she is in support of the changes themselves.

Commissioner Meachum advised this has been a long process. Actually, the zoning policy issue originated with the Commission two years ago and represents recommendations the Commission requested the department develop within the GAAMP. We have trusted the Task Force and they have done a great job. This is something the Commission requested of the department directly. Dr. Rozeboom advised the Task Force recognizes it is the Commission’s decision, but they have not yet considered whether there might be science resulting from public policy.

MOTION: COMMISSIONER MONTRI MOVED THE 2019 SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK FACILITIES GAAMP BE APPROVED WITH THE SITE SELECTION TASK FORCE RECOMMENDED CHANGES ONLY AND THE REMAINDER OF PROPOSED CHANGES BE FURTHER CONSIDERED BY THE DEPARTMENT AND THE SITE SELECTION TASK FORCE TO DEVELOP CLARITY AROUND COMPLETE REMOVAL OF REFERENCES AND INFERENCES TO ZONING, AND DEFINITION AND CLARIFICATION OF INSTITUTIONAL CONTROLS.

Commissioner Meachum advised he would prefer prompt action on the GAAMP and asked if it could be accomplished in time for the May 15 meeting. Dr. Rozeboom advised they will work with that deadline. Commissioner Montri advised all potential

references to zoning should be removed for consistency. Mr. Johnson advised there are references to land use in Category 4 that actually are appropriate. Much of what they attempted to do is make reference to land use issues without referring to the term zoning. It is very complicated issue.

Commissioner Pridgeon requested clean-up of Category 3 and 4 to ensure there is not an assumption or inference to zoning and asked whether there is a need for defined setbacks for highly residential or specific residential densities; although not related to zoning, those are similar to what is considered for high public use areas and feels we may need a similar statement. He feels the GAAMP could be approved with understanding the Commission would receive a report addressing all of the questions and ensuring we are not creating an unintended consequence. Commissioner Montri added definition of institutional controls needs to be added to the items in question.

MOTION: COMMISSIONER MONTRI WITHDREW HER MOTION ON THE FLOOR.

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK FACILITIES GAAMP AS PRESENTED WITH INSTRUCTIONS THE DEPARTMENT AND TASK FORCE COMMITTEE WILL BRING CHANGES AND CLARIFICATIONS AS DISCUSSED FOR CONSIDERATION BY THE COMMISSION AT THE MAY 15, 2019 MEETING.

Mr. Johnson advised it would be not beneficial for the department to work with a document that is in a state of limbo for over a month and it could create operational problems. His preference would be to move forward with the existing GAAMP as approved in 2018 and present improvements to the 2019 draft next month.

MOTION: COMMISSIONER PRIDGEON WITHDREW HIS MOTION ON THE FLOOR.

Commissioner Meintz advised he would have been in favor of approving the GAAMP with the recommended changes as proposed and the discussed questions would become part of the living, working document as they move forward as a board.

MOTION: COMMISSIONER MONTRI MOVED TO TABLE THE 2019 PROPOSED SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK FACILITIES GAAMP UNTIL THE COMMISSION'S NEXT MEETING, CONFIRMED THE COMMISSION AGREES WITH THE GENERAL INTENT OF THE RECOMMENDATIONS, AND THE DEPARTMENT AND TASK FORCE COMMITTEE WILL PRESENT ADDITIONAL CHANGES AND CLARIFICATIONS AS DISCUSSED FOR CONSIDERATION BY THE COMMISSION AT THEIR MAY MEETING. COMMISSIONER PRIDGEON SECONDED. MOTION CARRIED.

Dr. Rozeboom reviewed proposed changes to the Manure Management and Utilization

GAAMP. He advised some modifications were made, including mention of the new Michigan Enviowweather and Michigan Enviroimpact management tools available for reference; redundancies were removed on pages 7 and 9; several references were updated; and precipitation values were updated in Table 6. Both the Manure and Site Selection GAAMP Task Forces are working diligently on an issue addressed last year, which is the location of offsite manure storage, and associated with that issue, when a farm undergoes no change in its production capacity yet is changing its manure or other storage facility that would be odor generating.

Commissioner Montri noted two minor edits that should be made: the first sentence on page 7, the word “are” should remain; and on page 25, the last sentence in red, after the words “Management Tools (AC) (590) folder,” there should be a comma instead of a period and no quotes are needed after the word “tools.”

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE 2019 MANURE MANAGEMENT AND UTILIZATION GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED AND DISCUSSED. COMMISSIONER MONTRI SECONDED. MOTION CARRIED.

Mr. Tirrell reviewed proposed changes to the Irrigation Water Use GAAMP, which included substantial inclusion of text on page 2 indicating the proper sources for irrigation water. Pages, 14, 15, and 18 are movement of text and there are other minor changes involving updates and regulatory structure revisions.

Commissioner Montri noted in the reference on page 2 under System Management, the number of practices should be seven instead of six. In the first sentence of that section, she suggested the words at the beginning, “water supplies for” be deleted for clarification.

MOTION: COMMISSIONER MONTRI MOVED TO APPROVE THE 2019 IRRIGATION WATER USE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED AND DISCUSSED. COMMISSIONER MEINTZ SECONDED. MOTION CARRIED.

Mr. Tirrell advised in the Care of Farm Animals GAAMP, many of the of the changes proposed are similar for each of the species, including correcting technical writing errors and updating of references. Throughout, the Committee added “licensed” before “veterinarian” and deleted the word “practicing,” feeling that word was unnecessary. Organic production statements were added in the healthcare sections (except aquaculture and bees). The dairy cattle chapter includes updated production numbers from USDA. One of the more significant revisions occurs in the Farm Raised Mink and Fox section, which includes extensive additions. And lastly, members on the Task Force were updated.

Commissioner Montri asked if staff knew why only organic production is referenced on page 30, rather than stating all types of production should consult with a veterinarian when dealing with sick animals. Commissioner Meachum requested clarification include

consideration of removing the word organic and whether that would change the intent. Mr. Johnson advised they would consult with Task Force Chair Dr. Powers and report back to the Commission.

Commissioner Montri asked for clarification relative to mink and fox and if this update was largely due to updates in the Fur Commission Standards and not necessarily a change in Michigan's mink and fox production. Also, sometimes throughout the inserted language, they state mink or fox, while others reference only mink, and asked if certain areas actually apply only to mink. And for clarity, she asked if the New Pen Construction Table on page 76 pertains to mink, fox, or mink and fox. She suggested perhaps one sentence at the beginning of the document could clarify that all references pertain to both animals. Mr. Tirrell will consult with Dr. Swanson and advise the Commission.

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE 2019 CARE OF FARM ANIMALS GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH RECOMMENDED CLARIFIED CHANGES AS PRESENTED. COMMISSIONER MEINTZ SECONDED. MOTION CARRIED.

Mr. Tirrell advised it is recommended the four remaining GAAMPs move forward for 2019 with no changes.

MOTION: COMMISSIONER MEINTZ MOVED TO APPROVE THE 2019 CRANBERRY PRODUCTION, FARM MARKETS, NUTRIENT UTILIZATION, AND PESTICIDE UTILIZATION AND PEST CONTROL GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH NO CHANGES AS PRESENTED. COMMISSIONER BERGDAHL SECONDED. MOTION CARRIED.

COMMISSION POLICY MANUAL

Commissioner Montri advised her request for the additional agenda item was relative to the Site Selection GAAMP, which if approved, included language modifying Commission Policy 12. She inquired as to when the biannual review of the Commission Policies would be conducted. Mr. Ayers advised that review is planned for the May Commission meeting.

MOTION: COMMISSIONER MONTRI MOVED TO TABLE COMMISSION POLICY DISCUSSION TO THE MAY 2019 MEETING. COMMISSIONER PRIDGEON SECONDED. MOTION CARRIED.

RECESS AND RECONVENE

Chairperson Meachum recessed the meeting at 11:20 a.m. for a brief break. He reconvened the meeting at 11:34 a.m. In consideration of the several guest presenters, he advised agenda item 10, Overview of Governor's Executive Orders and Executive Directives, would be moved forward in the agenda and combined with item 13, Legislative Update.

FOOD AND AGRICULTURE INVESTMENT FUND REQUESTS: Peter Anastor, Division Director, Agriculture Development Division (AgD)

Mr. Anastor noted the Food and Agriculture Investment Fund is a relatively new incentive program that is specifically focused on food and agriculture businesses, with projects approved by the Commission for Agriculture and Rural Development. Fiscal Year (FY) 2017 was the first year the department was appropriated funding for this new program, and 26 projects were approved by the Commission. He provided the Commission with an Impact Report providing an update on the FY17 and FY18 projects approved and their current status. A summary report will be provided to the Commission for each of their meetings.

Today, the department is recommending 11 additional projects for Commission approval. The first is the second UP project in the program and is Eastern UP Wood Shavings. He introduced Mickey Hoffman, Jim Portice, and Dan Socia from the company, and Joshua Billington from the Small Business Development Center (SBDC) in the UP.

Ms. Hoffman advised they are very excited about their project. They experienced a devastating fire last December that took their entire production plant. They decided to make that a positive and build back with more efficient equipment. They were established in 2013 and produce and sell 100 percent, organic, premium-flake wood shavings made from spruce and balsam grown in Michigan's UP. They are the only organic wood shavings producer in the world and their products do not contain any chemicals or gasses, which has proven beneficial to animals and humans alike.

The project would allow them to triple their sales and production capacity, while also increasing their wood purchases by 300 percent, leading to new investment and new jobs in Chippewa County. They are also investigating the potential of rail shipment that could dramatically expand their market potential.

They are currently a supplier to companies like Herbrucks, which utilizes their product as part of the process to produce premium-quality eggs. They are also a major supplier to Great Lakes Equestrian, which is an eight-week event which brings in 10,000 horses from all over the world, allowing the company to get global reach on their product. The company also gives back by supporting Cancer for Awareness, which is the only other emblem on their product bags and is a personal passion initiative for her.

Mr. Anastor advised this is the first wood products project under the program. Donna LaCourt was the lead staff person on the project, which also received support through Josh Billington from SBDC. Mr. Billington advised SBDC partners with the Michigan Economic Development Corporation (MEDC) through federal and staff funding and offer cost-free business consulting. They have provided those services to UP Wood Shavings over the last few months to help get them back up and running.

Mr. Anastor advised the project will include the purchase and renovation of an existing building in Chippewa County and the purchase and installation of new equipment to restart production. Total investment is \$2,020,300, with the new facility employing 8 to 10 additional people and tripling wood usage, manufactured product, and sales as

compared to the previous facility. The department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$125,000 for Eastern UP Wood Shavings, Inc.

Commissioner Montri noted it is great to kick-off today with a UP project, which is no doubt familiar to our two new UP Commissioners. She asked about anticipated changes to the facility to prevent fire risk. Ms. Hoffman advised the cause of the fire was undetermined and did not come from any of the machines. They routinely remove all dust every day from the plant and equipment, followed by an end-of-week thorough cleaning. Also, a fire suppression system within new equipment is being considered.

MOTION: COMMISSIONER MEINTZ MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE-BASED GRANT OF \$125,000 FOR EASTERN UP WOOD SHAVINGS. COMMISSIONER BERGDAHL SECONDED. MOTION CARRIED.

Mr. Anastor next presented the Avalon International Breads project. He introduced co-founder and CEO Jackie Victor and Chief Financial Officer Frantz Narowski. When wanting to focus on value-added agriculture, the division conducted research through Euromonitor International to determine what opportunities are best suited for Michigan. Results indicated baked goods as the second-best opportunity for value-added processing. A number of baked goods companies are here today, and Avalon is one of those.

Ms. Victor advised Terri Barker of the department has been incredibly helpful to work with on their project. They were founded in 1997 with the mission of being part of the social revitalization of Detroit, with the three bottom lines of earth, community, and employees. Twenty-one years later, Avalon International Breads is still serving up 100 percent organic flour artisan breads and sweets, while providing workforce training opportunities for under and unemployed Detroiters. Avalon's dedication to and support of Detroit neighborhoods and citizens is widely regarded as a catalyst for attracting people to the city and an integral part of the rebuilding and renewal of Detroit's Cass Corridor neighborhood. Today, Avalon has expanded to include a large food manufacturing bakehouse that produces bread and sweets products for four retail locations, as well as many restaurants and markets in Michigan. Avalon employs 130 people, providing good wages, benefits, and opportunities for growth, and have supported many small emerging food businesses. They are excited about the potential of activating a new Detroit eastside neighborhood and making a much larger local impact. Their goal is to increase both the number and quality of jobs by improving efficiency and consistency through next-level manufacturing equipment and training.

Mr. Narowski advised five years ago, Avalon International Breads invested in a much larger, 50,000 square-foot facility and have grown significantly since. However, they are currently only utilizing a fraction of the capacity and, with considerable interest in their products, have the potential for considerable growth. This project expansion will be geared toward increasing capacity from \$3M per year to \$7.5M annually through equipment upgrades, process updates, and employee training. More tangibly, they are

looking at nine pieces of equipment that will help capacity and improve quality consistency, as well as improve safety and efficiency. They will also increase their internal and external workforce development programs. Sixty percent of the employees hired into the bakehouse facility have no previous experience in manufacturing or baking and they receive on-the-job training to use specialized equipment in a food manufacturing setting, including food safety, heavy machinery, process flow, and lean manufacturing. Over the years, their employees have gone on to start their own food businesses in Michigan. Initially, the project will have a significant impact on the sustainability of their business and continue to support Michigan's food landscape. Five new jobs will be created. They were recently awarded a State of Michigan Go Pro Talent grant which will go toward training Bakehouse employees. Avalon always prioritizes sourcing locally, purchasing about \$2M in food product each year, which would triple through this project. Much of the demand is already in place to support their projected growth. The total project is \$350,000 and financing is in place for almost all that amount. If we could fill the gap, the project could move forward.

In response to questions from Commissioner Meintz, Mr. Narowski advised although some of their products, such as bulk organic flour, are not available in Michigan, they do purchase from local and Michigan sources as much as possible, with 80 percent of their vendors being Michigan-based companies. Ms. Victor advised they would be thrilled to have continued conversations with organic growers in the UP as potential vendors.

Mr. Anastor advised MDARD recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Program performance-based grant of \$80,000 for Avalon International Breads.

MOTION: COMMISSIONER MONTRI MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE-BASED GRANT OF \$80,000 FOR AVALON BAKERY. COMMISSIONER MEINTZ SECONDED. MOTION CARRIED.

Mr. Anastor advised the third project today is KDS, LLC, better known as Schramm's Mead. Mr. Anastor introduced owner and Head Mead Maker, Kenneth Schramm. They are coordinating an expansion in southeast Michigan.

Mr. Schramm advised he is very grateful to Mr. Anastor and Terri Barker of his staff who worked so hard to help their project. Schramm's Mead is looking to create a model for ultra-premium craft fruit mead production. He shared the history of his farming family and how they influenced his profession, with two centennial farms still being in the family.

He has worked extremely hard over the last two and one-half decades in trying to establish mead as beverage recognized and loved in the craft beverage world and help it become an actual industry. His vision for making the highest quality commercial mead came to fruition in 2013 when Schramm's Mead was founded. He also authored "The Complete Mead Maker" that has become the bestselling mead making book in history. In 1992, he proposed and co-founded The Mazer Cup Mead Competition, the world's oldest and largest mead-only competition.

Schramm's Mead has experienced a seven-fold increase in employment and a seventeen-fold increase in revenue since 2013. The company employs 17 people and produces more than 6,000 gallons of mead annually, made from more than 3,300 gallons of U.S. True Source Certified honey and approximately 22 tons of fruit. Schramm's Mead sources wildflower, buckwheat, trefoil, and star thistle honeys from Michigan beekeepers. Over one-third of their fruit comes from Michigan producers.

They are expanding capacity through the purchase and development of an orchard for premium fruit growing, and through improvements to its production facility and tasting room. The Schramm family is purchasing a 6.1-acre parcel of agriculturally zoned land in Rochester Hills, Michigan. The total project costs are approximately \$790,000, with 4.85 of the 6.1 acres available for planting tart morello-type cherries, apples, and berries. Their goal is to utilize known techniques to produce ultra-premium beverages and the essence of that quality is in control of growing location, varieties, and agriculture techniques. Their goal is fruit to produce the best possible mead in the world and establish Michigan as that source. They are very grateful for the opportunity.

Mr. Anastor added the project represents an almost \$800,000 investment in total. The department's focus and support relative to the grant is on the production piece of the project to ensure equipment and processing capability to assist expansion of the mead making. About \$300,00 of the investment is specifically toward equipment.

In response to questions from Commissioners Meachum and Meintz, Mr. Schramm advised ultra-premium flavor and aroma are the primary goals of the grapes being grown for mead. Last year, they purchased 22 tons of Michigan fruit for their products and will continue to purchase Michigan fruit to supplement what they can grow themselves. Commissioner Meintz asked about the essence of the fruit and noted the UP is experiencing considerable growth in various fruit growers because of their need to be in more unpopulated areas to heighten sensation of the fruit. Mr. Schramm agreed and advised their orchard location selection was based on soil type and climate to match their current needs.

Mr. Anastor advised the department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$100,000 for KDS, LLC, dba Schramm's Mead.

MOTION: COMMISSIONER MONTRI MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE-BASED GRANT OF \$100,000 FOR KDS, LLC, DBA SCHRAMM'S MEAD. COMMISSIONER PRIDGEON SECONDED. MOTION CARRIED.

The next project today is Bear Creek Organics in the Petoskey area. He introduced owner Brian Bates and Wendy Wieland from the MSU Products Center.

Mr. Bates expressed thanks to Mr. Anastor and Jodi Gruner of his staff. Bear Creek Organic Farm is a year-around greens and herbs farm in Petoskey, Michigan, that focuses on hyper-local production and marketing. This project is focused on satisfying

growth, increasing season extension, and attempting to right-size their business for their community.

They are the only farm in northern Michigan growing 52 weeks a year and harvesting twice a week. Through this project, Bear Creek Organic Farm will increase their greenhouse growing capacity and hoop house production space, increase processing barn size and capacity, increase cold-storage capacity, ensure full Food Safety Modernization Act (FSMA) compliance, double their workforce, and increase the regional supply of fresh vegetables and herbs sold locally.

They have grown in six short years from an apiary and field-focused micro-business to a rapidly growing regional supplier of multiple greenhouse products, including their year-around greens and living herbs. Year-over-year growth rates for greenhouse production are up over 80 percent annually each year for the last three years. With national lettuce recalls draining inventories, trucking costs skyrocketing, and regional grocers adopting a more localized approach, Bear Creek Organic Farm has adopted and grown a retail-forward marketing and distribution approach to their tender greens and living herbs business. Within 12 months of project completion, they expect customer counts to increase from 9,500 annually to over 20,000 and wholesale accounts to grow from 45 to 85. Over the next five years, workforce and sales volume are projected to double again with this project.

Ms. Wieland advised she is one of 10 innovation counselors MSU has across the state that provide general business counseling specializing in food, agriculture, and bio. They provide everything from campus business specialties to entrepreneur business plans and grant assistance. They see tremendous growth potential across Michigan, and she has been thrilled to work on a project such as this.

Mr. Anastor advised the investment is \$432,500 and is expected to create five new jobs. The department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$80,000 for Bear Creek Organics, LLC.

Commissioner Montri advised, since the MSU Product Center is working closely with this project and she also works for MSU, she will abstain from voting. She noted it has been inspiring to see Bear Creek Organic farm grow and she appreciates the considerable amount of work they accomplish in sharing what they have learned by focusing on educating and mentoring other new and beginning farmers and food entrepreneurs.

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE-BASED GRANT OF \$80,000 FOR BEAR CREEK ORGANICS, LLC. COMMISSIONER MEINTZ SECONDED. MOTION CARRIED.

Mr. Anastor advised the fifth project today is Riveridge Produce Marketing. Mr. Anastor introduced the company's president, Don Anmock and Trish Taylor, also from the company. Also here today is Julie Burrell from The Right Place, which is the regional economic entity in the Grand Rapids area.

Mr. Anmock thanked the Commission for the opportunity to explain their project. Founded in 1990 as an apple marketer, Riveridge Produce Marketing, Inc., has grown to a grower/marketer/shipper/packer/ in Sparta, Michigan. They have expanded marketing into caramel apples, cider, sweet cherries, and asparagus. Under the Riveridge Produce Marketing umbrella is the Riveridge Land Company with more than 1,000 acres of orchards, Riveridge Packing, and Riveridge Cider Company, the focus of this project.

Riveridge Cider had been on the market for 15 years, and using primarily Michigan apples, was co-packed by regional cideries. Riveridge Cider Company is the first vertical integration to control the process from pressing of the apple to bottling. Sadly, on the evening of July 3, 2018, the entire facility burned to the ground, less than one year of opening. Fortunately, a key piece of equipment was still in transport and not at the facility that burned, and they were able to lease space and rent other equipment to press and bottle for the 2018 season. Along with co-packers in Van Buren County and Pennsylvania (for non-preservative product), they were able to be seamless to their customers and have become the second largest cider maker in the United States.

There are about 825 primarily family farms that produce apples in Michigan and Riveridge is working with well over half of that group of growers. They have been able to take apple cider from Michigan into other parts of the country and grown the cider business for Michigan growers by two million gallons. While certain fresh apple markets are harder to penetrate due to states like Washington, which grow 15 times more apples than Michigan, opportunities are growing with products like with cider.

The impact to growers will also be significant as apple growers will be able to secure a better return and have a home for those apples that may not make the cut for fresh. The apple industry is fortunate to have six and seven generations on the farm and this project will help them stay in Michigan and continue growing apples for their family farm.

This project will lead to the construction of a new 36,000 square-foot production space with additional space for offices, labs, and meetings. Total costs for the project are estimated at \$7.85M, with \$3.2M necessary for building and site costs and \$4.6M for new machinery and equipment. The result of the project will allow Riveridge to provide shelf-stable product, allowing for year-around business. The company will also expand further into flavored product, based on the success of 2018 new introductions of Pumpkin Spice, Apple Spice, and Apple Pie flavors. Product can also be provided in bulk form in tank and tote quantities, pasteurized, non-pasteurized, and filtered and non-filtered.

Ms. Burrell added The Right Place is pleased to have the opportunity of working with Riveridge on this project to help them rebuild as they help continue agribusiness and other family farms in the Newago County area. They are a quality company bringing a higher level of skilled jobs to the area.

Mr. Anastor advised the project is expected to create 12 new jobs, with up to 20 new jobs over the next few years. Many of these jobs will be full-time and will allow Riveridge to become a year-around employer in Newago County, with specialized positions such

as those in the lab and management. The department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$100,000 for Riveridge Produce Marketing, Inc.

Commissioner Meachum advised their family farm conducts business directly with Riveridge and he will abstain from voting on this project.

MOTION: COMMISSIONER MONTRI MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE-BASED GRANT OF \$100,000 FOR RIVERIDGE PRODUCE MARKETING. COMMISSIONER BERGDAHL SECONDED. MOTION CARRIED.

Mr. Anastor advised the next project being presented today is the Allen Neighborhood Center's Accelerator Kitchen project in Lansing, which is creating accelerator space for start-up companies, and the department is excited to have this space in Lansing. He introduced Joan Nelson, Executive Director of the Allen Neighborhood Center (ANC).

Ms. Nelson reported that founded in 1999, ANC is a place-based 501(c) 3 organization that serves as a hub for neighborhood revitalization, food entrepreneurship, and for activities that promote the health and well-being of Lansing's Eastside – a low-moderate income and low-food access community. They are proposing the development of a 1,200 square-foot accelerator kitchen in an empty commercial unit immediately adjacent to ANC outreach offices and located in the same complex as Allen Market Place.

Accelerator kitchens are a benefit to food businesses that outgrow an incubator kitchen and are not quite ready for their own bricks and mortar shop. As a part of the complex renovation, ANC will start by creating a 1,200 square-foot accelerator space, which will serve five graduates of ANC's Incubator Kitchen Program. The accelerator, with its monthly rental fee, is an intermediate step, offering 24/7 access to a licensed kitchen that will provide a small, but exclusive work and storage area for wholesale production and limited retail. Each of five designated workstations will offer lockable storage space, small coolers, and a large stainless work table with prep and hand sink. The accelerator is a key next step in creating a pipeline of small-scale food processing opportunities for entrepreneurs, and connecting those opportunities to a range of synergistic, food-related activities. Altogether, this will help to grow the emerging, neighborhood-scale, urban food innovation district serving this low-moderate income community.

ANC manages an indoor all-season farmers market, a food hub, and numerous neighborhood-driven initiatives, with a proven track record on healthy food access programming. It is easy for the makers in their kitchens to source locally from the farmers they have grown to know. The accelerator will be the first of several food-related businesses that will be initiated over the next two years in the ANC complex. In August of 2018, with the generous support of a benefactor, ANC purchased the complex they have occupied for nearly twenty years. They partnered with the non-profit Cinnaire Corporation to begin planning for conversion of the mostly empty two-story complex into a comprehensive community space that will provide 40 units of low-income housing, along with integrative services and programming. Renovation of the empty ground-floor

area will feature food-related enterprises, including the accelerator kitchen, a small, bodega-style grocery store, and other retail space.

Since opening in 2014, they have had 36 entry-level food entrepreneurs use their kitchen space to launch their food businesses. This reflects the trend in the development of share-use kitchens across the country, with a majority serving those who face barriers to entrance into the food industry. Incubator and accelerator kitchens provide small-scale business infrastructure that is very important in the development of food-related businesses in Michigan.

Mr. Anastor advised the department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Program performance-based grant of \$50,000 to Allen Neighborhood Center to fill the existing gap in accelerator space. One of the program's goals is to assist companies in all spectrums in Michigan. Although on the smaller scale, this project is an importance piece of growing these businesses.

Commissioner Montri advised she appreciates Mr. Anastor's team exploring opportunities such as this for women and minority-owned businesses and those that face barriers to food entrepreneurship. Through this program, they have done a good job of balancing those opportunities with larger projects. Because her farm conducts business with ANC, she will abstain from the vote today.

MOTION: COMMISSIONER MEINTZ MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE-BASED GRANT OF \$50,000 FOR ALLEN NEIGHBORHOOD CENTER ACCELERATOR KITCHEN. COMMISSIONER PRIDGEON SECONDED. MOTION CARRIED.

Mr. Anastor advised the seventh project being presented today is Moersch Hospitality Group. This is a family business that has been crafting wine, beer, and spirits in southwest Michigan for 30 years. They currently own and operate Round Barn Winery, Free Run Cellars, Round Barn Brewery and Public House, and Tabor Hill Winery. The company is growing due to demand for their products and they are investing in a canning line and additional vineyards in order to support their growth. Their products are not currently available in cans, so adding this line will provide additional opportunities for the company to grow their business. Their most immediate opportunity is to produce and can their popular sangria product, which Meijer would like to distribute to 150 stores beginning in the Spring of 2019. The product is made with 80 percent Michigan grapes and provides a good justification for the company to increase their investment in Michigan. In order to accommodate this growth, the company would invest \$314,160 in new equipment and vineyard development. They anticipate the creation of two new jobs in Berrien Springs, Michigan. Mr. Anastor advised the department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Program performance-based grant of \$75,000 to Moersch Hospitality Group.

Commissioner Meachum suggested voting on the five remaining projects for today at one time. Commissioner Montri advised she would need to abstain from the vote regarding Marne Specialties and Meats.

Mr. Anastor advised the next project is for a company called Brian's Food, which is considering an expansion project in Southfield. The company manufactures gourmet calzones that are all natural, certified Kosher, vegetarian, non-GMO, and according to them, just plain delicious. They are currently sharing production space with Jerusalem Pizza in Southfield and have grown to the point where they need their own facility. The company has received a lot of interest for their products by grocery stores and distributors in Michigan and throughout the Midwest. The company has been in about 250 grocery stores and this expansion will allow them to put products in 350 to 600 stores in the first year, with continued growth after that. They are also looking to develop ready meals for grocery store delis, schools, hospitals, etc. For this project to be successful, the company will need to invest about \$1.2M for building and equipment costs. They would also plan to hire 20 new employees over the next three to four years and annually source over 500 tons of ingredients including flour and vegetables, such as onions, mushrooms, and green peppers, through Michigan farmers and distributors. Not all their items can be sourced locally, but they request locally sourced items whenever possible. The building they are considering in Southfield already has an industrial kitchen with walk-in freezers and refrigerators, so it is a great opportunity. The building will allow them to increase capacity from 200 to 500 units a day to an initial run of 2,000 units, with the ability to scale up to 10,000 units per shift with future growth. The department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$100,000 for Brian's Foods, LLC.

Mr. Anastor reported the next project is Marne Specialties and Meats, better known as Paul's Jerky. This project will assist with the expansion of a high-end, niche meat jerky company located in Kent City, Michigan. The company has shown continual growth and would like to acquire USDA certification for their products to provide opportunity to expand the ability to distribute their product outside of their current markets. The certification will also allow the company to co-pack for smaller jerky companies, which is another revenue opportunity for the company. They source primarily from Michigan and utilize turkey from Michigan Turkey, beef from JBS in Plainwell, sugar from Michigan Sugar, and cherries from Shoreline. Capital investment in this project is \$97,500, with five new jobs expected over the next three years. The department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$35,000 for Marne Specialties and Meats, LLC.

The next project for consideration is 9 Bean Rows, LLC. This company was founded in 2008 and is an agriculture and food service company focusing on retail/wholesale baked goods. The company focuses on high end, European-style breads and pastries. The company's products have been very well received and demand for their bakery products now exceeds their production levels and they have a need to expand their bakery production and acquire new equipment. They have recently purchased a business location in Suttons Bay and would like to expand their bakery. They would invest

\$514,000 in the project, with property acquisition totaling \$396,000, building expansion \$72,300, and new equipment \$41,000. They expect to add eight new jobs. Expanding their indoor production facility will allow the company to assume new bakery wholesale accounts and ramp-up production for their growing retail and farm market outlets. The processing kitchen will be part of the greater production facility and will allow them to potentially sell product to retailers in the area. They would also build-out a café and expand their retail farm market. With this investment, the company will increase purchasing from Michigan farms by 50 percent, which will lead to additional jobs at the company. The department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$50,000 for 9 Bean Rows, LLC.

The final project presented today is Cherry Republic. The company was founded in 1989 and currently celebrates Michigan's Montmorency Tart Cherry through its over 200 cherry-based products, including chocolate-covered cherries, salsas, BBQ sauces, jams, jellies, nut mixes, baked goods, soda pop, cherry wine, and cherry beer. Headquartered in Glen Arbor, Michigan, the company employs approximately 80 year-around workers and over 500 seasonal workers throughout the state, with retail stores in Glen Arbor, Traverse City, Ann Arbor, Holland, Frankenmuth, and Charlevoix. The company fulfilled over 60,000 orders in 2018 and continues to grow. Cherry Republic plans to increase the size of its existing distribution and fulfillment center in Empire by approximately 14,000 square feet. The project includes the addition of two new loading docks, as well as a building addition that will triple the company's current storage capacity. Capital investment in the project is \$1.7M, including \$225,000 for new machinery and equipment. The project will lead to the creation of 17 new jobs and will support 30 retained jobs. The department recommends the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$135,000 for Cherry Republic, Inc. A video prepared by the company was shared with the Commission.

MOTION: COMMISSIONER PRIDGON MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE-BASED GRANT OF \$75,000 FOR MOERSCH HOSPITALITY GROUP, \$100,000 FOR BRIAN'S FOOD, \$35,000 FOR MARNE SPECIALITES AND MEATS, LLC., \$50,000 FOR 9 BEAN ROWS, LLC., AND \$135,000 FOR CHERRY REPUBLIC. COMMISSIONER MEINTZ SECONDED. MOTION CARRIED.

BUDGET UPDATE: Maria Tyszkiewicz, Director, Finance and Office Services

Ms. Tyszkiewicz advised the Governor recently presented her Fiscal Year (FY) 2020 budget to the Legislature, noting the summary provided highlights the General Fund (GF) changes included in the FY2020 MDARD budget. There are four enhancements for our agency, three of them are included in our budget and one is included in that of the Department of Technology, Management, and Budget (DTMB), which is our Information Technology Inspection upgrade for licensing and inspection systems across the agency. This enhancement will support phase two of the project. The department received \$5M in the FY2019 Supplemental approved in December, and the FY2020 funding brings the department to the total \$10M requested.

MDARD's gross budget is \$109.8M, of which \$57.9M is from the general fund. This represents a 1.7 percent increase over FY2019 in the gross amount and a reduction of 1.1 percent in GF.

Primary increases include a 1.0 full time employee (FTE) and \$200 GF for an Emerging Contaminants Coordinator, which annualizes this funding for the agency. The second is for Industrial Hemp. PA 641 of 2018 passed in December 2018, creating the Industrial Hemp Research and Development Program under MDARD, for which we were provided \$150,000 in GF and 1.0 FTE to support the start-up of that program. We requested that be annualized until fee revenue can be realized.

Also, \$4M was added for the Fair Food Network/Double Up Food Bucks Program, of which \$2M is one-time funding. This will be used to match funding available in the 2018 Farm Bill, which is matched dollar for dollar up to \$20 per day for SNAP recipients to purchase fresh fruits and vegetables at retailers and farmers markets across the state.

Two on-going GF reductions include \$2.6M in the Food and Agriculture Investment Fund and \$200,000 in the County Fairs, Shows, and Expositions Grants Program. These were part of one-time funding items in MDARD's FY2019 budget and all of those, because they were one-time, are eliminated.

In response to question from Commissioner Montri, Ms. Tyszkiewicz advised \$2.5M will remain in the Food and Agriculture Investment Fund Program fund for FY2020. Previously, the Governor's recommendation ranged from \$2.7M to \$3.3M. Each year, the Legislature has added one-time funding to that recommendation. For the current year, funding is \$5.1M.

Commissioner Meachum inquired about funding for the Michigan Tree Fruit Commission. Ms. Tyszkiewicz advised that funding was provided for three years and FY2020 is the final year of that grant.

LEGISLATIVE UPDATE: Brad Deacon, Director of Legal Affairs and Emergency Management

Mr. Deacon, Acting Legislative Liaison, introduced Nathan Kark who began yesterday as the department's new Legislative Liaison. Mr. Kark advised he is tremendously excited and honored to be the new Legislative Liaison for MDARD. He previously worked as the former Chief of Staff and Director of Legislative and Constituent Affairs for Senator Morris W. Hood III. Prior to that, he worked as a Management Analyst for Kent County. He earned his bachelor's degree in History, Legal Studies, and Paralegal Certification from Hamline University and his Juris Doctorate from Western Michigan University, Thomas M. Cooley Law School.

Mr. Deacon provided an update on bills of interest to the department from the legislative session that ended in December. The Legislature passed and Governor Snyder signed bills creating an Industrial Hemp Program, expanding the Agricultural Renaissance Zone program, addressing moisture levels in soils related to sugar beet processing, increasing the state acreage cap in the Qualified Forest Program, updating the Pasteurized Milk Ordinance to ensure Michigan's conformance with national standards, making changes

to the Large Carnivore Act, and providing one-time funding to support the dairy industry. The Legislature passed, but Governor Snyder vetoed the package of bills making changes to the Animal Industry Act, as well as a package of bills on internet gaming that included a bill on horse racing.

Mr. Deacon then shared an overview of legislation introduced since the new session started in January. Both the Animal Industry Act package of bills and the internet gaming package have been re-introduced. Other new bills include proposed changes to local government ordinances on dog breeds, feeding and baiting regulations, maintenance under the Drain Code, and prohibiting application of manure or fertilizer to frozen ground. The budget bills have been introduced, and Director McDowell has presented to both House and Senate Agriculture Appropriations Committees, as well as to both House and Senate Agriculture Policy Committees.

OVERVIEW OF GOVERNOR'S EXECUTIVE ORDERS AND EXECUTIVE DIRECTIVES:
Brad Deacon, Director of Legal Affairs and Emergency Management

Mr. Deacon discussed a number of Governor Whitmer's Executive Orders and Directives, which are binding on the department and the Commission. He and Ms. Ayers are working to review the Directives to integrate language as necessary into the Commission policies. An update of the Commission Policy Manual is planned for the May 2019 meeting.

PUBLIC COMMENT

No public comment on non-agenda items was requested.

COMMISSIONER TRAVEL

Commissioner Meachum reported that Commissioners Bergdahl and Meintz also traveled to attend the Commission Orientation Session held on January 7, 2019.

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE TRAVEL FOR COMMISSIONERS BERGDAHL AND MEINTZ TO ATTEND THE JANUARY COMMISSION ORIENTATION SESSION. COMMISSIONER MONTRI SECONDED. MOTION CARRIED.

ADJOURN

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

There being no further business, the meeting adjourned at 1:25 p.m.

Attachments:

- A) *Agenda*
- B) *Agriculture and Rural Development Commission Meeting Minutes November 7, 2018*
- C) *Director McDowell – Issues of Interest Report*
- D) *Draft 2019 Generally Accepted Agriculture and Management Practices (GAAMPs)*
- E) *Public Comments Re: Draft 2019 GAAMPs*
- F) *Schramm's Mead Company Descendant Report and Pictures*
- G) *Allen Neighborhood Center Brochures and Accelerator Kitchen Report*
- H) *Cherry Republic Video*

- I) *Food and Agriculture Investment Fund Projects*
- J) *MDARD Budget Summary*
- K) *Summary of Governor Whitmer Executive Orders and Executive Directives*

DRAFT

Michigan



Department of
AGRICULTURE
& Rural Development

Michigan Department of
AGRICULTURE
& Rural Development

**Generally Accepted
Agricultural and Management
Practices for Site Selection
and Odor Control for New and
Expanding Livestock Facilities**

2019

January ~~2018~~

Michigan Commission of Agriculture
& Rural Development
PO Box 30017
Lansing, MI 48909

Note from the compiler:

Text = Revisions proposed by the Site Selection GAAMPs Task Force

Text = Revisions proposed by MDARD related to Category 4

Text = Revisions proposed by MDARD related to local zoning

Text = Revisions proposed by MCARD November 2018

Text = Revisions proposed by the Site Selection GAAMPs Task Force May 2019

PH: (877) 632-1783

In the event of an agricultural pollution emergency such as a chemical/fertilizer spill, manure lagoon breach, etc., the Michigan Department of Agriculture & Rural Development and/or Michigan Department of Environment, Great Lakes, and Energy~~Michigan Department of Environmental Quality~~ should be contacted at the following emergency telephone numbers:

Michigan Department of Agriculture & Rural Development: 800-405-0101
Michigan Department of Environment, Great Lakes, and Energy~~Michigan Department of Environmental Quality~~: 800-292-4706

If there is not an emergency, but you have questions on the Michigan Right to Farm Act, or items concerning a farm operation, please contact the:

Michigan Department of Agriculture & Rural Development (MDARD)
Right to Farm Program (RTF)
P.O. Box 30017
Lansing, Michigan 48909
517-284-5619
517-335-3329 FAX
(Toll Free)
877- 632-1783

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PREFACE

The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Facilities are written to fulfill that purpose and to provide uniform, statewide standards and acceptable management practices based on sound science. These practices can serve producers in the various sectors of the industry to compare or improve their own managerial routines. New scientific discoveries and changing economic conditions may require necessary revision of these GAAMPs.

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 and Odor Control for New and Expanding Livestock Facilities
- 7) 2003 Irrigation Water Use
- 8) 2010 Farm Markets

These practices were developed with industry, university, and multi-governmental agency input. As agricultural operations continue to change, new practices may be developed to address the concerns of the neighboring community. Agricultural producers who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Right to Farm Act.

This GAAMP does not apply in municipalities with a population of 100,000 or more in which a zoning ordinance has been enacted to allow for agriculture provided that the ordinance designates existing agricultural operations present prior to the ordinance's adoption as legal nonconforming uses as identified by the Right to Farm Act for purposes of scale and type of agricultural use.

The website for the GAAMPs is <http://www.michigan.gov/gaamps>.

I. INTRODUCTION

Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities will help determine the suitability of sites for livestock production facilities and livestock facilities and the suitability of sites to place or keep livestock. These GAAMPs provide a planning process that can be used to properly plan new and expanding facilities and to increase the suitability of a particular site thus enhancing neighbor relations.

These GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Facilities are written to provide uniform, statewide standards and acceptable management practices based on sound science. They are intended to provide guidance for the construction of new and expanding livestock facilities and livestock production facilities and/or the associated manure storage facilities for the placement and keeping of any number of livestock.

FARM PLANNING AND SITE DEVELOPMENT

The GAAMPs for site selection and odor control for new and expanding livestock facilities are intended to fulfill three primary objectives:

- 1) Environmental Protection
- 2) Social Considerations (neighbor relations)
- 3) Economic Viability

When all three of these objectives are met, the ability of a farm operation to achieve agricultural sustainability is greatly increased.

Farm planning involves three broad phases: Collection and analysis (understanding the problems and opportunities); decision making; and implementation. Collection and analysis includes: determining objectives, inventorying resources, and analyzing data. Decision support includes formulating alternatives, evaluating alternatives, and making decisions. The final step is implementation.

Producers should utilize recognized industry and university professionals in the evaluation of the economic viability and sustainability of constructing new or expanding existing livestock production facilities and livestock facilities. This evaluation should be comprehensive enough to consider all aspects of livestock production including economics, resources, operation, waste management, and longevity.

The decision to site a livestock production facility or livestock facility can be based on several objectives including: preserving water quality, minimizing odor, working within existing land ownership constraints, future land development patterns, maximizing convenience for the operator, maintaining esthetic character, minimizing conflicts with adjacent land uses, and complying with other applicable local ordinances.

The environmental objectives of these GAAMPs focus specifically on water quality protection and odor control, and how environmental and management factors affect the suitability of sites for livestock production. The suitability of a particular site for a livestock production facility or livestock facility depends upon a number of factors; such as the number of animal units (size); the species of animals; predominant wind directions; land base for use; topography of the surrounding land; adjacent land uses; the availability of Class A roads for feed and product movement; soil types; hydrology; and many others.

Site selection is a complex process, and each site should be assessed individually in terms of its proposed use. These GAAMPs are written in recognition of the importance of site-specificity in siting decisions. While general guidelines apply to all siting decisions, specific criteria are not equally applicable to all types of operations and all locations. In addition to the guidelines provided in these GAAMPs, the United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) technical references, including the Agricultural Waste Management Field Handbook (AWMFH) and the electronic Field Office Technical Guide (eFOTG), are excellent sources for information and standards related to the siting of livestock facilities.

It is recognized that there is potential risk for surface or groundwater pollution, or conflict over excessive odors from a livestock facility. However, the appropriate use of technologies and management practices can minimize these risks, thus allowing the livestock facility to operate with minimal potential for excessive odor or environmental degradation. These measures should be incorporated into a Site Plan and a Manure Management System Plan, both as defined in Section V, which are required for all new and expanding livestock facilities.

Groundwater and surface water quality issues regarding animal agriculture production are addressed in the current "Generally Accepted Agricultural and Management Practices for Manure Management and Utilization" as adopted by Michigan Commission of Agriculture & Rural Development (MCARD) and are not duplicated here. The GAAMPs for Manure Management and Utilization cover runoff control and wastewater management, construction design and management for manure storage and treatment facilities, and manure application to land. In addition, the GAAMPs for Manure Management and Utilization stress the importance of each livestock production facility developing a manure management system plan that focuses on management of manure nutrients and management of manure and odors.

These GAAMPs are referenced in Michigan's Natural Resources and Environmental Protection Act (NREPA), PA 451 of 1994, as amended. NREPA protects the waters of the state from the release of pollutants in quantities and/or concentrations that violate established water quality standards. In addition, the GAAMPs utilize the nationally recognized construction and management standard to provide runoff control for a 25-year, 24-hour rainfall event.

While these GAAMPs establish basic set-back standards for livestock facilities of all sizes, existing land uses, development patterns, the cost-benefit of an investment in animal housing, as well as the sustainability of farm animal production should all be analyzed before construction of a livestock facility and bringing farm animals to a site.

II. DEFINITIONS

AS REFERENCED IN THESE GAAMPs:

Adjacent Property – An adjacent property is land owned by someone other than the livestock facility owner that borders the property on which a proposed new or expanding livestock facility will be located.

Animal Units - Animal units are defined as listed in (Table 1) of these GAAMPs.

Distances between a Livestock Production Facility and Non-Farm Residences - The distance from a livestock production facility and a residence is measured from the nearest point of the livestock production facility to the nearest point of the residence.

Expanding Livestock Production Facility - An addition to a livestock production facility to increase the holding capacity where animals will be confined at a site that presently has livestock production facilities contiguous to the construction site. A new or expanded manure storage structure built to accommodate an expansion in animal units within three years from construction of the manure storage will also be considered an expanding livestock production facility.

Livestock – For purposes of the Site Selection GAAMPs, livestock means those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. For the purpose of the Site Selection GAAMPs, livestock does not include dogs and cats. Site Selection GAAMPs do not apply to aquaculture and bees.

Livestock Farm Residence - A residence on land owned/rented by the livestock farm operation and those residences on farms affiliated by contract or agreement with the livestock production facility.

Livestock Facility – Any facility where livestock are kept regardless of the number of animals.

Livestock Production Facilities - All facilities where livestock are kept with a capacity of 50 animal units or greater and/or the associated manure storage facilities. Sites such as loafing areas, confinement areas, or feedlots, which have livestock densities that preclude a predominance of desirable forage species are considered part of a livestock production facility. This does not include pastureland. Any livestock production facilities within 1,000 feet of each other and under common ownership constitute a single livestock production facility.

Migrant Labor Housing Camp – For purpose of this GAAMP, a migrant labor housing camp owned by a livestock producer applying for Site Selection GAAMP approval will be considered a farm residence.

New Livestock Production Facilities - All facilities where livestock will be kept and/or manure storage structures that are built at new sites and are not part of another livestock production facility, including facilities at sites that ~~is~~ are 1) expanding the holding capacity for livestock by 100 percent or greater and the resulting holding capacity will exceed 749 animal units, or 2) any construction to expand existing holding capacity within three years of completion of new construction documented in an MDARD final verification letter and the resulting holding capacity will exceed 749 animal units.

Non-Farm Residence - A residence that is habitable for human occupation and is not affiliated with the specific livestock production system.

Offsite Manure Storage Facility - A manure storage facility constructed at a site that is not adjacent to a livestock production facility.

Pasture Land - Pasture land is land that is primarily used for the production of forage upon which livestock graze. Pasture land is characterized by a predominance of vegetation consisting of desirable forage.

Primarily Residential – Sites are primarily residential if there are more than 13 non-farm residences within 1/8 mile of the site or have any non-farm residence within 250 feet of the livestock facility.

Property Line Setback – Property line setback is the distance from the livestock production facility to the property line measured from the facility to the nearest point of the facility owner's property line. If a producer owns land across a road, the road or right of way does not constitute a property line. Right of way setbacks for public roads, utilities, and easements apply.

Table 1. Animal Units

Animal Units	50	250	500	750	1,000
Animal Type¹	Number of Animals				
Slaughter and Feeder Cattle	50	250	500	750	1,000
Mature Dairy Cattle	35	175	350	525	700
Swine ²	125	625	1,250	1,875	2,500
Sheep and Lambs	500	2,500	5,000	7,500	10,000
Horses	25	125	250	375	500
Turkeys	2,750	13,750	27,500	41,250	55,000
Laying Hens or Broilers	5,000	25,000	50,000	75,000	100,000

¹All other animal classes, types or sizes (eg. Nursery pigs) not in this table, but defined in the Michigan Right to Farm Act or described in Michigan Commission of Agriculture and Rural Development Policy, are to be calculated as one thousand pounds live weight equals one animal unit.

²Weighing over 55 pounds.

III. DETERMINING ACCEPTABLE LOCATIONS FOR LIVESTOCK FACILITIES

All potential sites for new and expanding livestock facilities can be identified by four general categories. These are:

- Category 1. These are sites normally acceptable for livestock facilities and generally defined as areas that are highly agricultural with few non-farm residences.
- Category 2. These are sites where special technologies and/or management practices could be needed to make new and expanding livestock facilities acceptable. These areas are predominantly agricultural but also have an increased number of non-farm residences.
- Category 3. These are sites that are generally not acceptable for new and expanding livestock production facilities due to environmental concerns or other neighboring land uses.
- Category 4. These are sites that are not acceptable for new and expanding livestock facilities and livestock production facilities.

Livestock facilities in Categories 1, 2 or 3 with less than 50 animal units are not required to go through the site review and verification process, and conform to the provisions of these GAAMPs. However, these operations are required to conform to all other applicable GAAMPs.

Category 1 Sites: Sites normally acceptable for livestock facilities.

Category 1 sites are those sites which have been traditionally used for agricultural purposes and are in an area with a relatively low residential housing density. These sites are located where there are five or fewer non-farm residences within ¼ mile from a new livestock facility with up to 749 animal units, and within ½ mile from a new livestock facility with 750 animal units or greater. ~~New and expanding livestock facilities should only be constructed in areas where local zoning allows for agricultural uses.~~

If the proposed site is within Category 1, it is recognized that this is a site normally acceptable for livestock facilities. As shown in Table 2, if the proposed site is within Category 1 and has a capacity of 50 to 499 animal units, MDARD will review and verify the producer's plans at the producer's request. If the proposed site is within Category 1 and has a capacity of 500 or more animal units, the producer must follow the MDARD site selection review and verification process as described in Section V. Category 1 sites with less than 1000 animal units which are able to meet the property line setbacks as listed in Tables 2 and 3, as appropriate, and which meet the other requirements of these GAAMPs, are generally considered as acceptable for Site Selection Verification. An Odor Management Plan (OMP) will not be required for these sites in most circumstances. It is however, recommended that all producers develop and implement an OMP in order to reduce odor concerns for neighboring non-farm residents.

A request to reduce the property line setbacks, as listed in Tables 2 and 3, will require the development of an OMP for verification. All verification requests for Category 1 sites with 1000 animal units or greater will require the development and implementation of an OMP to specify odor management practices that will provide a 95 percent odor annoyance-free level of performance as determined by the Michigan Revised OFFSET 2018 odor model (Kiefer, 2018). For new livestock facilities, a property line setback reduction shall only be considered for a proposed site in advance of MDARD site suitability approval. MDARD may grant a property line setback reduction of up to fifty percent of the applicable setback distance (Tables 2 and 3) when requested based upon the Odor Management Plan. In all cases, the minimum setback will be 250 feet for new livestock facilities. Any reduction beyond this minimum will require a signed variance by the property owners within the original setback distance affected by the reduction. Factors not under direct control of the operator will be considered if an alternative mitigation plan is provided. Local land use ~~zoning maps will~~ ~~may~~ be considered by MDARD in granting setback reductions.

Table 2. Category 1 Site Setbacks, Verification and Notification – New Operations

Total Animal Units ¹	Number of Non-Farm Residences within Specified Distance	Property Line Setback²	MDARD Site Review and Verification Process ³
50-499	0-5 within ¼ mile	250 ft	Yes
500-749	0-5 within ¼ mile	400 ft	Yes
750-999	0-5 within ½ mile	400 ft	Yes
1000 or more	0-5 within ½ mile	600 ft	Yes

¹ Facilities in Category 1 with less than 50 animal units are not required to go through the site review and verification process to be considered in conformance with the provisions of these GAAMPs.

² May be reduced or increased based upon the Odor Management Plan.

³ To achieve approval and MDARD verification, all livestock facilities must conform to these and all other applicable GAAMPs.

For expanding livestock facilities, a variance for property line setback reduction shall only be considered for a proposed site in advance of MDARD site suitability approval. MDARD may grant a property line setback reduction of up to fifty percent of the setback distance in the following table when requested based upon the Odor Management Plan. The minimum setback will be 125 feet for expanding livestock facilities. Any reduction beyond this minimum will require a signed variance by the property owners that are within the original setback distance affected by the reduction. Local land use ~~zoning maps will~~ **may** be considered by MDARD in granting setback reductions. Expanding livestock facilities cannot utilize a property line setback less than the property line setback established by structures constructed before 2000 unless the established property line setback is greater than those distances identified in Table 3, in which case setbacks identified in Table 3 and the process detailed above will be used for determining conformance for new or expanding structures.

Table 3. Category 1 Site Setbacks, Verification and Notification – Expanding Operations

Total Animal Units ¹	Number of Non-Farm Residences within Specified Distance	Property Line Setback²	MDARD Site Review and Verification Process ³
50-249	0-7 within ¼ mile	125 ft	Yes
250-499	0-7 within ¼ mile	200 ft	Yes
500-749	0-7 within ¼ mile	200 ft	Yes
750-999	0-7 within ½ mile	200 ft	Yes
1000 or more	0-7 within ½ mile	300 ft	Yes

¹ Facilities in Category 1 with less than 50 animal units are not required to go through the site review and verification process to be considered in conformance with the provisions of these GAAMPs.

² May be reduced or increased based upon the Odor Management Plan.

³ To achieve approval and MDARD verification, all livestock facilities must conform to these and all other applicable GAAMPs.

Category 2 Sites: Sites where special technologies and/or management practices may be needed to make new and expanding livestock facilities acceptable.

Category 2 sites are those where site-specific factors may limit the environmental, social, or economic acceptability of the site for livestock facilities and where structural, vegetative, technological, and management measures may be necessary to address those limiting factors. These measures should be incorporated into a Site Plan and a Manure Management System Plan, both as defined in Section V, which are required for all new and expanding livestock production facilities seeking verification. ~~New and expanding livestock facilities should only be constructed in areas where local zoning allows for agricultural uses.~~ Due to the increased density of non-farm residences in Category 2 sites, an OMP is required for all proposed new and expanding livestock production facilities with 50 animal units or more.

Tables 4 and 5 show how Category 2 sites are defined and lists setbacks and verification requirements. As an example, a proposed site for an expanding livestock facility (Table 5) with 500 animal units and between eight and 20 residences within ¼ mile of the facility, would have a setback of 200 feet from the owner’s property line, and would be required to have a site verification request approved by MDARD. For new livestock facilities, a property line setback reduction shall only be considered for a proposed site in advance of MDARD site suitability approval. MDARD may grant a

property line setback reduction of up to fifty percent of the setback distance in the following table when requested based upon the Odor Management Plan. The minimum setback will be 250 feet for new livestock facilities. Any reduction beyond this minimum will require a signed variance by the property owners that are within the original setback distance affected by the reduction. Local land use ~~zoning maps will~~ **may** be considered by MDARD in granting setback reductions.

Table 4. Category 2 Site Setbacks, Verification and Notification – New Operations

Total Animal Units¹	Number of Non-Farm Residences within Specified Distance	Property Line Setback²	MDARD Site Review and Verification Process³
50-249	6-13 within ¼ mile	250 ft	Yes
250-499	6-13 within ¼ mile	300 ft	Yes
500-749	6-13 within ¼ mile	400 ft	Yes
750-999	6-13 within ½ mile	500 ft	Yes
1000 or more	6-13 within ½ mile	600 ft	Yes

¹ Facilities in Category 2 with less than 50 animal units are not required to go through the site review and verification process to be considered in conformance with the provisions of these GAAMPs.

² May be reduced or increased based upon the Odor Management Plan.

³ To achieve approval and MDARD verification, all livestock facilities must conform to these and all other applicable GAAMPs.

For expanding livestock facilities, a property line setback reduction shall only be considered for a proposed site in advance of MDARD site suitability approval. MDARD may grant a property line setback reduction of up to fifty percent of the setback distance in the following table when requested based upon the Odor Management Plan. The minimum setback will be 125 feet for expanding livestock facilities. Any reduction beyond this minimum will require a signed variance by the property owners that are within the original setback distance affected by the reduction. Local land use ~~zoning maps will~~ **may** be considered by MDARD in granting setback reductions. Expanding livestock facilities cannot utilize a property line setback less than the property line setback established by structures constructed before 2000 unless the established property line setback is greater than those distances identified in Table 5, in which case setbacks identified in Table 5 and the process detailed above will be used for determining conformance for new or expanding structures.

Table 5. Category 2 Site Setbacks, Verification and Notification – Expanding Operations

Total Animal Units ¹	Number of Non-Farm Residences within Specified Distance	Property Line Setback ²	MDARD Site Review and Verification Process ³
50-249	8- 20 within ¼ mile	125 ft	Yes
250-499	8- 20 within ¼ mile	200 ft	Yes
500-749	8- 20 within ¼ mile	200 ft	Yes
750-999	8- 20 within ½ mile	250 ft	Yes
1000 or more	8- 20 within ½ mile	300 ft	Yes

¹ Facilities in Category 2 with less than 50 animal units are not required to go through the site review and verification process to be considered in conformance with the provisions of these GAAMPs.

² May be reduced or increased based upon the Odor Management Plan.

³ To achieve approval and MDARD verification, all livestock facilities must conform to these and all other applicable GAAMPs.

Category 3 Sites: Sites generally not acceptable for new and expanding livestock production facilities.

Category 3 sites ~~may be zoned for agriculture~~ are generally not suitable for livestock production facilities. They may be suitable for livestock facilities with less than 50 animal units. Any proposed site with more than the maximum number of non-farm residences specified in Table 4 for a new operation, and Table 5 for an expanding operation is a Category 3 or a Category 4 site. New livestock production facilities are not acceptable for that site. However, expanding livestock production facilities may be acceptable if the farm submits an Odor Management Plan and site verification approval is determined by MDARD. Additional odor reduction and control technologies, and management practices may be necessary to obtain site verification approval.

Category 4 Sites: Sites not acceptable for new and expanding livestock facilities and livestock production facilities under the Siting GAAMPs.

Category 4 Sites are locations that are primarily residential ~~and do not allow agricultural uses by right~~ and are not acceptable under the Siting GAAMPs for livestock facilities or livestock production facilities regardless of the number of animal units. However, the

possession and raising of animals may be authorized in such areas pursuant to a local ordinance designed for that purpose.

Additional Considerations for all Livestock Facilities

1. Sites where environmental land and resource use controls have been adopted to prohibit livestock agriculture are not acceptable for new and expanding livestock facilities if all of these are true:
 - a) The land and resource use controls were approved by the Michigan Department of Environment, Great Lakes, and Energy pursuant to the Natural Resources and Environmental Protection Act (NREPA), MCL 324.101 et seq., or the United States Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act or the Resource Conservation and Recovery Act; and
 - b) The land and resource controls are necessary to protect human or animal health.
 - c) Unacceptability has been confirmed by a vote of the Michigan Commission of Agriculture and Rural Development.

~~Category 4 sites are also those locations where environmental land and resource use controls (institutional controls) have been adopted that prohibit livestock agriculture. These sites are not acceptable for new and expanding livestock facilities if:~~

- ~~1. The land and resource use controls (institutional controls) were approved by the Michigan Department of Environmental Quality pursuant to the Natural Resources and Environmental Protection Act (NREPA), MCL 324.101 et seq., or the United States Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act or the Resource Conservation and Recovery Act; and~~
- ~~2. The land and resource controls (institutional controls) are necessary to protect human or animal health.~~
- ~~3. Confirmed by a vote of the Michigan Commission of Agriculture and Rural Development.~~

Additional Considerations for all Livestock Production Facilities

The following circumstances or neighboring land uses constitute conditions that are considered unacceptable for construction of new and expanding livestock production ~~facilities, or facilities or~~ may require additional setback distances or approval from the appropriate agency, as indicated, to be considered acceptable.

1. Wetlands - New and expanding livestock production facilities shall not be constructed within a wetland as defined under MCL 324.30301 (NREPA, PA 451 of 1994, as amended).

2. Floodplain - New and expanding livestock production facilities and manure storage facilities shall not be constructed in an area where the facilities would be inundated with surface water in a ~~25-year~~25-year flood event.

a) —

The following circumstances require minimum setback distances in order to be considered acceptable for construction of category 1, 2 or 3 new livestock production facilities. In addition, review and approval of expansion in these areas is required by the appropriate agency, as indicated.

2.3. Drinking Water Sources

Groundwater protection - New livestock production facilities shall not be constructed within a ~~ten-year~~ten-year time-of-travel zone designated as a wellhead protection area as recognized by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)~~Michigan Department of Environmental Quality (MDEQ)~~, pursuant to programs established under the Michigan Safe Drinking Water Act, PA 399 of 1976, as amended.

An expanding livestock production facility may be constructed with review and approval by the local unit of government administering the Wellhead Protection Program.

Where no designated wellhead protection area has been established, construction of new and expanding livestock production facilities shall not be closer than 2000 feet to a Type I or Type IIa public water supply and shall not be closer than 800 feet to a Type IIb or Type III public water supply. A new or expanding livestock production facility may be located closer than these distances, upon obtaining a deviation from well isolation distance through MDEQ-EGLE or the local health department. New and expanding livestock production facilities should not be constructed within 75 feet of any known existing private domestic water supply (wellhead).

Surface water protection - New and expanding livestock production facilities shall not be constructed within the ~~400-year~~100-year flood plain of a stream reach where a community surface water source is located, unless the livestock production facility is located downstream of the surface water intake.

44. High public use areas - Areas of high public use or where a high population density exists, are subject to setbacks to minimize the potential effects of a livestock production facility on the people that use these areas. New livestock production facilities should not be constructed within 1,500 feet of hospitals, churches, licensed commercial elder care facilities, licensed commercial childcare facilities, school buildings, commercial ~~zones~~areas, parks, or

campgrounds. Existing livestock production facilities may be expanded within 1,500 feet of high public use areas with appropriate MDARD review and verification. The review process will include input from the local unit of government and from people who utilize those high public use areas within the 1,500 foot setback.

~~5. Proximity to Residential zones – Agriculturally zoned areas in close proximity to areas that are residential and do not allow agricultural uses by right will generally have housing at a density that necessitates setback distances for livestock production facilities to prevent conflicts. New livestock production facilities shall not be constructed within 1,500 feet of areas zoned for residential use where agricultural uses are excluded. Existing livestock production facilities may be expanded within 1,500 feet of areas zoned for residential use with approval from the local unit of government.~~

556. Migrant Labor Housing Camp – New and expanding livestock production facilities shall be located a minimum of 500 feet from any existing migrant labor housing facilities, unless a variance is obtained from the United States Department of Labor.

IV. OFFSITE MANURE STORAGE FACILITIES

Table 6. Site Setbacks, Verification, and Notification – New or Expanding Operations

Storage Surface Area at Operational Volume Elevation, sq. ft.		Property Line Setback, ft.	MDARD Site Review and Verification Process
Liquid Manure		Solid Manure	
Pond-type storage	Fabricated structure-type storage, i.e. reinforced concrete or steel		
≤4,200	≤2,000	≤26,000	250 ¹
>4,200	>2,000	>26,000	TBD ²
			Upon Producer Request
			Yes

¹May be reduced up to 50% or increased based upon the Odor Management Plan.

²Distance to be determined based upon the Odor Management Plan but no less than 250 feet.

V. DEVELOPING A SITE PLAN AND A MANURE MANAGEMENT SYSTEM PLAN

Site Plan

A Site Plan is a comprehensive layout for a livestock production facility, and includes:

- A site map, including the following features (to scale):
 - ~ Property lines, easements, rights-of-way, and any deed restrictions.
 - ~ Public utilities, overhead power lines, cable, pipelines, and legally established public drains.
 - ~ Positions of buildings, wells, septic systems, culverts, drains and waterways, walls, fences, roads, and other paved areas.
 - ~ Location, type, and size of existing utilities.
 - ~ Location of wetlands, streams, and other bodies of water.
- Existing land uses for contiguous land.
- Names and addresses of adjacent property owners.
- Basis of livestock production facility design.
- Size and location of structures.

- A soils map of the area where all livestock production facilities are located.
- Location and distance to the non-farm residences within ½ mile.
- Location and distance to the nearest ~~residentially-zoned~~ ~~primarily residential~~ area ~~where agricultural uses are excluded~~.
- Topographic map of site and surrounding area.
- Property deed restrictions.

Manure Management System Plan¹

The Manure Management System Plan (MMSP) describes the system of structural, vegetative, and management practices that the owner/operator has chosen to implement on the site for all proposed new and existing facilities. Items to address in the MMSP are described in the GAAMPs for Manure Management and Utilization. The MMSP for a site verification request will include these additional components:

- Planning and installation of manure management system components to ensure proper function of the entire system.
- Operation and Maintenance Plan: This written plan identifies the major structural components of the manure management system, and includes inspection frequency, areas to address, and regular maintenance records.
- Odor Management: Odor management and control is a primary focus relating to the social consideration objectives of these GAAMPs. For new and expanding livestock production facilities, an Odor Management Plan may be required (refer to Category 1 and Category 2 to determine whether an OMP is required for your facility) as part of the Manure Management System Plan for conformance with these GAAMPs. Appendix A includes a detailed outline for development of an effective OMP.
- Manure Storage Facility Plan: Construction plans detailing the design of manure storage components must be submitted to MDARD for review and approval. Structures should be designed in accordance with appropriate design standards. Construction plans should include the design standards utilized, design storage volume, size, and layout of the structure, materials specifications, soil conditions in the structure area, site suitability, subsurface investigation, elevations, installation requirements, and appropriate safety features. The plans will be reviewed for conformance with appropriate specifications. Structures should be designed and constructed by competent individuals or companies utilizing generally accepted standards, guidelines, and specifications (e.g. NRCS, Midwest Plan Service.).

¹ Due to your particular circumstances, a Comprehensive Nutrient Management Plan (CNMP) may be required, as referenced in Appendix C.

Other items that may accompany the Manure Management System Plan include the following:

- Emergency Action Plan - Through development of an Emergency Action Plan, identify the actions to take and contacts to be made in the event of a spill or discharge.
- Veterinary Waste Management Plan - Identify the processes and procedures used to safely dispose of livestock-related veterinary wastes produced on the farm.
- Conservation Plan - Field-specific plan describing the structural, vegetative and management measures for the fields where manure and other by-products will be applied.
- Mortality Management Plan - Identify the processes and procedures used to safely dispose of the bodies of dead animals (Bodies of Dead Animals Act, PA 239 of 1994, as amended).

VI. SITE REVIEW AND VERIFICATION PROCESS

Producers with facilities that require MDARD verification in Categories 1, 2, or 3 should contact the MDARD and begin the site selection review and verification process prior to the construction of new livestock facilities or livestock production facilities, and expansion of existing livestock facilities or livestock production facilities. Producers with new and expanding livestock facilities that have a total capacity less than 50 animal units may also request siting verification from MDARD. The MDARD site review and verification process will use criteria applicable to the holding capacity for the number of animal units of the proposed facility. The references to local unit of government in this section are intended to notify the township and county in which the farm operation is located.

To begin the review and verification process, contact the Michigan Department of Agriculture & Rural Development, Right to Farm Program at (877) 632-1783. This toll free number is operational during normal business hours. The following steps outline this process:

1) Application for Siting Verification:

A request to begin the site review and verification process can be made by submitting a letter from the responsible party to the MDARD, Right to Farm Program. This letter should outline the proposed new construction or expansion project, any areas of concern, agencies and individuals the producer is already working with, and the proposed timeline. The responsible party must also submit a complete site verification request. A request application and a checklist are available at www.michigan.gov/gaamps. The checklist will assist you in identifying environmental or social areas of concern. If special technologies or management practices are to be implemented for the successful operation of the livestock production facility, these must be included in the siting request package.

Producers may also utilize recognized industry, university, and agency professionals in the development of their siting request, site plan, and manure management system plan.

Upon submitting a site verification request to MDARD, the producer must individually notify all non-farm residences identified in Tables 2 through 5 and listed in the Site Selection GAAMPs verification checklist (available at: http://www.michigan.gov/documents/MDA_SitingChecklist_116499_7.pdf) under Appendix A "Certification of Notification of Non-Farm residences that the producer has made application for site verification with MDARD.

Documentation that notification has occurred is required as part of the site verification request application.

2) Siting Request Review:

Upon receipt of the siting request package, MDARD will send an acknowledgement letter to the producer. This acknowledgement letter will also be sent to the local unit of government to inform them of the proposed livestock production facility siting request.

~~For purposes of the Siting GAAMPs, an environmental complaint or proactive request for a GAAMPs determination by a landowner will result in a program review of zoning for the location in question. If the site is primarily residential and zoning does not allow agricultural uses, then the site will be identified as Category 4 and not acceptable for a livestock facility under the Siting GAAMPs. However, if zoning identifies an agricultural use or a mixed use that includes agricultural use as its zoning designation (e.g., many locations use an agriculture/residential zoning designation), MDARD will evaluate whether the site complies with the other requirements of the Siting GAAMPs.~~

MDARD will review the completed siting requests upon receipt. The review will determine whether the siting request information submitted conforms to these GAAMPs. MDARD will conduct preliminary site visits to proposed new and expanding livestock production facilities. This site visit will take place upon receipt of the complete siting request package and will focus on addressing conformance with the plan components, identifying areas of concern, and verifying information submitted in the siting request. If deficiencies in the siting request are identified, MDARD will communicate those to the producer for further modification. At the request of the producer, a preliminary site visit could be conducted prior to submission of the complete siting request package.

3) Site Suitability Determination:

MDARD will determine if the siting request is in conformance with the GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Production Facilities. This determination will be conveyed to the responsible party on MDARD letterhead and will be known as "Site Suitability Approval." This approval will also be copied to the local unit of government, and construction must begin within three years from the date of approval by MDARD. The start of construction is defined as the physical movement of soil

or installation of permanent structures. An additional two year extension to begin construction after three years from the date of the initial approval may be requested in writing to MDARD.

4) Construction Plan Submittal and Review:

Design plans for the manure storage structures must be submitted to MDARD for review and approval and should be submitted prior to construction.

If the plans are found to be in accordance with the required specifications, a letter indicating "Approval of Design Plans" will be sent to the owner. MDARD will conduct construction site inspections for quality assurance as needed to determine whether the structures are being built according to the accepted plans. The owner should notify MDARD one month prior to beginning the installation of the manure storage facility.

5) Final Inspection:

MDARD will conduct a final inspection, preferably, prior to animal population. The completed project must be reviewed by MDARD to assure conformance with these GAAMPs. The facility must be completed in conformance with the verification request that has been approved by MDARD. Once the facility has been constructed and found in conformance with these GAAMPs, a final verification letter will be sent to the producer. This letter will be copied to the local unit of government.

Appeal of Site Suitability Approval Determination:

The Site Suitability Determination decision by the Michigan Department of Agriculture and Rural Development may be appealed as per Michigan Department of Agriculture and Rural Development Commission Policy number 12. This policy can be found at http://www.michigan.gov/mdard/0,4610,7-125-1572_2878---,00.html or in Appendix E.

Recognized Professionals:

Recognized professionals in the siting and management of livestock production and odor control practices may include, but are not limited to, personnel from the following:

- a. Conservation Districts
- b. Industry Representatives
- c. Michigan Department of Environmental Quality
- d. Professional Consultants and Contractors
- e. Professional Engineers
- f. United States Department of Agriculture - Natural Resources Conservation Service
- g. University Agricultural Engineers, and other University Specialists

The site review and verification process will be conducted in accordance with MDARD procedures and protocol.

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APPENDIX A

MICHIGAN ODOR MANAGEMENT PLAN

The goal of an effective Odor Management Plan is to identify opportunities and propose practices and actions to reduce the frequency, intensity, duration, and offensiveness of odors that neighbors may experience, in such a way that tends to minimize impact on neighbors and create a positive attitude toward the farm. Because of the subjective nature of human responses to certain odors, recommending appropriate technology and management practices is not an exact science. Resources to help identify appropriate management practices to minimize odors are available at:

<http://www.animalagteam.msu.edu>

An Odor Management Plan shall include these six basic components:

1. Identification of potential sources of significant odors.
2. Evaluation of the potential magnitude of each odor source.
3. Application and evaluation of odor nuisance potential using Michigan Revised OFFSET 2018 (Kiefer, 2018).
4. Identification of current, planned, and potential odor control practices.
5. A plan to monitor odor impacts and respond to odor complaints.
6. A strategy to develop and maintain good neighbor and community relations.

Note that items 1, 2, and 4 of the Odor Management Plan components may be addressed in tabular format as demonstrated in the example Odor Management Plan (Appendix B).

Component Details:

1. Identify and describe all potential significant sources of odor associated with the farm. Odor sources may include:
 - Animal housing
 - Manure and wastewater storage and treatment facilities
 - Feed storage and management
 - Manure transfer and agitation

Land application areas are addressed in the MMSP.

2. Evaluate the magnitude of each odor source in relation to potential impact on neighbors and other community members.

Odor magnitude is a factor of both the type and size of the source.

Michigan Revised OFFSET 2018 is one means of estimating odor source magnitudes and potential impacts from animal production facilities. Use the Michigan Revised OFFSET 2018 odor emission values to rank each potential odor source on your farm. Note that some odor sources are not considered in this tool.

For odor sources not addressed by Michigan Revised OFFSET 2018, a subjective potential odor magnitude evaluation of high, medium, or low, relative to other odor sources on the farm should be conducted.

3. Analyze potential odor impact on neighboring residences and other non-farm areas with Michigan Revised OFFSET 2018, utilizing the 95 percent odor annoyance-free level. The intent of utilizing the model is to have no non-farm residences for new facilities or no new non-farm residences for expanding facilities to fall within the 5% odor footprint. Evaluate the conclusions as follows:
 - Identify specific odor impact on neighboring residences, utilizing Michigan Revised OFFSET 2018 results and other site-specific odor impact considerations.
 - Assess the magnitude of potential odor-based conflict.
 - Develop an appropriate conflict abatement strategy for each odor-sensitive area of concern which may include:
 - Signed letter from property owner consenting to approval of the new or expanded facility.
 - Description of intensified community relations practices for these homes or other odor sensitive areas.
 - Explanation of specific variables in Michigan Revised OFFSET 2018 that may reduce the concern, such as, variables in terrain, wind velocity, facility layout, variation of facility from typical, and odor management practices not credited in Michigan Revised OFFSET 2018.
4. Identify management systems and practices for odor control including:
 - Practices currently being implemented.
 - New practices that are planned for implementation.
 - Practices that will be considered, if odor concerns arise.

There are numerous odor reduction practices available; however, not all have been proven equally effective. Some practices may reduce odor from one part of the system, but increase it in another. For example, long-term manure storage will reduce the frequency of agitation of the storage thus producing less frequent odor events, but will likely result in greater intensity and offensiveness of each odor event.

Each farm situation is unique and requires site-specific identification and implementation of odor reduction practices to suit the practical and economic limitations of a specific farm. MDARD will consider mitigating factors that are under the direct control of the operator. Factors not under direct control of the operator will be considered if an alternative mitigation plan is provided.

Simple changes in management, such as, but not limited to, improving farmstead drainage, collecting spilled feed, and regular fan maintenance will reduce overall farmstead odor.

“Practices that will be considered, if odor concerns increase” should include only those odor management practices that the producer would seriously consider implementing, if the need arose.

Improved management, as well as, the adoption of new technologies to control odor offer a means for reducing odor from livestock production facilities and manure storage facilities, thus broadening the potential area within which livestock production facilities may be appropriately sited. Odor reduction technologies continue to evolve. Current technologies include, but are not limited to, vent bio-filters, manure storage covers, and composting.

Each technology presents different challenges and opportunities. These should be considered during the planning process for a new or expanding animal livestock facility.

5. Describe the plan to track odor impact and the response to odor concerns as they arise.

- Outline how significant odor events will be recognized and tracked including potential impact on neighbors and others. For example, one could record odor events noticed by those working on and/or cooperating with the farm. If odor is noticeable to you, your family, or employees, then it is likely noticeable to others.
- Explain how an odor complaint will be addressed.
- Indicate the point at which additional odor control measures will be pursued.

6. Identify the strategy to be implemented to establish and maintain a working relationship with neighbors and community members.

Elements of a community relations plan may include:

- Conducting farming practices that result in peak odor generation at times that will be least problematic for neighbors.
- Notifying neighbors of when there will be an increase in odors.
- Hosting an annual neighborhood farm tour to provide information about your farm operation.
- Sending a regular farm newsletter to potentially affected community members.
- Keeping the farmstead esthetically pleasing.
- Supporting community events and causes.

APPENDIX B

The Odor Management Plan includes the following text and tables and output from Michigan Revised OFFSET, which is not shown here.

Example Dairy Odor Management Plan

Overview

The existing 1,200 cow facility is expanding to 1,700 cows. The proposed expansion involves the addition of another 500 cow freestall barn, expansion of the primary sand-laden manure storage, and the addition of another earthen storage for milking center wastewater. All of the additional facilities are located to the south and west of the existing facility.

Odor Source Identification & Assessment

Refer to attached Odor Source Assessment table.

Odor Management Practices

Refer to attached Odor Management Practices table.

Potential Odor Impact Analysis

Michigan Revised OFFSET 2018 has identified two non-farm residences that are definitely within the odor impact zone prior to the expansion and three additional homes that are likely impacted (see Michigan Revised OFFSET 2018 output). An additional five homes are added to the odor awareness zone as a result of the proposed expansion.

The potentially odor-impacted homes are at the following addresses:

(List addresses and homeowner names in order of proximity to odor source.)

All homeowners, with the exception of one, have signed a letter acknowledging the proposed expansion and indicating that they do not object to it proceeding. The lone exception is the residence at *(list address)*. This resident was reluctant to sign a letter, but has verbally accepted the expansion. He is also a livestock producer whose odor awareness zone from Michigan Revised OFFSET 2018 would likely overlap the dairy farms. He also has a working relationship with the Example Dairy as a producer of corn grain for dairy feed.

Of the other homes in the odor awareness zone, three are currently or very recently have been active dairy farmers themselves. Another is a landlord of property that is rented and included in the farm CNMP/MMSP.

The three remaining homes are the most distant from the center of the odor awareness zone and furthest from the specific area of the facility expansion.

Odor Tracking and Response

Tracking of odor concerns includes two approaches:

1. All farm employees and some routine farm service providers will be asked to report noticeable offensive odor events as they come and go from the farm and travel the community.
2. The intent is to establish and maintain an effective, open line of communication with immediate neighbors so that they too will be comfortable reporting odor events to example dairy.
3. Response to odor complaints or events reported by neighbors will include investigation of the primary odor incident source on the farm. For example, is it associated with storage agitation, field application, or no specific farm activity? The farm will report back to the person reporting the odor event within 24 hours, or as soon as possible thereafter. Included in the response will be the reason for the odor event, an acknowledgement of the concern, steps – if any – to be taken to prevent it in the future, and a thank you for bringing it to the farm's attention.

If a pattern is identified among odor event complaints by neighbors, an outside observer, such as MSU Extension or MDARD, will be asked to provide an objective analysis of the situation. If the concern is confirmed to be legitimate by a second objective observer, actions will be taken to further control odor per, or comparable to, odor management practices identified in the Odor Management Plan.

Community Relations

In order to develop and maintain a positive relationship with the entire community, the following steps are planned:

1. Keeping the farmstead area esthetically pleasing will continue to be a high priority.
2. Each spring, a farm newsletter will be sent to all appropriate community members describing farm activities, personnel, and management.
3. A community picnic and farm tour will be held at least semi-annually for all in the immediate community and manure application areas.
4. Example Dairy Farm will make itself available to local schools for farm visits as field trips or school projects as appropriate.
5. We will seek to participate in local community events and youth activities, such as the local town festival and youth athletic teams.
6. Additional opportunities to strengthen community relations will be considered whenever they arise.
7. Notify potentially impacted neighboring residences at least 24 hours in advance of manure application.

(The above list of community relations practices may be longer than most farms find necessary, but it provides several examples that farms might consider.)

Odor Source Assessment – proposed facility

Potential Odor Source	Description	Odor Emission Number ¹	Odor Control Factors ²			Odor Emission Factors ^{1,3}		
			current	planned	potential	current	planned	potential
Large Manure Storage	Sand Land Manure storage for center-drive through barns (170 x 340)	13	0.5 + NV			168.9		
Freestall Barns	Freestall barns (187,104 sq. ft.)	6		NV		112.3		
Milking Center Wastewater	Earthen storages for milking center wastewater. Is recycled to flush holding and treatment areas (49,600 sq. ft.)	13	NV		0.1	50.4		5.0
Run Off Storage	Collects rain runoff from open lot and silage pads (90 x 120)	13	NV			14		
Outside Lots	Outside concrete housing lot (16,200 sq. ft.)	4			NV	6.5		
Settling Basins	Holding area flushed material settling area prior to pumping of liquid to milking center wastewater storage (30 x 60)	28	NV	NV	NV	5		
Bedded Open Housing Barns	Maternity & sick pens (22,620 sq. ft.)	2				4.5		
Open Lot Manure storage	Short-term manure storage (70 x 20)	13	0.5 + NV			.9		
Agitation	Agitation of manure storages	Medium				M	M	M
Land Application	Field application of liquid manure	High	NV			M	M	M
Silage & Feed Storage	Concrete pad and bunker silos (300 x 350)	Medium	NV			L	L	L

1. Michigan Revised OFFSET value if available or High, Medium, Low for sources not addressed in Michigan Revised OFFSET

2. NV = No Value available in Michigan Revised OFFSET; however, a defensible odor control factor is applicable per Odor Management Practices table.

3. Odor Emission Factors are equal to the odor emission number, multiplied by the surface area (ft²) and odor control factor, divided by 10,000.

Odor Management Practices

Odor Source	Odor Management Practices & Reduction Factor		
	Current	Planned	Potential
Large Manure Storage	<ol style="list-style-type: none"> 1. Approximately eight months of potential storage results in agitation being required only 2-3 times per year. 2. The natural plant fiber in the manure results in a crusting of the manure. (OCF = 0.5) 		
Freestall Barns		<ol style="list-style-type: none"> 1. Plans include the planting of a tree shelterbelt the length of the freestall barns, parlor, and treatment area. 	
Milking Center Wastewater	<ol style="list-style-type: none"> 1. Fills from bottom 2. Long term storage facilitates minimal disturbance of only about two times per year. 		<ol style="list-style-type: none"> 3. Impermeable synthetic cover (OCF = 0.1)
Run Off Storage	<ol style="list-style-type: none"> 1. Long-term storage, disturbed only 1-2 times per year 		
Outside Lots			<ol style="list-style-type: none"> 1. Lot could be reduced in size.
Settling Basins	<ol style="list-style-type: none"> 1. Cleaned out frequently, about every ten days, minimizing anaerobic production of odors. 	<ol style="list-style-type: none"> 2. Plans include the planting of tree shelterbelt between the basins and the road/property line. 	
Bedded Barns			
Open Lot Manure Storage	<ol style="list-style-type: none"> 1. Storage is emptied frequently so that anaerobic activity is limited. 2. Storage crusts (OCF = 0.5) 		
Agitation			
Land Application	<ol style="list-style-type: none"> 1. Manure is injected or incorporated whenever field conditions permit. 2. Weekend and holiday application is avoided. 		
Silage & Feed Storage	<ol style="list-style-type: none"> 1. Silage piles are covered with plastic with clean water diverted off of the pile. 2. Forages harvested at recommended moisture. 3. Concrete pad is mechanically swept at least once per week. 		

APPENDIX C

Comprehensive Nutrient Management Plan

A Comprehensive Nutrient Management Plan (CNMP) is the next step beyond a Manure Management System Plan (MMSP). All efforts put towards an MMSP may be utilized in the development of a CNMP as it is founded on the same eight components as the MMSP, with a few significant differences. Some of the “optional” sub-components of an MMSP are required in a CNMP. Examples include veterinary waste disposal and mortality management. In addition, the “production” component is more detailed regarding management of rainwater, plate cooler water, and milk house wastewater. Thorough calculations are also needed to document animal manure production.

Another difference between an MMSP and a CNMP is in the “Utilization” component. With an MMSP, nutrients need to be applied at agronomic rates and according to realistic yield goals. However, with a CNMP, a more extensive analysis of field application is conducted. This analysis includes the use of the Manure Application Risk Index (MARI) to determine suitability for winter spreading, and the Revised Universal Soil Loss Equation (RUSLE) to determine potential nutrient loss from erosive forces, and other farm specific conservation practices. More detail regarding the timing and method of manure applications and long term cropping system/plans must be documented in a CNMP.

Additional information on potential adverse impacts to surface and groundwater and preventative measures to protect these resources are identified in a CNMP. Although the CNMP provides the framework for consistent documentation of a number of practices, the CNMP is a planning tool not a documentation package.

Odor management is included in both the MMSP and CNMP.

Implementation of an MMSP is ongoing. A CNMP implementation schedule typically includes long-term changes. These often include installation of new structures and/or changes in farm management practices that are usually phased in over a longer period of time. Such changes are outlined in the CNMP implementation schedule, providing a reference to the producer for planning to implement changes within their own constraints.

As is described above, a producer with a sound MMSP is well on their way to developing a CNMP. Time spent developing and using a MMSP will help position the producer to ultimately develop a CNMP on their farm, if they decide to proceed to that level or when they are required to do so.

WHO NEEDS A CNMP?

1. Some livestock production facilities receiving technical and/or financial assistance through USDA-NRCS Farm Bill program contracts.
2. A livestock production facility that a) applies for coverage with the MDEQ's National Pollutant Discharge Elimination System (NPDES) permit, or b) is directed by MDEQ on a case by case basis.
3. A livestock farm that is required to have a CNMP as a result of NPDES permit coverage that desires third party verification in the MDARD's Michigan Agriculture Environmental Assurance Program (MAEAP) Livestock System verification.

For additional information regarding the permit, go to: www.michigan.gov/deg.

For additional information regarding MAEAP, go to: www.maeap.org or telephone 517-284-5609.

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APPENDIX D

MANURE STORAGE FACILITY PLAN:

Construction plans detailing the design of manure storage components must be submitted to MDARD for review and approval. Structures must be designed and constructed in accordance with appropriate design standards (e.g. Michigan NRCS eFOTG Waste Storage Facility (No.) 313 or Midwest Plan Service MWPS-36 Concrete Manure Storages Handbook), that are current at the time of approval of this GAAMP.

Plans must include the following information:

- Design Standards utilized.
- Design storage volume as justified by nutrient utilization plan, runoff volume, precipitation volume, and freeboard.
- Size of structure, including length, width, and depth.
- Materials to be utilized for the construction of the structure, this should include specifications for concrete mixes, flexible membranes, and soil data, as appropriate.
- Subsurface Investigation information to include an adequate representation of soil borings based upon the surface area of the structure. The borings must extend to a depth of at least two feet below the bottom of the structure, and must indicate the depth to high water and any seeps encountered. The soils must be classified according to the Unified Soil Classification System (ASTM D2487 or ASTM D2488).
- For a compacted earth-lined structure permeability test or Plasticity Index (PI) and Atterberg Limits must be submitted for the soil samples.
- Isolation distance from the structure to the drinking water well and isolation reduction criteria worksheet if applicable.
- Method of solids removal to be utilized.
- Elevation of structure relative to surrounding area must be included.
- Construction requirements.
- Appropriate safety features (e.g. fencing, safety signs, ladders, or ropes).
- If a treatment system (e.g. anaerobic digester or gasification) will be utilized, all associated design plans and specifications must be submitted.
- Where substantial changes to the original plans occurred during construction, as built plans must be submitted for review.

Structures should be designed and constructed by individuals or companies qualified in the appropriate area of expertise for that work.

APPENDIX E

MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT POLICY NO. 12

Policy Title: **APPEALS FROM MDARD'S SITE SUITABILITY DETERMINATIONS**

Under the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMP), farms may request a site suitability determination from MDARD. MDARD's site suitability determinations are sent to the farmer and the local unit of government and posted on MDARD's RTF website. MDARD's site suitability determination can be appealed to MDARD's Director as provided below.

A. Who can request to appeal MDARD's site suitability determination

The following people or entities can request to appeal MDARD's site suitability determination:

- The owner of the proposed livestock facility.
- A person with property within one-half mile of the site of the proposed livestock facility.
- The local unit of government in which the site for the proposed livestock facility is located.
- Local unit of government which is within one-half mile of the proposed livestock facility.

B. Timing of a request to appeal

A request to appeal must be filed within 30 days from the date MDARD's site suitability determination is posted on MDARD's Right to Farm Siting website.

C. Contents of a request to appeal

A request to appeal MDARD's site suitability determination is made by sending a written description of the appeal including all documentation supporting the appeal to MDARD's Director through the Commission email at MDA-Ag-Commission@michigan.gov.

The request to appeal must identify with specificity the section or requirement in the Site Selection GAAMPs that the requestor believes MDARD failed to or improperly applied when it made its site suitability determination.

The request for appeal must include relevant facts, data, analysis, and supporting documentation for the appellant's position.

A request to appeal that does not identify with specificity the manner in which MDARD failed to or improperly applied the Site Selection GAAMPs or does not provide supporting documentation will be denied. The Director will notify the Site Selection GAAMPs Chair, as well as the Commission of Agriculture and Rural Development of this decision. MDARD will send a letter to the entity who submitted the request to appeal stating the reason the request has been denied. A denial of a request to appeal is a final agency decision on MDARD's site suitability determination.

A request to appeal that meets the requirements of this section will be approved and will proceed through the appeal process outlined below. MDARD shall make all determinations regarding requests to appeal within 14 days after the close of the 30-day appeal window.

D. Appeal process

Once MDARD approves a request to appeal, the following process will be initiated:

1. MDARD will ask the Chairperson of the Site Selection GAAMPs Committee to convene a panel of **recognized professional experts** to review MDARD's site suitability determination. The panel of **recognized professional experts** ~~may~~ **shall** include, but are not limited to, personnel from the following: conservation districts, industry representatives, Michigan Department of Environmental Quality, professional consultants and contractors, professional engineers, the United States Department of Agriculture - Natural Resources Conservation Service, university agricultural engineers, and other university specialist ~~experts in agronomy, engineering, and animal husbandry~~, and shall contain no less than three **recognized professional experts**.
2. Within 28 days, the panel of **recognized professional experts** shall review MDARD's site suitability determination and consider the information provided by the Appellant. The panel of **recognized professional experts** shall create a written report to be considered at the Commission's next scheduled public meeting.
3. The Commission will consider the panel of **recognized professional experts'** report, oral or written comments from the appellant(s), and other public comments regarding MDARD's site suitability determination.
4. The Commission shall make a recommendation to the MDARD Director. The Commission's recommendation can take one of three forms: (i) approve MDARD's site suitability determination; (ii) reverse MDARD's site suitability determination; or (iii) send the case back to the panel of **recognized professional experts** or MDARD staff with instructions to consider certain factors or issues that were not sufficiently considered during the panel's initial review, including a timeframe for providing the information to the Commission. In the event of a tie vote by the

Commission, the matter shall be submitted to the Director without a recommendation from the Commission.

5. The Director shall issue a written final decision regarding the site suitability determination within 14 days of the Commission's recommendation/ submission.
6. Following the Director's final decision, the farmer, appellant, and local unit of government will be sent MDARD's final decision and the final decision will be posted on the MDARD RTF Siting website.

Approved in Lansing, Michigan
March 21, 2018

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VII. REFERENCES

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National Pork Producers Council On-Farm Odor Assessment Program.

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United States Department of Agriculture, Natural Resources Conservation Service, *Agricultural Waste Management Field Handbook*.

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STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

**MICHIGAN COMMISSION OF AGRICULTURE
AND RURAL DEVELOPMENT
POLICY MANUAL
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MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT POLICIES

OVERVIEW

This overview includes individual sections covering the following:

- Statement of Purpose
- Responsibilities
- Legal Authority
- Procedures
 - Officers
 - Per Diem and Expenses
 - Meetings
 - Voting
 - Ethics
- Resolutions
- Legislative Opinions
- Public Appearance Guidelines
- Duties of the Director of the Michigan Department of Agriculture and Rural Development
- Policy Development

STATEMENT OF PURPOSE

The Michigan Commission of Agriculture and Rural Development has the responsibility to recommend, and in some cases determine, policy on food, agricultural, and rural development issues.

As gubernatorial appointees, the Commissioners are representatives of the Executive branch of government, and cooperate and collaborate with the Governor in the development, creation, implementation, and communication of policy. Effective and efficient administration requires a significant degree of interaction, especially in the implementation of Executive Orders and Executive Directives issued by the Governor that apply to the Commission and to the Department.

Michigan's multi-billion dollar food and agriculture industry needs ongoing focus and support for it to continue to grow. To this end, the Commission encourages a partnership of government, private industry, and citizens working toward common goals of protecting the public health, growing our economy, and preserving our environmental heritage.

The Commissioners strive to generate statewide citizen interest and mobilize support for issues important to the food and agriculture sector and to promote the future health and growth of Michigan's second largest industry.

RESPONSIBILITIES

The Commission of Agriculture and Rural Development should assist the Governor in protecting Michigan's health, economy, and environment through policies that:

- Align with State of Michigan statutes, regulations, and Governor-issued Executive Directives and Orders;
- Protect public health, safety, and welfare of the people of the State of Michigan by reporting information about imminent threats;
- Enhance food safety;
- Prevent and mitigate diseases and pests of humans, plants, and animals;
- Promote land and water stewardship;
- Develop land-use policies that allow for long-term agricultural viability;
- Develop, diversify, and expand agriculture's economic potential including encouraging opportunities for geographically-disadvantaged businesses;
- Protect consumers and ensure fairness in the marketplace;
- Recognize and celebrate the heritage of agriculture, including the events and activities that make Michigan a great place to live, work, and play;
- Promote and foster efforts that support viable rural communities;
- Promote public awareness of Michigan agriculture, food, and fiber;
- Promote good stewardship of public resources, including reporting of irregularities relating to public money or public property;
- Coordinate and partner on food, agricultural, and rural development interests with government agencies at the federal, state, and local levels; the private sector, academia, and the many diverse and interested organizations to achieve these goals; and
- Participate from time to time as a group in agriculture industry tours.

LEGAL AUTHORITY

The Michigan Commission of Agriculture was created under Act 13 of 1921 (attachment A); and reorganized under Act 380 of 1965, as amended (attachment B); and named in other statutes that provide specific duties and responsibilities. Executive Orders 2009-45 (attachment C) and 2009-54 (attachment D) and 2011-2 (attachment E) further explain the role, powers and duties of the Commission. Executive Order 2011-2 also renamed the Commission into the Commission of Agriculture and Rural Development.

The Commission of Agriculture and Rural Development shall consist of five members, not more than three of whom shall be members of the same political party, appointed by the Governor and with the advice and consent of the Senate. The term of the office of each member shall be four years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. The Commission shall elect from its members such officers as it deems advisable, and not later than March 31 of each year the Commission shall designate a Chairperson to serve in that role through March 31 of the following year. A member may not serve as Chairperson for consecutive annual periods. Commissioners "shall be knowledgeable about modern agriculture or food supply and committed to the protection, promotion, and preservation of the food, agricultural, conservation, and economic interests of the People of the State of Michigan." (Executive Order 2009-54).

A majority of the Commission members serving is required to constitute a quorum.

The business of the Commission shall be in compliance with the Open Meetings Act, Act 267 of 1976 (attachment F); and records of the Commission are subject to the Freedom of Information Act, Act 442 of 1976 (attachment G).

The chief executive officer of the department is the Director of the Department of Agriculture and Rural Development. The Director is appointed by the Governor and with the advice and consent of the Senate. The Director shall consult with the Commission on agricultural policy matters and the Commission may provide advice to the Director on matters relating to the Department, including, but not limited to, agricultural policy.

The Commission has specific responsibilities as delegated within various pieces of legislation:

- a) Michigan Renaissance Zone Act, 1996 PA 376: responsibility to act on Agriculture Processing and Renewable Energy Renaissance Zones.
- b) Julian-Stille Value-Added Act, 2000 PA 322: responsibility to act on Value Added Grants and the Agriculture Development Fund.
- c) Insect and Plant Disease Act, 1931 PA 189: responsibility to act on Nursery Inspection Fees.

- d) Michigan Right to Farm Act, 1981 PA 93: responsibility to define and review annually the Generally Accepted Agriculture and Management Practices; and, make recommendation to the Director when a review of a Livestock Siting Suitability Determination is requested.
- e) Michigan Seed Law, 1965 PA 329: responsibility for prohibition of local ordinances unless reviewed by Commission.
- f) Anhydrous Ammonia Security Act, 2006 PA 417: responsibility to establish Safety and Security Practices.
- g) Michigan Organic Products Act, 2000 PA 316: responsibility to determine Registration Fees.
- h) Animal Industry Act, 1988 PA 466: responsibility for determination of Livestock Zoning and Movement Restrictions.
- i) Pseudorabies and Swine Brucellosis Control and Eradication Act, 1992 PA 239: responsibility to establish fee for testing of animals.
- j) Michigan Agricultural Processing Act, 1998 PA 381: responsibility to define Generally Accepted Practices for Processors.
- k) Food Law Act 92 of 2000, as amended: responsibility to consult on fees if the Local Health Department ceases their inspection.
- l) State Potato Industry Commission, 1970 PA 29: responsibility to provide permission for Potato Commission to re-apportion districts.
- m) State Bean Commission, 1965 PA 114: responsibility to provide permission for Bean Commission to re-apportion districts.
- n) Agricultural Commodities Marketing Act, 1965 PA 232: responsibility to provide permission for re-apportionment of 232 Check-Off Programs.
- o) Natural Resources and Environmental Protection Act, 1994 PA 451: responsibility to determine agriculture purpose within surface water discharge provisions; approval of conservation easement practices; approval of pesticide container recycling program; provision for reviewing local pesticide use ordinances; approval of Michigan Agriculture Environmental Assurance Program conservation practices; provision for reviewing local fertilizer ordinances; development and approval of voluntary groundwater stewardship practices; approval of members to Conservation Species Advisory Panel; identify jointly with Michigan Department of Environmental Quality 2,500 acres for cranberry production; definition of agriculture purpose for water diversions; water conservation measures and within the Generally Accepted

Agriculture and Management Practices; approval of scoring for purchase of Development Rights; spending of Ag Preservation funds; agriculture practices/Generally Accepted Agriculture and Management Practices within hunting / conservation practices; and orders on restricted species/invasives.

- p) Horse Racing Law of 1995, 1995 PA 279: promulgation of rules for premiums at fairs.

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PROCEDURES

Officers

Not later than March 31 of each year, the Commission of Agriculture and Rural Development shall designate a member of the Commission as the Chairperson through March 31 of the following year. A member of the Commission may not be designated as Chairperson for consecutive annual periods. The Commission may also designate a member to serve as Vice Chairperson and as Secretary.

In the absence of the Chairperson, the Vice Chairperson, or in the absence of both, the Secretary, shall serve as Acting Chairperson.

Compensation and Expenses

Members of the Commission shall serve without compensation (Executive Order 2009-54). Members of the Commission may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

Each Commissioner shall submit a signed expense voucher and statement of respective work completed to the Commission Assistant for payment.

Meetings

The Commission shall hold meetings as it deems necessary.

The yearly meeting schedule will be set at the preceding November meeting, but is subject to change with proper notification.

The Commission reserves the right to cancel meetings or hold special meetings at the direction of the chairperson and in accordance with the law.

The Commission shall:

1. Ensure that at least three Commissioners, a quorum, are present at the posted meeting location;
2. If possible, post the alternate locations as part of the formal Open Meetings Act notice, allowing the public to attend and participate through public comment;
3. Shall prohibit the use of texting, or other forms of electronic communication during Commission meetings.

The Director, in consultation with the Chair, shall develop a proposed agenda for each meeting to include action items, staff reports, presentations, and public comment.

All Commission meetings shall be compliant with the Persons With Disabilities Civil Rights Act (attachment H).

The statement of purpose and agenda (when possible) shall be included in/with the posted Meeting Notice.

The Commission shall avoid meeting in facilities or areas subject to public access restrictions.

Minutes will be kept of all meetings of the Commission and retained per the Open Meetings Act and the State of Michigan Records Retention and Disposal Schedule.

Voting

Unless otherwise requested by a Commissioner, voting on matters before the Commission is by voice vote. If any Commissioner requests a roll call vote, the Secretary shall record the vote of each Commissioner.

Ethics

The members of the Commission shall adhere to basic principles for ethical conduct as outlined in statutes, rules, and Executive Directives.

A member of the Commission of Agriculture and Rural Development:

- 1) Shall discharge the duties of the position in a nonpartisan manner, in good faith, in the best interests of this state, and with the degree of diligence, care, and skill that a fiduciary would exercise under similar circumstances in a like position.
- 2) Shall not make or participate in making a decision, or in any way attempt to use his or her position as a member of the Commission to influence a decision, on a matter before the Department or the Commission regarding a loan, grant, or other expenditure in which the member is directly or indirectly interested.
- 3) Shall not be interested directly or indirectly in any contract with the Department or the Commission that would cause a substantial conflict of interest.
- 4) Shall not use public resources to make contributions or expenditures.
- 5) Shall disclose governmental waste, fraud, and abuse to appropriate authorities.
- 6) Shall not represent a personal opinion as the opinion of the Governor, the Office of the Governor, a state department or agency, or any other governmental entity.
- 7) Shall not divulge to an unauthorized person, in advance of the time prescribed for its authorized release to the public, confidential information acquired as a result of their performance of governmental duties.
- 8) Shall report any alleged violation of these standards of ethical conduct to their department head.

- 9) Members of the Commission shall comply, and the Commission shall adopt policies and procedures for members to comply, with the requirements of this paragraph, State of Michigan statutes and regulations, Governor Directives and Orders, and all of the following:
 - a) 1978 PA 472, MCL 4.411 to 4.430 (Lobbyists, Lobbying Agents, and Lobbying).
 - b) 1978 PA 566, MCL 15.181 to 15.185 (Incompatible Public Offices).
 - c) 1968 PA 318, MCL 15.301 to 15.310 (Conflicts of Interest).
 - d) 1968 PA 317, MCL 15.321 to 15.330 (Contracts of Public Servants with Public Entities).
 - e) 1973 PA 196, MCL 15.341 to 15.348 (Standards of Conduct for Public Officers and Employees).
 - f) 1976 PA 169, MCL 15.401 to 15.407 (relating to political activities by public employees).
 - g) 1976 PA 388, MCL 169.201 to 169.282 (the Michigan Campaign Finance Act).

Policy Manual

The Commission Policy Manual shall be reviewed, revised as necessary, and re-approved on at least a biennial basis.

RESOLUTIONS

The Commission may adopt resolutions to honor or recognize individuals and organizations, or to represent the Commission of Agriculture and Rural Development's position on a specific issue, topic or activity, and to convey that information or a request for action.

- A. For resolutions that are meant to represent the Commission of Agriculture and Rural Development's position on a specific issue, topic or activity, or to convey a request of action on the part of others, the following procedure should be followed:
- A Commissioner with a resolution request should contact the Chair at least 20 days prior to a regularly scheduled Commission meeting;
 - The Director is contacted and appropriate staff, with particular expertise in the subject area, will be assigned to draft the resolution;
 - The draft resolution is returned to the Commission Chair and the Commissioner making the original request for review;
 - The draft is distributed to all Commissioners in the pre-meeting mailing one week prior to a regularly scheduled Commission meeting.
 - If it is deemed necessary to draft a resolution on the day of the Commission meeting, a Commissioner may request that the Commission Chair consider the resolution for placement on the agenda. If the Chair places the resolution request on the agenda, the Commission shall vote to approve the addition of the resolution to the agenda. Once formally placed on the agenda, the full Commission may consider the resolution.
- B. To qualify for a Commission Resolution upon employee retirement or other celebratory occasion, each individual or organization must meet at least one of the following criteria:
- Retirement after 15 years or more of employment with the state of Michigan and outstanding service as an employee of the Department when recommended by division director and approved by the Director.
 - Outstanding contribution to an industry serviced by this department when recommended by the Director.
 - Any individual or organization so designated by the Commission of Agriculture and Rural Development.
 - Other special circumstances.

When appropriate, departmental retirees not qualifying for a Commission resolution shall receive a letter of commendation from the Director of the Michigan Department of Agriculture and Rural Development.

Procedures for writing resolutions shall be established by the Office of Communications with approval of the Commission Assistant and the Director.

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LEGISLATIVE, LEGAL, and MEDIA ISSUES

Commissioners shall refer all legal, legislative, and media contacts relating to the duties of the Commission to the Director of the Department or the Director's designee.

To remain informed on important public policy matters before the Legislature, the Commission asks for regular updates on legislative activities, and for the Department to advocate positions on legislation in accordance with Commission policies and those policies established by the Governor.

The Commission shall occasionally be required to meet legislative obligations as included in appropriations boilerplate language.

When legislative urgency requires a response from the Department, and there is no applicable policy from the Commission or the Governor, the Commission may call a special meeting pursuant to the Open Meetings Act.

Outside of Commission meetings, individual Commissioners may express their opinions to the Director on legislative issues.

While each Commissioner as a member of the public is free to contact their legislators and voice opinions during the legislative process or to the media, no Commissioner shall speak on behalf of the Commission to the media or on legislative matters unless done in coordination with the Director.

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PUBLIC APPEARANCE GUIDELINES

Public comment and input are important to the development of public policy. As a public body, the Commission of Agriculture and Rural Development needs and wants to hear from the public. In the interest of fairness and ensuring that there is adequate time for as many voices as possible, the Commission operates under the following guidelines:

1. Public appearances will be scheduled during the Public Comment period of a regular session of the Commission of Agriculture and Rural Development. If there is a change in this scheduled time, it will be noted on the original agenda distributed in advance of the meeting. Those registering in advance (prior to noon on Friday before the week of the Commission meeting) of the meeting will be notified.
2. Persons addressing the Commission will be requested to identify their: Name, address, and the organization (if any) which they are representing. In those instances in which a person is representing an organization, the presenter should indicate whether the presentation represents the official views of the organization.
3. All persons wishing to address the Commission must declare their intent by completing a Public Appearance card prior to or during the Public Appearance portion of the meeting, unless they have already contacted the Assistant to the Commission, and their names appear on the agenda.
4. The public comment period(s) (time(s) allotted on agenda) of the meeting will last until closed by the Chair or by vote of the Commission.
5. Anyone wishing to address the Commission is limited to a presentation of no more than three (3) minutes. Extensions shall be at the discretion of the Commission Chair or by vote of the Commission.

In instances where there are several speakers on the same subject, the Chair is authorized to request that the group appoint a representative to address the Commission on the group's behalf -or- each individual presentation shall be limited to three (3) minutes. If a spokesperson is designated, that individual may be granted 10 minutes.

- a. A group of persons speaking on a common subject are encouraged to choose a spokesperson for their group.
- b. The Commission of Agriculture and Rural Development will make every attempt to accommodate all individuals who wish to speak, and may set time frames different from those referenced above in order to encourage and allow maximum public input.

- c. Questions asked by Commissioners and/or Department staff will not be considered part of the three minutes allotted for public comment.
6. Fifteen (15) copies of written comments (if possible) should be provided to the Assistant to the Commission for distribution, either prior to or at the meeting. This will allow the presenter to include detail and background not possible within the allowed time frame scheduled for oral presentation. These written comments will become a part of the formal Commission record and will provide the Commission and staff with a precise, clear reference upon which to base their response to concerns.

All documents distributed at the meeting will be considered public documents and are subject to provisions of the Freedom of Information Act. It is the responsibility of the presenter to make sure all statements made are accurate and based on fact.

7. The Commission, at its discretion, may or may not hear matters relative to litigation. The Commission will not comment on or question presentations made relative to matters that are in litigation. Contacts on legal matters made to the Commission should be referred to the Department of Agriculture and Rural Development.
8. The public comment time provides the public an opportunity to speak. The Commission will not necessarily respond to the public comment.

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DUTIES OF THE DIRECTOR OF THE
MICHIGAN DEPARTMENT OF AGRICULTURE and
RURAL DEVELOPMENT

It shall be the responsibility of the Director to provide leadership and administrative oversight in the day-to-day activities of the department and to carry out the tasks as designated under law.

- A. The Director shall have authority over all employees, agents, and entities operating under the jurisdiction of the department.
- B. The Director shall assist the Commission in policy decisions for the department, the industry, and government. The Director shall also recommend adjustments in administrative policies both in the development and implementation thereof.
- C. The Director shall report to the Commission on a monthly basis or otherwise as the Commission requests, and shall direct appropriate staff to report as needed.
- D. The Director shall make recommendations to the Commission on issues that require Commission approval.
- E. The Director is the chief budget officer for the department. It is the duty of the Director to secure appropriate funding and human resources to carry out the department's programs and to recommend program adjustments where needed or required.
- F. The Director is the chief spokesperson for the department, including legislative matters, and shall be responsible for recommending changes in current law or to recommend new laws that further the goals and commitment of the department.
- G. The Director is the appropriate person to respond to Commission issues regarding department operation.

POLICY DEVELOPMENT

Accurate information, based on scientific and economic research, is essential to development of sound policies. Recognizing its close operational relationships, the Michigan Commission of Agriculture and Rural Development would work cooperatively with the Department of Environment, Great Lakes, and Energy (EGLE) the Michigan Department of Natural Resources, and the Michigan Natural Resources Commission as it strives toward promoting quality of life in Michigan; and, would seek input and expertise from other State of Michigan agencies and organizations as appropriate in developing policies to meet the objectives of the Commission and the Department to serve the citizens of the State of Michigan. Further, public understanding is necessary to gain support of such policies.

The Commission may adopt policies as either overarching goals for, or as specific direction to the Department.

An intensive ongoing communications effort should be developed to generate public awareness and support of policies recommended.

Policies adopted by the Commission of Agriculture and Rural Development will be communicated to the Governor, Legislature, stakeholders, and the general public as necessary.

In the Policy development process the Commission:

1. Recognizes the value of diversity in Michigan's agricultural sector. This diversity – in crop type, ownership, size of operation, etc. – contributes heavily to Michigan's economic success.
2. Recognizes that social change has led to greater consumer demand for wider food choices and consumer interest in food and agriculture systems and seeks to support new opportunities to meet these demands.
3. Recognizes the value of vibrant local food networks which provide greater stability for small farms and contribute to the quality of life for Michigan residents.
4. Recognizes the importance of small, medium- and large-size food and agricultural businesses for the State's economic stability, and the vital role of the Department's programs in supporting business activity.
5. Recognizes that good public policy requires a balance of competing interests, social and economic values, science and the political environment. MDARD will consider all of these variables.
6. Recognizes the value of engagement with a broad array of stakeholders including those who have not traditionally been involved in policy development.

7. Recognizes that public policy decisions need to balance responsiveness with short-and long-term impacts.
8. Recognizes the value of an intensive ongoing communication effort to generate public awareness and support of policies, including communication with the Governor and legislature, as necessary.
9. Recognizes the importance of climate and renewable energy to the food and agriculture sector.

These statements are not intended to be construed as a position on any specific policy issue.

DRAFT

Overview of the Michigan Commission of Agriculture and Rural Development Policies

Re-approved in _____, Michigan
_____(date)_____

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**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 1**

Policy Title: **GUIDING PRINCIPLES**

By policy the Michigan Commission of Agriculture and Rural Development affirms the Department's commitment to lead and serve the citizens of Michigan through the following values:

- Integrity** We say what we will do and we do what we say. We shall strive to be role models to ensure that honesty, respect, fairness, impartiality, trustworthiness, and dependability are standards of all employees' personal and professional conduct.
- Excellence** We are committed to getting the work done in a way that we are proud of and that our stakeholders are confident in and impressed with. We are committed to the development of our organization's mission, values, goals, and systems to monitor, measure, and sustain quality.
- Inclusion** We reach out to everyone in our society and every employee of the Department of Agriculture and Rural Development to be represented and involved in the important decisions that affects their lives.
- Teamwork** We focus on what we can do together, sharing information, resources, and energy to achieve our vision for the Department and the State.
- Customer Focus** We provide the highest quality of service to our customers. It is our responsibility to identify customers and their expectations, and to devise ways to address their needs in a timely manner.
- Meeting Staff Needs** We are committed to the development of our entire workforce and encourage participation, learning, and creativity to foster individual achievement at all levels of the organization.
- Effective Communication** We encourage the exchange of ideas and information throughout the Department of Agriculture and Rural Development and with our customers and organizational partners.
- Continuous Improvement** We will take responsibility to seek out and advocate new methods for improving our services.

Re-approved in _____, Michigan
_____(date)_____

Page 1 of 1

**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 2**

Policy Title: **EQUAL OPPORTUNITY PROGRAM**

The Commission of Agriculture and Rural Development is committed to equal opportunity in state employment, promotes diversity in the workforce, and affirms the Department's policy. The Michigan Department of Agriculture and Rural Development's policy is as attached.

DRAFT

Re-approved in _____, Michigan
_____(date)_____

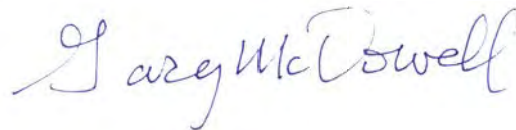
Page 1 of 2

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The State of Michigan and the Department of Agriculture and Rural Development will provide equal employment opportunity for all persons regardless of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position and will prohibit employment discrimination. Equal opportunities in state contracting and grant and loan programs and prohibiting discrimination in the provision of state services will be ensured.

This policy is promulgated consistent with state and federal law, including Governor Executive Directives.

The State of Michigan, Department of Agriculture and Rural Development and I, as the department Director, firmly support equal employment opportunity. I will ensure that the Department of Agriculture and Rural Development is committed to reviewing all aspects of employment, including recruitment, selection, retention, and promotion, to identify and eliminate barriers to providing all persons equal employment opportunity. In hiring, the Department of Agriculture and Rural Development will ensure equal opportunity by not inquiring about an applicant's salary history.

A handwritten signature in blue ink that reads "Gary McDowell".

Gary McDowell, Director

Dated: April 10, 2019

**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 3**

Policy Title: **DEPARTMENTAL SAFETY**

It shall be the policy of the Michigan Commission of Agriculture and Rural Development to foster the safety and occupational well-being of the Department's employees during the performance of their official duties. All departmental employees shall work cooperatively to identify unsafe working conditions involving themselves and others. The Department shall strive to meet or exceed federal, state, local and industrial safety and health standards.

This policy shall be implemented within the department by utilizing the following:

- A. An active safety program shall be developed, implemented and annually reviewed.
- B. The Director shall appoint a safety committee, composed of departmental staff, to provide recommendations to the Director regarding safety issues and programs.
- C. The Director shall provide ongoing education for employees on safety and the safe use of materials within the work place.
- D. The Director shall designate an individual to serve as Department Safety Officer.

Re-approved in _____, Michigan
_____(date)_____

Page 1 of 1

**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 4**

Policy Title: **PROMOTION OF AGRICULTURE**

It shall be the policy of the Commission of Agriculture and Rural Development to foster and encourage the expansion and promotion of all agricultural goods and services and improve public awareness of Michigan food products and to strengthen the economy of rural Michigan.

We encourage positive public relations and promotion activities to increase sales of Michigan's products in cooperation with the food and agricultural industry, including commodity marketing programs and individual companies. It is important that consumers everywhere recognize the quality of Michigan products.

We encourage continued cooperation with partners, stakeholders, and private industry. It is important to provide assistance in identifying and developing opportunities in new and existing markets domestically and internationally. We will provide the food and agricultural industry with current information and compliance assistance to support growth of the agri-food industry.

Further, we encourage the expansion of Michigan food and agriculture through business, education, research, legislative changes, and cooperation with other governmental agencies and organizations.

We are committed to and encourage expanding opportunities and fostering entrepreneurship for innovation and new technology within the food and agriculture sector. The Commission directs the department to assist in the coordination, development, and promotion of the bio-economy to improve the environment and economy of the Great Lakes State.

Re-approved in _____, Michigan
_____(date)_____

Page 1 of 1

**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 5**

Policy Title: **FOOD SAFETY
ANIMAL AND PLANT HEALTH
CONSUMER PROTECTION and INDUSTRY SUPPORT**

It is the policy of the Commission of Agriculture and Rural Development to help safeguard the health and welfare of consumers of this state and to protect the food chain by assuring safe, secure, wholesome and accurately labeled food and other consumer products.

In accordance with its statutory duties, the Department shall:

- Prevent, control, and eradicate reportable infectious, contagious and communicable diseases of domestic animals; and work with others on the prevention, control, and response to all diseases of animals;
- Prevent, control, and eradicate pests and diseases of plants;
- Prevent and respond to contamination of any portion of the food or feed supply by noxious materials or toxic substances;
- Protect consumers' health by maintaining a safe and wholesome food supply; and,
- Promote the economic viability of food and agricultural industries in this state through producer security programs; grading, testing, and evaluation certification programs; and industry collaboration programs.

To achieve this it shall be the mandate of the Michigan Department of Agriculture and Rural Development to:

- A. Enforce laws and regulations that: protect the safety and wholesomeness of foods; govern weights and measures and their respective devices and practices; govern the commercial handling, inspecting, and processing of farm produce; and govern product advertising and labeling;
- B. Provide regulatory response and resource expertise for support of domestic animal health and welfare programs, food and dairy, and weights and measures regulatory programs, and assist the livestock, food, and dairy industries;
- C. Enforce laws and regulations that protect the welfare of the public and the health of the livestock and animal industries of this state and work with the regulated industries and the veterinary profession to promote compliance;
- D. Provide, through laboratory services, accurate scientific analyses and technical data necessary to support the consumer protection and regulatory services of the department;

- E. Provide Michigan consumers and agri-businesses the necessary technical assistance to ensure wholesomeness and purity of food, dairy, meat, poultry and consumer products;
- F. Conduct investigations and surveys and support research, when necessary, to monitor the state's food chain and recommend changes and modifications to existing standards to protect the food chain;
- G. Recommend necessary changes to existing laws and policies to accomplish these mandates;
- H. Provide personnel and expertise in the management and control of the food chain and animal and livestock industry during a crisis by providing effective emergency services planning and response within the department and participate in a coordinated statewide emergency preparedness program, to ensure the food chain, animal food supply, and livestock and plant industries are free from undesirable substances, diseases, and pathogens;
- I. Seize, control, or quarantine animals and plants, when necessary, to protect the food chain and the animal and plant industries of this state and destroy and dispose of animals and plants in those situations where threat of exposure to the food chain or the environment is imminent;
- J. Seize or otherwise control food and food products to protect the health and welfare of consumers;
- K. Seize or otherwise control animal feeds and other products to protect plants and animals, and the health and welfare of consumers;
- L. Work with the dairy, grain, nursery and other industries to facilitate legislatively enacted producer security and inspection programs; and
- M. Collaborate with Michigan's fairs, festivals, and other agricultural events to celebrate Michigan's agricultural heritage and promote understanding and support for Michigan's food and agriculture industry.

Re-approved in _____, Michigan
_____(date)_____

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**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 6**

Policy Title: **EMERGENCY MANAGEMENT**

It is the policy of the Michigan Commission of Agriculture and Rural Development that the Department maintain an ongoing capability to prepare for, respond to, recover from, and mitigate impacts of emergencies and disasters which affect the food and agricultural resources of this state.

The department will utilize the principles of the National Incident Management System and will appoint an Emergency Management Coordinator to provide leadership, assistance, and support to employees of the department in meeting their responsibilities to the food and agriculture sector and the general public during times of emergency or disaster. The principal duties of the Emergency Management Coordinator are:

- Establish and maintain an emergency management program based on departmental duties and structure that is capable of responding to emergencies and disasters affecting Michigan's food and agricultural resources;
- Maintain the Agriculture Annex to the Michigan Emergency Management Plan as required by Public Act 390 of 1976; and prepare and train departmental personnel to meet the emergency and disaster responsibilities of the department.
- Represent the department and its stakeholders on the Michigan Citizen-Community Emergency Response Coordinating Council to advance the cause of emergency planning in the food and agriculture sector as required by SARA Title III, PL 99-499 of 1968 and Executive Order 2007-18 Michigan Citizen-Community Emergency Response Coordinating Council;
- Cooperate and coordinate with federal, state, and local emergency management agencies in providing emergency and disaster services to the affected public;
- Develop relationships with the food and agricultural community that enhance the delivery of emergency and disaster services; and
- Coordinate with other agencies and the private sector to provide human and animal food and water to victims of disasters and emergencies when normal food and feed delivery systems are unable to do so.

It is further the policy of the Commission that all personnel and divisions of the department will fully support the emergency management program whenever the opportunity to do so arises.

Re-approved in _____, Michigan
_____(date)_____

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**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 7**

Policy Title: **ENVIRONMENTAL STEWARDSHIP AND FARMLAND PRESERVATION**

It is the policy of the Commission of Agriculture and Rural Development to strive to cooperate with local, state and federal agencies to protect soil, air, surface water, groundwater and other natural resources, promote energy conservation and efficiency. This may include, but is not limited to:

- Air, surface water and groundwater pollution prevention strategies;
- Soil erosion prevention programs;
- Regulation and education regarding agri-chemical use and storage;
- Animal manure and nutrient management systems;
- Energy conservation and efficiency programs;
- Private wildlife habitat programs;
- Forest stewardship programs on private land and;
- Drainage of land for agricultural and food production;
- Use of innovative technologies that promote sound resource management

The impact of farmland and agriculture should be carefully considered during the planning stages of any infrastructure project. Public policy should support the planned further development of existing communities and redevelopment of abandoned industrial or residential sites where infrastructure already exists as a priority over Greenfield development (developing green space).

As part of a sound farmland and natural resource protection policy, Michigan must continue to strengthen the economic viability of the food and agricultural industry and help provide profitable economic opportunities for farming operations, including retention and expansion of value-added agricultural processing and urban agriculture. Farm operations must have the protection and freedom to expand or change to remain competitive and profitable. Michigan must also encourage the development of policy and programs that ensure and promote clean water, air, energy efficiency, and protection of our valuable natural resources.

The Commission is committed to the fair, non-discriminatory treatment of all people in the development, implementation, and enforcement of environmental laws, regulations, and policies.

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Re-approved in _____, Michigan
_____(date)_____

Page 2 of 2

**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 8**

Policy Title: **RIGHT TO FARM PROGRAM**

Pursuant to the Michigan Right to Farm Act (Act), P.A. 93 of 1981, as amended, the Michigan Commission of Agriculture and Rural Development has the responsibility to define Generally Accepted Agricultural and Management Practices (Practices).

When defining Practices, the Commission will give due consideration to available Michigan Department of Agriculture and Rural Development (MDARD) information and written recommendations from the Michigan State University (MSU) College of Agriculture and Natural Resources, MSU Extension, and MSU Agricultural Experiment Station in cooperation with the United States Department of Agriculture, Natural Resources Conservation Service, the Farm Services Agency, the Michigan Department of Environmental Quality (MDEQ), the Michigan Department of Natural Resources (MDNR), and other professional and industry organizations.

The Practices will be developed, adopted, and revised pursuant to the procedures in the Appendix. The Commission will define generally accepted agricultural and management practices by formal resolution. Practices will be reviewed annually and revised by the Commission when necessary.

The Commission recognizes the diversity of Michigan's agricultural industry, which produces more than 200 commodities using a multiplicity of varied management procedures and techniques, and will strive to define specific Practices encompassing all sectors of the industry. Given the breadth of the industry, it is the policy of this Commission that Generally Accepted Agricultural and Management Practices include any traditional farming practice which is not detrimental to the environment or human and animal health.

The following list includes categories and examples of farm products as defined under the Michigan Right to Farm Act:

- A. Forages, Sod Crops, and Renewable Fuels: forages, grasses, pasture, seed crops, sod crops, and turf.
- B. Field Crops: cereal grains, feed grains, feed crops, field crops, seed crops, soybeans, dry beans, potatoes, sugar beets, mint, hops, ginseng, and other herbs.
- C. Livestock and Dairy: breeding and grazing livestock, dairy cattle and dairy products, beef cattle, veal, swine, equine, sheep, goats, bison, llama, privately owned cervid, and wool. (Livestock does not include dogs and cats.)

- D. Poultry and Ratites: laying chickens and eggs, broiler chickens, turkeys, ducks, geese, guinea fowl, peafowl, ostriches, emus, rheas, cassowaries, kiwis, and game birds that are propagated and maintained under the husbandry of humans.
- E. Fish and Fish Products: aquatic animals such as fish, shrimp and other crustaceans, mollusks, reptiles, and amphibians, aquatic plants, and other aquacultural products reared or cultured under controlled conditions.
- F. Bees: colonized bees raised for pollination or to produce honey, and wax.
- G. Small Fruit: blueberries, grapes, strawberries, raspberries, and cranberries.
- H. Tree and Tree Crops: fruit trees, nut trees, coniferous trees, deciduous trees, saw logs, firewood, pulpwood, and maple syrup.
- I. Vegetable Crops: asparagus, carrots, celery, cole crops, cucurbits, lettuce, onions, peppers, snap beans, sweet corn, and tomatoes.
- J. Greenhouse and Nursery Products: bedding plants, vegetable and flower seedlings, foliage plants, flowering plants, cut flowers, seeds, tree seedlings, shrubs, ornamental plants, and other nursery stock.
- K. Mushrooms: agaricus, shiitake, oyster, morel, and chanterelle.
- L. Fur Bearers: mink, fox, rabbits, and chinchilla.

This listing should not be construed to be all encompassing. Other products may be identified and added to the above list at the discretion of the Commission consistent with the Act.

Pursuant to the Memorandum of Understanding with EGLE, MDARD staff will be utilized for the investigation and resolution of non-emergency environmental complaints. MDARD procedures will be followed for the investigation and resolution of other farm-related complaints. MDARD staff will provide public information and education on the Act, the Practices, and other statutes. MDARD and MSU may conduct informational seminars in cooperation with other agencies and individuals concerning the Practices. MDARD staff may request other public agencies, professional and industry organizations, and individuals to assist on Right to Farm issues.

Re-approved in _____, Michigan
 _____(date)_____

APPENDIX

MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT PROCEDURES FOR THE DEVELOPMENT, ADOPTION, AND REVIEW OF “GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES”

The Michigan Right to Farm Act, (Public Act 93 of 1981, MCL 286.471 et seq.) says in part:

A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural and management practices according to policy determined by the Michigan commission of agriculture. Generally accepted agricultural and management practices shall be reviewed annually by the Michigan commission of agriculture and revised as considered necessary. (MCL 286.473(1)).

Annually, the Commission will establish and review policy for the implementation of Generally Accepted Agricultural and Management Practices (GAAMPs). In addition, the Michigan Department of Agriculture and Rural Development (MDARD) staff will present to the Michigan Commission of Agriculture and Rural Development (Commission) on the status of all existing GAAMPs and the need, if any, for proposed new GAAMPs. The Commission will direct MDARD staff as to whether significant changes should be examined in any set of GAAMPs or a new set of GAAMPs should be developed.

New and Existing GAAMPs may be developed and/or adopted by the following procedure:

1) Creation of New Material

- a) The Commission identifies the need for GAAMPs and takes a vote to proceed with a request to the Michigan State University (MSU) College of Agriculture and Natural Resources or any other resource or topical experts as deemed appropriate to name a Chairperson for a GAAMPs Advisory Committee. MDARD will assist in the formulation and management of the Advisory Committee.
- b) The Advisory Committee develops draft scientifically-based GAAMPs pursuant to the Michigan Right to Farm Act. The Advisory Committee may give due consideration to available MDARD information and written recommendations from any other educational, professional and industry organizations.
- c) The Advisory Committee Chairperson presents the new draft GAAMPs to the Commission for review. The Commission may request MDARD staff to review the draft GAAMPs and discuss suggested changes with the GAAMPs Advisory Committee, which may revise and resubmit the draft GAAMPs to the Commission.
- d) The Commission considers the draft GAAMPs and may request other methodologies be used to further identify or define the GAAMPs.
- e) In addition, the Commission may identify existing scientifically-based materials, including but not limited to, publications from university, research and extension sources, documents from other departments, and/or documents from other state agencies or federal agencies that may be adopted by the Commission as GAAMPs.
- f) The Commission votes on whether to adopt the new GAAMPs.

2) Annual Review of Existing GAAMPs

- a) MDARD contacts Advisory Committee Chairpersons to begin the annual review process and to determine if and how new technology, research results, or new regulations may impact the current GAAMPs.
- b) If the Advisory Committee Chairpersons determine that substantial changes to the GAAMPs are warranted, they contact their committee members to reconvene their respective committees to review current GAAMPs and propose recommended changes.
- c) MDARD staff reviews GAAMPs in light of recent Right to Farm program environmental complaints and site selection verification requests for new and/or expansion of existing livestock facilities and provides feedback to the Advisory Committee Chairperson or Committee as part of the review process.
- d) The Advisory Committee Chairperson or Committee completes its review and proposed draft GAAMPs are prepared for review.
- e) MDARD will conduct a Public Input meeting to receive additional comments on the GAAMPs; input is provided to the Advisory Committee Chairperson for Committee consideration.
- f) The Advisory Committee presents revised GAAMPs to the Commission.
- g) The Commission reviews existing GAAMPs, with any changes proposed by the Advisory Committee(s), and votes whether to adopt the revisions to the GAAMPs.

All sets of GAAMPs may undergo the annual review process simultaneously to streamline and maximize staff efficiency.

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**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 9**

Policy Title: **GENERALLY ACCEPTED AGRICULTURAL AND
MANAGEMENT PRACTICES
DETERMINATION OF NON-COMPLIANCE**

It is the policy of the Michigan Commission of Agriculture and Rural Development to determine that a farm/farmer is not following Generally Accepted Agricultural and Management Practices if a Right to Farm complaint case involves air and/or odor issues, and Michigan Department of Agriculture and Rural Development staff is refused access to review practices and/or records related to the appropriate Generally Accepted Agricultural and Management Practices.

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Re-approved in _____, Michigan
_____(date)_____

**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 10**

Policy Title: **ENFORCEMENT**

It is the policy of the Michigan Department of Agriculture and Rural Development to utilize progressive enforcement when possible, including, but not limited to compliance assistance, warning letters, settlement agreements, probationary periods, issuance of fine, or a combination of these. The department will consider various factors, such as:

- nature of the violation
- establishment compliance history
- establishment maintenance and/or self-inspection programs;
- establishment probationary status
- economic benefit for the establishment versus harm to the consumer associated with the alleged violation(s)
- length of time the requirement has been in effect
- other evidence/special circumstances offered by the establishment operator

A maintenance and/or self-inspection program is considered an essential component of good business practices and the implementation of these programs will be considered and weighted accordingly.

Serious, repeated, and/or multiple violations of laws and regulations may result in criminal prosecution.

Re-approved in _____, Michigan
_____(date)_____

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**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT**

POLICY NO. 11

Policy Title: **FISCAL CONTROL**

It is the policy of the Commission of Agriculture and Rural Development that sound fiscal control practices be utilized in the conduct of department activities. All memoranda of understanding or other documents which commit department resources shall be reviewed by the Chief Budget/Financial Officer and the Department Director.

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Re-approved in _____, Michigan
_____(date)_____

Page 1 of 1

**MICHIGAN COMMISSION OF AGRICULTURE AND
RURAL DEVELOPMENT
POLICY NO. 12**

Policy Title: **APPEALS FROM MDARD'S SITE SUITABILITY DETERMINATIONS**

Under the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMP), farms may request a site suitability determination from MDARD. MDARD's site suitability determinations are sent to the farmer and the local unit of government and posted on MDARD's RTF website. MDARD's site suitability determination can be appealed to MDARD's Director as provided below.

A. Who can request to appeal MDARD's site suitability determination

The following people or entities can request to appeal MDARD's site suitability determination:

- The owner of the proposed livestock facility.
- A person with property within one-half mile of the site of the proposed livestock facility.
- The local unit of government in which the site for the proposed livestock facility is located.
- Local unit of government which is within one-half mile of the proposed livestock facility.

B. Timing of a request to appeal

A request to appeal must be filed within 30 days from the date MDARD's site suitability determination is posted on MDARD's Right to Farm Siting website.

C. Contents of a request to appeal

A request to appeal MDARD's site suitability determination is made by sending a written description of the appeal including all documentation supporting the appeal to MDARD's Director through the Commission email at MDA-Ag-Commission@michigan.gov.

The request to appeal must identify with specificity the section or requirement in the Site Selection GAAMP that the requestor believes MDARD failed to or improperly applied when it made its site suitability determination.

The request for appeal must include relevant facts, data, analysis, and supporting documentation for the appellant's position.

A request to appeal that does not identify with specificity the manner in which MDARD failed to or improperly applied the Site Selection GAAMP or does not provide supporting documentation will be denied. The Director will notify the Siting GAAMP Chair, as well as the Commission of Agriculture and Rural Development of this decision. MDARD will send a letter to the entity who submitted the request to appeal stating the reason the request has been denied. A denial of a request to appeal is a final agency decision on MDARD's site suitability determination.

A request to appeal that meets the requirements of this section will be approved and will proceed through the appeal process outlined below. MDARD shall make all determinations regarding requests to appeal within 14 days after the close of the 30-day appeal window.

D. Appeal process

Once MDARD approves a request to appeal, the following process will be initiated:

1. MDARD will ask the Chairperson of the Site Selection GAAMP Committee to convene a panel of experts to review MDARD's site suitability determination. The panel of experts shall include experts in agronomy, engineering, and animal husbandry, and shall contain no less than three experts.
2. Within 28 days, the panel of experts shall review MDARD's site suitability determination and consider the information provided by the Appellant. The panel of experts shall create a written report to be considered at the Commission's next scheduled public meeting.
3. The Commission will consider the panel of experts' report, oral or written comments from the appellant(s), and other public comments regarding MDARD's site suitability determination.
4. The Commission shall make a recommendation to the MDARD Director. The Commission's recommendation can take one of three forms: (i) approve MDARD's site suitability determination; (ii) reverse MDARD's site suitability determination; or (iii) send the case back to the panel of experts or MDARD staff with instructions to consider certain factors or issues that were not sufficiently considered during the panel's initial review, including a timeframe for providing the information to the Commission. In the event of a tie vote by the Commission, the matter shall be submitted to the Director without a recommendation from the Commission.
5. The Director shall issue a written final decision regarding the site suitability determination within 14 days of the Commission's recommendation/ submission.
6. Following the Director's final decision, the farmer, appellant, and local unit of government will be sent MDARD's final decision and the final decision will be posted on the MDARD RTF Siting website.

Approved in _____, Michigan
_____(date)_____

ATTACHMENTS

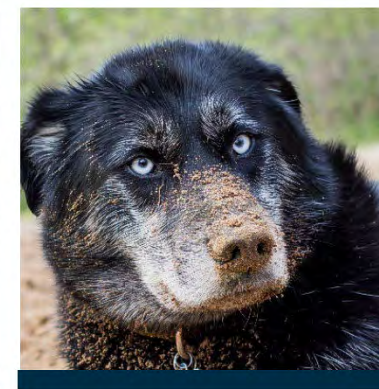
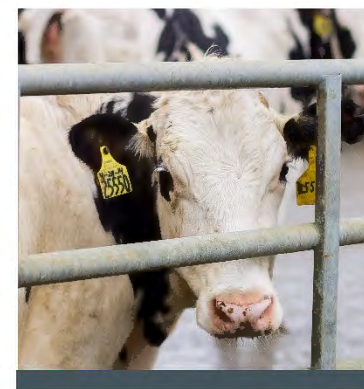
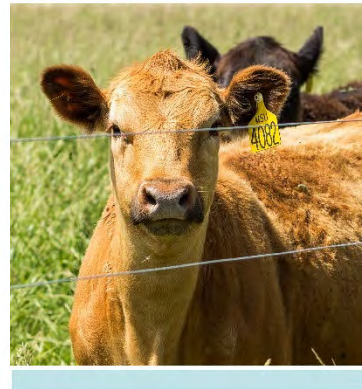
- A) PA 13 of 1921, Department of Agriculture
- B) PA 380 of 1965, Executive Organization Act
- C) EO 2009-45, Executive Reorganization (Creation of Department of Natural Resources and Environment and Direct Governor Appointment of Director)
- D) EO 2009-54, Executive Reorganization (Restoration of Commission Oversight of Policy)
- E) EO 2011-2, Executive Reorganization (Commission powers and agency name)
- F) PA 267 of 1976, Open Meetings Act
- G) PA 442 of 1976, Freedom of Information Act
- H) PA 220 of 1976, Persons With Disabilities Civil Rights Act

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MDARD's TB Program

Michigan Commission of Agriculture and Rural Development Meeting

May 15, 2019

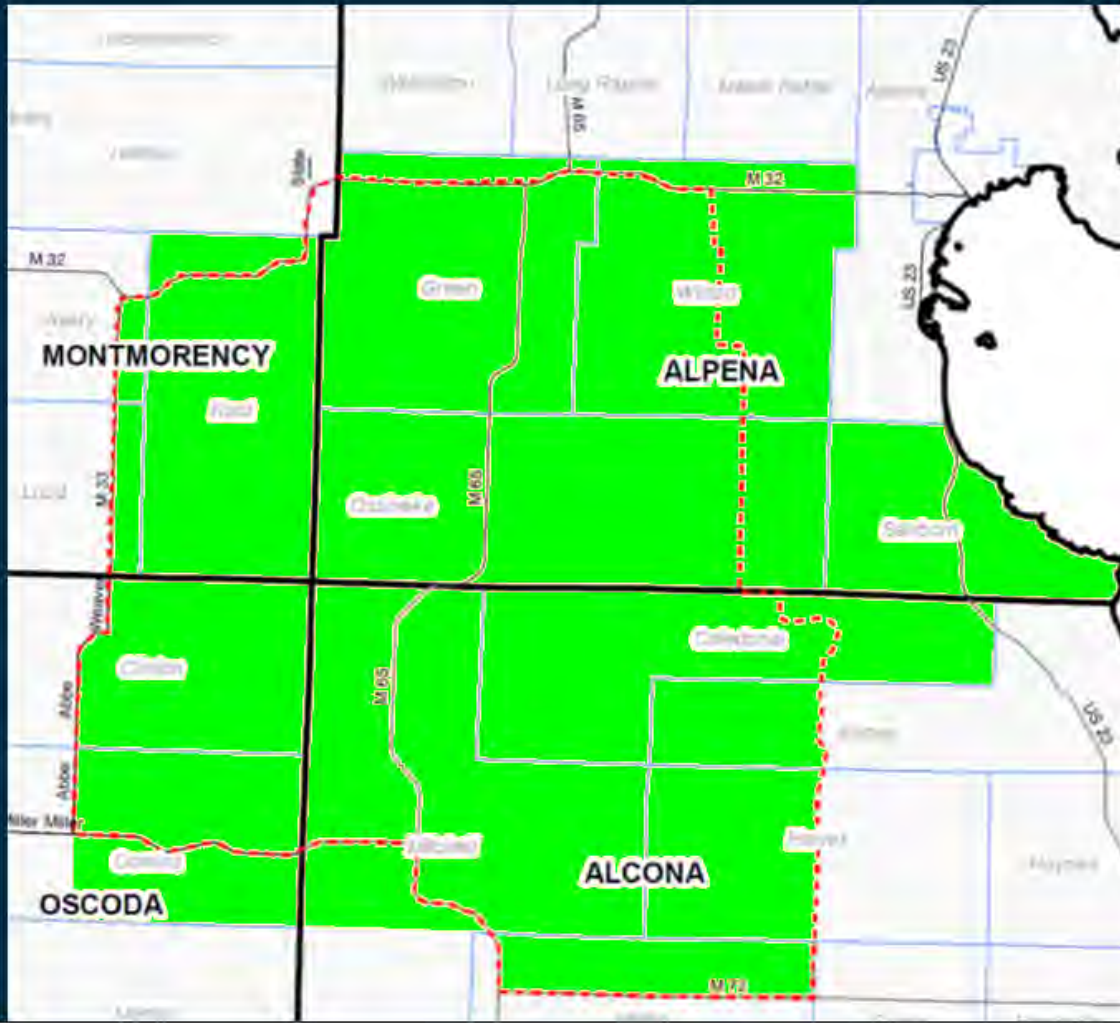


Nancy Barr, DVM
Assistant State Veterinarian and
TB Program Coordinator

Enhanced Wildlife Biosecurity Program



Enhanced Wildlife Biosecurity Area



Legend

-  Enhanced Wildlife Biosecurity Area
-  DMU 452
-  County Boundary
-  Township Boundary
-  State Hwy

Enhanced Wildlife Biosecurity Philosophy

Highest risk area for spillover of bovine TB from wild deer to cattle

Clusters of **positive deer and cattle farms** in area

Strengthen **wildlife biosecurity** practices on farms

Farm Specific assessment

Community approach

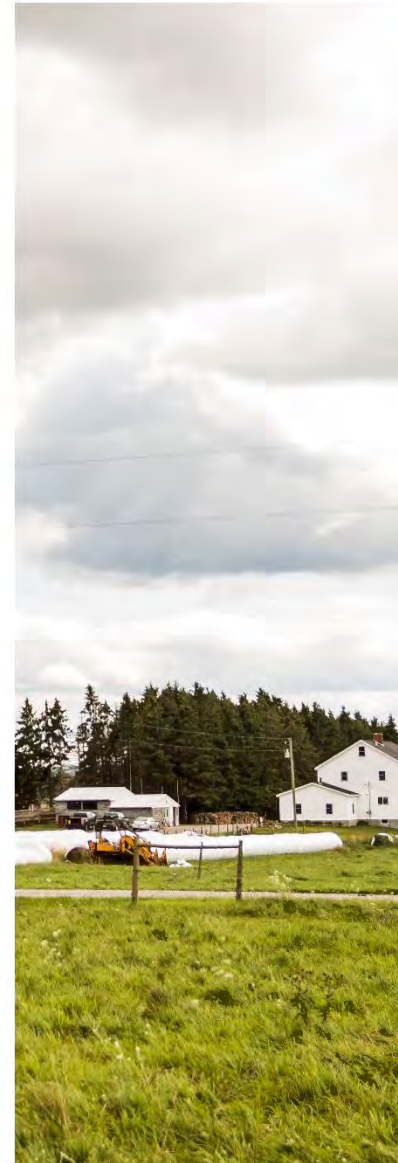
Wildlife Risk Mitigation Basics

- **Feed cattle safely**
- **Water cattle safely**
- **Store cattle feed safely**
- **Remove deer attractants from farm**



Enhanced Wildlife Biosecurity Program

- Requires:
 - Allowing USDA WS to remove deer on the farm which pose a risk to the cattle (DCP's)
 - Assessment of risks on farm
 - Implementation of biosecurity measures (infrastructure improvements)
- Cost Share program available to farmers in EWB area for infrastructure
- Goal for full implementation is January 2020



Enhanced Wildlife Biosecurity Program – Targeted Deer Removal

USDA Wildlife Services Partnership – provide assistance to cattle farmers to **remove deer from the farm**

Three main seasons of deer pressure on farms:

- **Winter/ Spring**
(Late January – April 30)
- **Summer**
(July 15 – August 30)



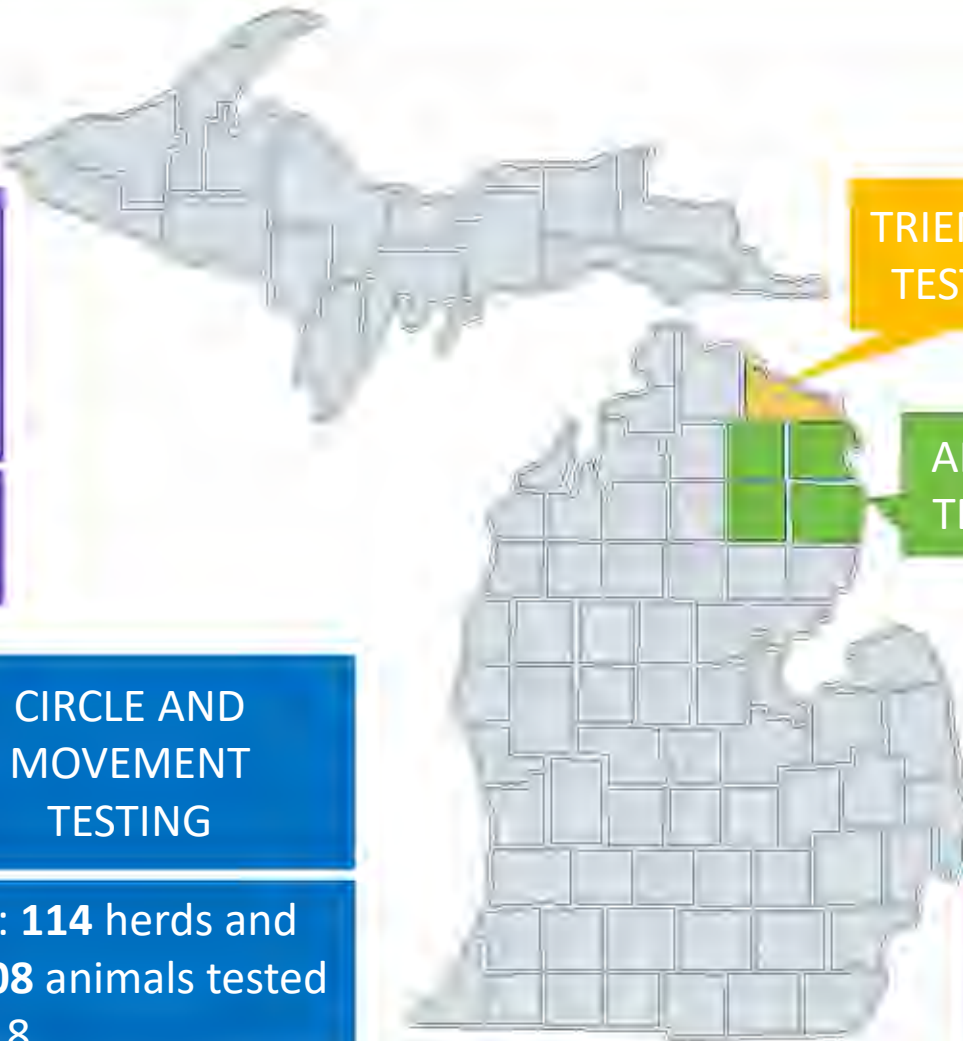
TB Case Update



Cattle Surveillance in Michigan

SURVEILLANCE AT
FEDERALLY
INSPECTED
SLAUGHTER PLANTS

FY'17 172,390 cattle
inspected



TRIENNIAL
TESTING

ANNUAL
TESTING

MAZ : 302
herds and
14,624
animals
tested FY'18

CIRCLE AND
MOVEMENT
TESTING

AFZ: 114 herds and
5,308 animals tested
FY'18

EPI TRACES

Bovine TB Case Update

- October 2018:
 - Alcona County beef herd
 - Designated herd #73
 - Routine annual WHT in MAZ
- April 25, 2019:
 - Alpena County beef herd
 - Designated herd #74
 - Routine annual WHT in MAZ
- April 29, 2019
 - Presque Isle County beef herd
 - Designated herd #75
 - Routine triennial WHT
 - First herd in this county since 2000





DNR wild deer testing










2018 Bovine Tuberculosis (TB) Surveillance in Free-Ranging White-tailed Deer, Michigan

Legend

-  Deer Management Unit 452
-  County Lines

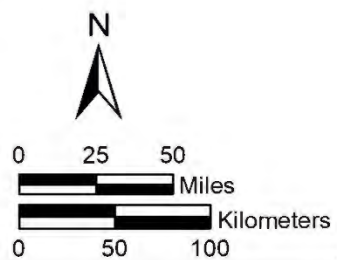
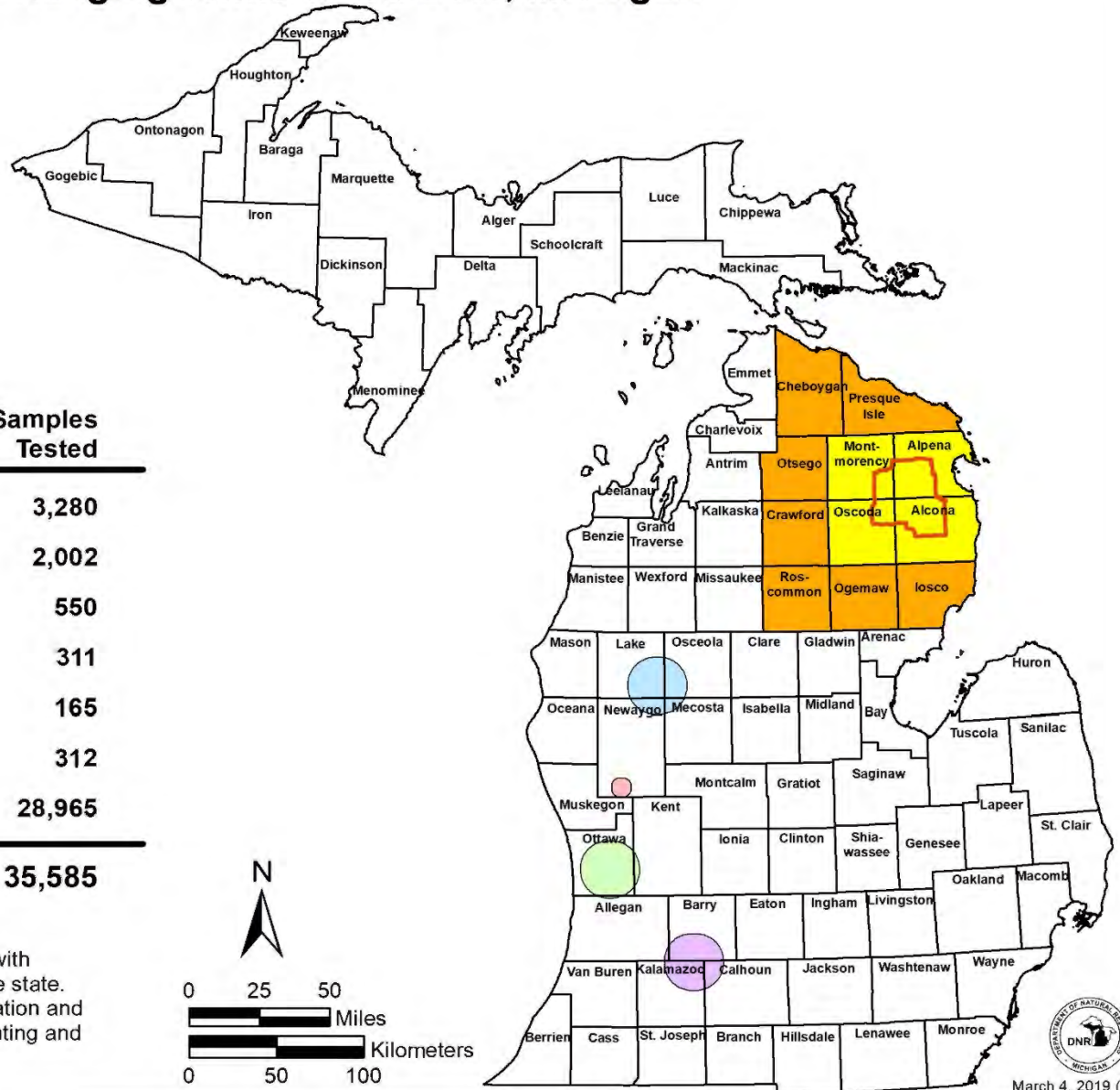
I. ACTIVE SURVEILLANCE

(Hunters voluntarily submit heads for examination)

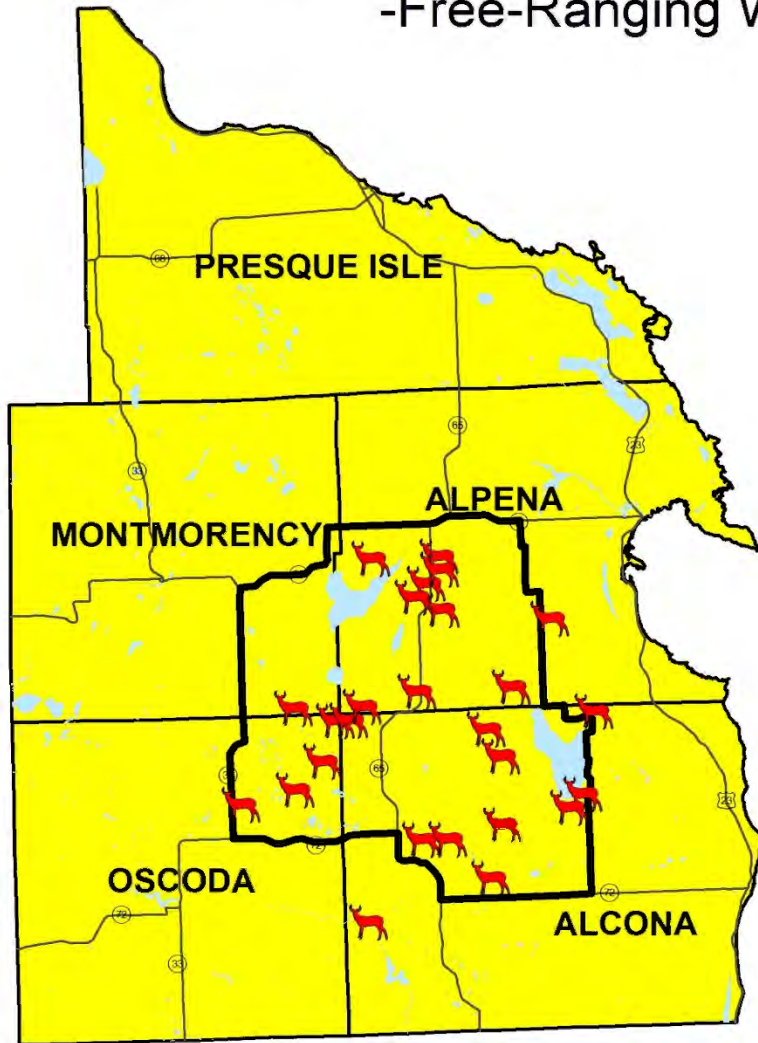
Testing Zone	Sample Goals	Samples Tested
	2,800	3,280
	1,500	2,002
	300	550
	300	311
	300	165
	30	312
	0	28,965
Total	5,230	35,585

II. PASSIVE SURVEILLANCE

(Hunters may submit deer carcasses with TB chest lesions from anywhere in the state. Hunters are educated through information and color pictures of TB lesions in the Hunting and Trapping Guide and TB brochure.)



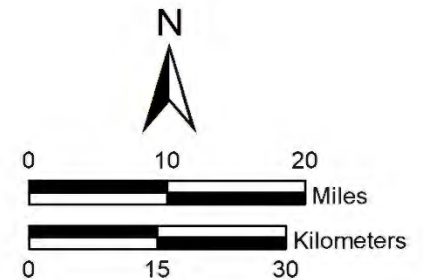
2018 Bovine Tuberculosis Survey Results -Free-Ranging White-tailed Deer-



Legend

- Location of TB Positive Deer
- DMU 452
- County with Positive Deer 1975-2018
- County Line
- Water
- Highway

Positive Deer 2018 = 26
Positive Deer 1975-2018 = 898

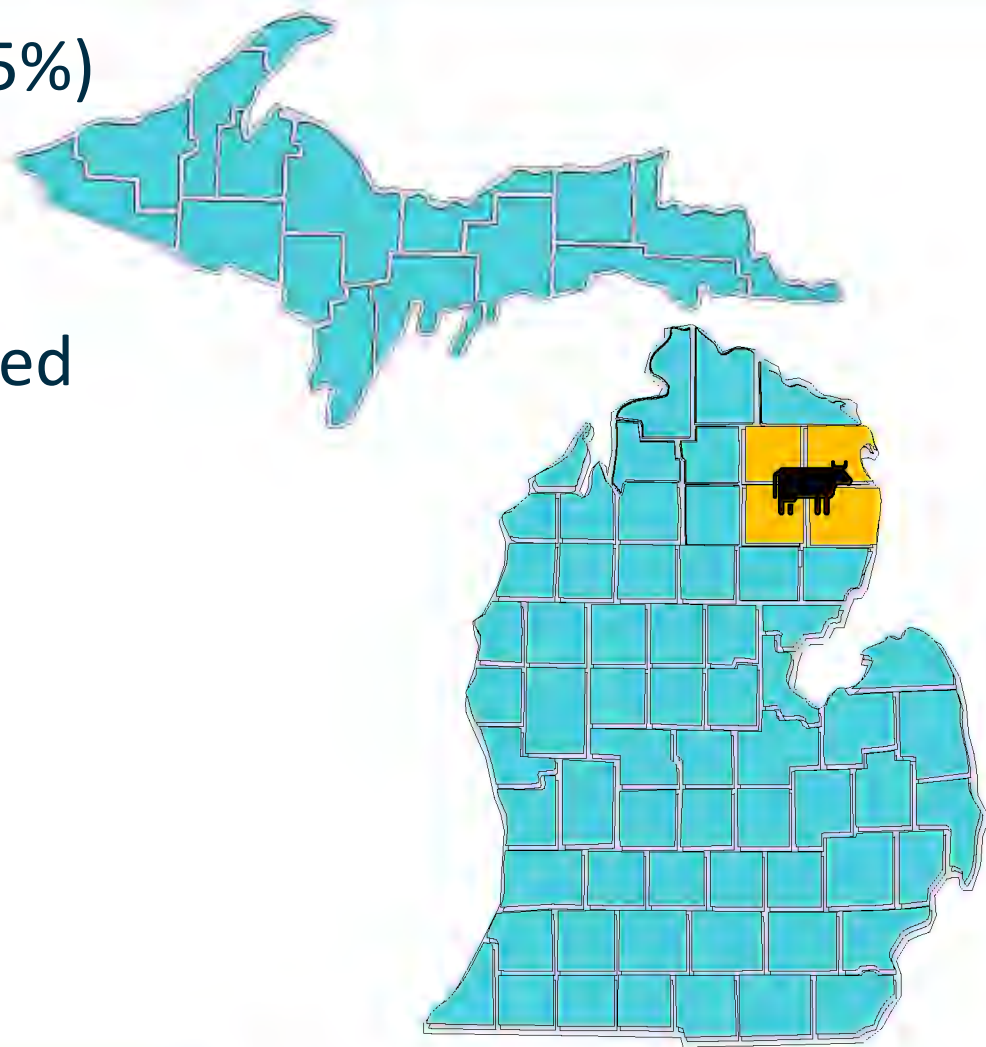


USDA-MDARD-DNR MOU Update



Current Bovine TB status in Michigan

- **2014:** 79 of 83 counties (95%) regained TB Free status
- **Today:** Four County Modified Accredited (MAZ) Zone
 - Alcona
 - Alpena
 - Montmorency
 - Oscoda



MOU Update

- MOU signed April 2019 – effective for one year
- Major changes from last MOU:
 - Increased wild deer surveillance goal in counties surrounding MAZ (300 per county)
 - 1 or more positive cattle herds with MAZ deer strain in Free area = discussions with USDA
 - Increased size of circle around positive deer in the MAZ (circle designated in Ogemaw and Iosco in 2019)

QUESTIONS?

Questions?



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of Agriculture & Rural
Development



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Development



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: April 16, 2019

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Chronic Wasting Disease Regulations
Wildlife Conservation Order Amendment No. 7 of 2019
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

Since May 2015, the Department has confirmed chronic wasting disease (CWD) in free-ranging white-tailed deer from Clinton, Eaton, Gratiot, Ionia, Ingham, Jackson, Kent, and Montcalm Counties in the Lower Peninsula. In October 2018, the Department confirmed CWD in a free-ranging white-tailed deer from Dickinson County in the Upper Peninsula (UP). As of mid-April 2019, after testing approximately 60,545 free-ranging white-tailed deer, 118 were positively confirmed with CWD, with 62 occurring in 2018. Chronic wasting disease was also found in August 2008, at a Kent County privately-owned cervid (POC) facility and in two POC facilities in Mecosta County in 2017. In addition, CWD was found in March 2019 at a POC facility in Montcalm County.

In 2018, the Natural Resources Commission (NRC) and the Department took aggressive action and approved regulatory changes outside of the three-year deer regulations cycle to address CWD in Michigan's deer population. The NRC and the Department made regulatory decisions based on *Michigan's Surveillance and Response Plan for Chronic Wasting Disease of Free-Ranging and Privately-Owned Cervids*, current state of the science, recommendations from the Chronic Wasting Disease Working Group, and suggestions from public engagement meetings. The Department and the NRC are focused on achieving specific CWD management goals that include slowing the spread of the disease, reducing or maintaining low prevalence rates, preventing the disease from reaching new areas, and preserving Michigan's rich hunting history for future generations to enjoy.

Due to the additional findings of CWD and to continue aggressive CWD surveillance, the Department recommends amending the protocols and control measures in the Wildlife Conservation Order to address CWD in Michigan's deer population.

Statewide Regulations

Definition of Bait to Include Consumption

The Department continues to receive questions about what substances and materials are included in the baiting and feeding ban, specifically food-scented materials used as attractants. Currently, the Wildlife Conservation Order defines “bait” as “a substance composed of grains, minerals, salt, fruit, vegetables, hay, or any other food materials, whether natural or manufactured, which may lure, entice, or attract deer.” This would include food scent essence or oil-based attractants because they are a food material, natural or manufactured, that lures, entices, or attracts deer. Food-scented materials are not intended for consumption and are used to attract wild animals solely by odor. Therefore, the Department recommends redefining bait to include the intent for consumption. This new definition would not include food-scented materials – whether composed of natural or synthetic materials – made inaccessible for consumption by deer.

Issues Pros/Cons

The current baiting and feeding ban in the Lower Peninsula and the statewide ban on the possession and use of natural cervid urine-based lures and attractants limits hunters on what methods and materials they may use in order to attract and successfully harvest a deer. Current regulations allow for hunters to use alternative methods to attract deer, such as synthetic urine-based attractants or decoys. Food scents used as attractants that are made inaccessible for consumption by deer will provide hunters with another alternative option.

The risks of CWD transmission are associated with the congregation of animals. Food-scented materials, such as essence or oil-based attractants, give off an odor that deer may recognize as food and attracts them to the source. Once the deer recognize that there is no food, they continue to search for food. This method reduces the potential for congregation of deer and the risk of disease transmission through contact, food source contamination, and environmental contamination.

Neighboring States

The Department reviewed regulations in neighboring states where CWD has been found to determine whether their bait definition included the intent for consumption. The results are the following:

- Illinois: Bait means any material, whether liquid or solid, including food, salt, minerals and other products that can be ingested, placed or scattered in such a manner as to attract or lure white-tailed deer. This does not include the use of products designed for scent only and not capable of ingestion, solid or liquid, placed or scattered, in such a manner as to attract or lure deer.
- Minnesota: Bait includes grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and has been placed by a person. Liquid scents, sprays, salt, and minerals are not bait if they do not contain liquid or solid food products.
- Missouri: Use of bait – which includes grain or other feed placed or scattered so as to attract deer – while hunting is illegal. Doe urine and other scents, such as apple, acorn,

and persimmon, may be used to attract deer while hunting, as long as the scents are not used on or with grain and other food products.

- Ohio: Baiting means the placing, exposing, depositing, distributing, or scattering of salt, mineral supplement, grain, fruit, vegetables or other feed whatsoever capable of luring, enticing, or attracting deer, except salt, mineral supplement, grain, fruit, vegetables or feed placed, exposed, deposited, distributed, or scattered as a result of normal agricultural practices.
- Wisconsin: Bait means any material placed or used to attract wild animals, including liquid scent, salt, and mineral blocks. Scents may be used for hunting deer or other wild animals, but the scent may not be placed or deposited in a manner that it is accessible for consumption by deer, and scents shall be removed daily at the end of hunting hours established for deer. However, two ounces or less of scent may be placed, used, or deposited in any manner for hunting game and does not need to be removed daily at the end of hunting hours. Scent means any material, except animal parts or animal by-products, used to attract wild animals solely by its odor.

Biological

The risks of congregating animals around bait increases the probability of direct contact between infected and noninfected animals and increases the risk of contaminating the food source or the surrounding environment. Food-scented materials, such as essence or oil-based attractants, are not intended for consumption and are used to attract wild animals solely by its odor. Food-scented materials made inaccessible for consumption by deer reduces the potential for congregation of deer and the risk of disease transmission.

Social

About 52 percent of active Michigan hunters used bait while hunting in 2017. The use of bait differed significantly among regions and was used most frequently in the UP (81 percent) and the Northern Lower Peninsula (NLP) (55 percent) and was used least often in the Southern Lower Peninsula (SLP) (43 percent). Hunting success and mean harvest per hunter were significantly greater for hunters using bait in the UP and NLP than non-baiters; however, success and harvest per hunter for all seasons combined did not vary significantly between baiters and non-baiters in the SLP. In the UP, 45 percent of baiters were successful, and 23 percent of non-baiters were successful. In the NLP, 58 percent of baiters were successful, and 42 percent of non-baiters were successful.

Since baiting is a popular practice among Michigan hunters and current regulations limit what materials hunters may use to lure, entice, or attract deer, food-scented materials used as an attractant that are made inaccessible for consumption by deer will provide hunters with an alternative option.

Economic

Businesses may see a small, but positive economic impact.

Liberty Hunt Season Dates

Wildlife Conservation Order Amendment No. 4 of 2019; Bear Regulations and License Quotas, proposed that the Liberty Hunt be moved to the second weekend in September during the 2019 deer regulations cycle to reduce potential conflict between hound bear hunters and youth deer hunters. The start of the open season for hound bear hunters is the Monday following the second Saturday in September and continues for eight days in the UP and continues into October for the Northern Lower Peninsula. The Liberty Hunt is the Saturday following September 15, which may cause conflicts between hound bear hunters and youth deer hunters. The Department recommends moving the Liberty Hunt to the second weekend in September to avoid this potential conflict.

Issues Pros and Cons

The Department received some complaints about the overlap between the Liberty Hunt and when dogs can be used to hunt bears. The NRC will need to approve this regulation in order to ensure that there will be no conflicts between youth deer hunters and hound bear hunters.

Biological

The Department does not expect a biological impact.

Social

According to the 2017 Deer Harvest Survey, approximately 20,166 hunters hunted during the Liberty Hunt and 38 percent of hunters were successful in taking a deer. The Department does not expect any impact on participation if the Liberty Hunt season date changes.

Economic

The Department does not expect an economic impact.

Upper Peninsula Regulations

In October 2018, a 4-year old doe harvested on a deer damage shooting permit in Waucedah Township, Dickinson County tested positive for CWD, marking the first confirmation of CWD in the UP. The Department took immediate action and increased testing and active surveillance to better understand where the disease exists. The Department set up a surveillance area, centered on Waucedah Township, and set a goal to test a minimum of 600 deer to better determine the extent of possibly infected deer. Through 2018, the Department tested 1,744 deer from the surveillance area and to date has not found any additional CWD-positive deer. The Department recognizes that deer movements, densities and habitat vary from the UP into the Lower Peninsula (LP). The Department has reviewed Michigan's CWD Surveillance and Response Plan and the Association of Fish and Wildlife Agencies' CWD Best Management Practices in considering additional measures going forward. In addition, the Department discussed possible response actions with the UP CWD Task Force, hunters, and other stakeholder groups to determine the best approach for addressing CWD in the region. Therefore, the Department recommends regulatory changes for the 2019 deer hunting season in the UP.

Baiting and Feeding Ban in the Core CWD Surveillance Area - Effective Immediately

One of the measures outlined in Michigan's CWD Surveillance and Response Plan is to establish a Core CWD Area within a 10-mile radius of the location around the documented case where the infected animal was located and implement a baiting and feeding ban within that Core CWD Area. In addition, the Association of Fish and Wildlife Agencies' CWD Best Management Practices states that in order to reduce the risk of CWD transmission and establishment of CWD through unnatural concentrations of cervids, states and provinces should eliminate the baiting and feeding of all wild cervids using regulatory mechanisms such as jurisdictional bans. The Department recommends implementing a baiting and feeding ban within the Core CWD Surveillance Area.

Neighboring States

Please refer to Wildlife Conservation Order Amendment No. 12 of 2018, Chronic Wasting Disease Regulations for other states' regulations regarding baiting and feeding.

Issues Pros and Cons

A response that bans baiting and feeding in the immediate area is a responsible endeavor to reduce the immediate risk of transmission in and near the affected area. A proactive approach by banning baiting and feeding is warranted to reduce the risk on the landscape.

There are biological, social, and economic considerations to make regarding baiting and feeding in the UP. The biological concerns have focused on its potential to congregate deer and to increase the risk of spreading diseases. Baiting is highly popular among Michigan hunters, especially those in the UP. Baiting and feeding also have economic value as a market for agricultural products. Although most Michigan hunters approve of baiting, most hunters also support baiting restrictions when the health of the herd is in jeopardy. Thus, any restrictions placed on baiting must weigh both pros and cons before deciding how to address baiting and feeding.

Biological

Chronic wasting disease can be transmitted directly (e.g., saliva, urine, and feces) and indirectly (contaminated environment) among deer. Evidence suggests that baiting and feeding increases both the congregation of deer and the risk of disease transmission through increasing the probability of contact, food source contamination, and environmental contamination. In addition, the longer the food is on the landscape, the greater the likelihood of increasing disease transmission.

Social

According to the 2018 CWD Survey Report, about 52 percent of active Michigan hunters used bait while hunting in 2017. The use of bait differed significantly among regions and was used most frequently in the UP (81 percent). Although most Michigan hunters approve of baiting, most hunters also support baiting restrictions when the health of the deer herd is in jeopardy. Studies have found that hunter support for management actions to address CWD, including

baiting bans, is based on the perceived efficacy of those actions. In addition, studies showed that support for any management action and satisfaction with the agency was related to the fairness of the process that led to that decision.

The primary reasons that Michigan hunters have cited for using bait were to make hunting more exciting because they can see more deer and improve their hunting success. According to the CWD Survey Report, hunting success and mean harvest per hunter were significantly greater for hunters using bait in the UP than non-baiters. In the UP, 45% of baiters were successful and 23% of non-baiters were successful. Baiting appeared to improve hunting success in the regions where the practice is most common (UP and NLP) and a baiting ban was least acceptable in those same areas.

The UP CWD Task Force met on March 21, 2019 and drafted recommendations to the Department and the NRC, suggesting measures taken in the UP should differ from those implemented in the LP, based on a variety of differences including geography and deer-herd dynamics. Implementing a baiting and feeding ban in the Core CWD Surveillance Area is one recommendation from the UP CWD Task Force.

Economic

Baiting and feeding have economic value as a market for agricultural products.

Baiting Exception for Hunters with Disabilities

During the 2018 deer regulations cycle, the NRC approved regulations that grant a baiting exception for hunters with disabilities who meet specific requirements during the Liberty and Independence Hunts. In Alcona, Alpena, Montmorency, and Oscoda Counties, and within the CWD Management Zone, hunters with disabilities may bait provided they use not more than 2 gallons at a time of single-bite baits, which include shelled corn, nuts, beet pulp, deer feed or pellets, or wheat or other grain. Hunters with disabilities in all other areas in the LP can use bait during the Liberty and Independence Hunts (regular baiting restrictions apply). In order to provide statewide consistency, the Department recommends granting a baiting exception for hunters with disabilities during the Liberty and Independence Hunts in the Core CWD Surveillance Area provided they use not more than 2 gallons at a time of single-bite baits. All other baiting regulations apply.

The biological, social, and economic issues identified in Chronic Wasting Disease Regulations (Wildlife Conservation Order Amendment No. 12 of 2018) remain unchanged.

Reinstate the Antlerless Option During Archery Deer Season for Hunters Hunting on the Deer License or Deer Combination License in Areas Open to Antlerless Licenses

In 2015, the NRC approved regulations that eliminated the antlerless option during archery season for hunters hunting on a deer license or deer combination license in the entire UP in response to declining deer numbers. In addition, most of the UP remains closed to antlerless licenses in order to continue encouraging deer populations to increase. In order to provide additional antlerless harvest opportunities and to continue CWD management, the Department

recommends reinstating the antlerless option during archery season for hunters hunting on the deer license or deer combination license in DMUs open to antlerless licenses.

Issues Pros and Cons

Reinstating the antlerless option during archery season for hunters hunting on the deer license or deer combination license in DMUs open to antlerless licenses will provide hunters with more flexibility and opportunity to hunt in these DMUs. It will also help the Department in CWD surveillance efforts and will align with other disease management areas in the state providing better consistency.

There may be some confusion regarding the option to take antlerless deer with a deer license or deer combination license in DMUs open to antlerless licenses; however, the Department will continue effective communications and customer service related to the regulatory changes.

Biological

The UP region varies significantly in capability of habitat to support deer, winter impacts on deer, predator populations, and other factors that influence deer numbers. The severe winters of 2013-2014 and 2014-2015 resulted in high snow depths and harsh winter conditions. These conditions left many areas of the UP with low deer numbers. Since that time, the deer herd has slowly begun to grow due to conservative regulations and the relatively mild to average winter conditions experience over the last two years. For these reasons, most of the UP remains closed to antlerless licenses in order to continue encouraging deer populations to increase. The units located in the south-central UP where deer numbers tend to be higher and winter conditions are less severe are proposed to allow antlerless harvest on a deer license or deer combination license during archery season in order to increase antlerless hunting opportunities and support CWD management.

Social

In these units, providing the option to take an antlerless deer during archery season on a deer license or a deer combination license will support the continued management of the population, provide additional recreational opportunity, and support CWD management.

The UP CWD Task Force met on March 21, 2019 and drafted recommendations to the Department and the NRC, suggesting measures taken in the UP should differ from those implemented in the LP, based on a variety of differences including geography and deer-herd dynamics. Reinstating the option to take antlerless deer during the archery season on a deer license or deer combination license is one recommendation from the UP CWD Task Force.

Economic

In addition to supporting CWD management, antlerless harvest opportunities will continue to be important in DMUs in the south-central UP to address agricultural crop damage and forest regeneration concerns.

Lower Peninsula Regulations

Add Barry, Lenawee, and Midland Counties to the CWD Management Zone

The Department has identified a total of 117 CWD-positive free-ranging deer within Clinton, Eaton, Gratiot, Ingham, Ionia, Jackson, Kent, and Montcalm Counties. To continue aggressive surveillance, the Department recommends adding Barry, Lenawee, and Midland Counties to the CWD Management Zone.

Issues Pros and Cons

Adding Barry, Lenawee, and Midland Counties to the CWD Management Zone will allow the Department and the NRC to continue to establish regulations related to CWD and increase awareness to those areas that will be impacted by CWD. In addition, it allows for continued management and surveillance as the current state of the science continues to develop related to CWD control. The Department and the NRC continue to support an aggressive approach and an adaptive management strategy. The Department will need continued support from the hunters and the public related to CWD management. The Department will continue effective communications and customer service related to the regulatory changes.

Biological

The Department has tested approximately 60,545 free-ranging deer for CWD since May of 2015. Thirteen have tested positive for CWD in Clinton, Eaton, Ingham, and Ionia Counties, 99 have tested positive for CWD in Kent and Montcalm Counties, four have tested positive for CWD in Jackson County, and one has tested positive for CWD in Gratiot County. Expanding the CWD Zone to include Barry, Lenawee, and Midland Counties will allow the Department to continue aggressive CWD surveillance and management.

Social

There has been expressed support for the Department to continue aggressive CWD surveillance and management.

Economic

The Department does not expect an economic impact.

Implement a 4-point Antler Point Restriction on the Deer License and the Deer Combination License for Mecosta, Montcalm, and Ionia Counties

At the August 2018 NRC Meeting, the NRC passed a resolution that stated “The NRC in cooperation with the Department shall appropriately establish a CWD assessment area, within the 5-county Core CWD Area, for experimentally evaluating the effectiveness of regulations, such as antler point restrictions (APRs), on the prevalence and spread of CWD, increasing antlerless harvest, and decreasing deer populations, to be in place for the 2019 hunting season.” The Department, in collaboration with the Quantitative Wildlife Center at Michigan State University, designed a study to determine the effects of APRs on deer in portions of Ionia, Kent,

Mecosta, Montcalm, and Newaygo Counties. The proposed study would look at the effects of APRs on deer numbers, antlerless harvest, and the sex and age composition of the deer herd. The data gathered from this study will better inform management and regulation decisions in CWD management.

For the study, the Department proposes to divide the 5-county Core CWD Area in half and enforce APRs in one area (APR Area) and maintain the current regulations in the other area (Control Area). In the APR Area, only bucks with at least four points on one antler could be taken. People that are currently exempt from APRs (for example, hunters in the Liberty and Independence hunts and people hunting under a Mentored Youth license) would continue to be exempt in the APR Area. In the Control Area, any buck with an antler greater than three inches in length could be taken with a valid license. In order to conduct this proposed study, the NRC would need to approve a 4-point APR on the deer license and the regular and restricted tag on the deer combination license for Mecosta, Montcalm, and Ionia Counties.

The NRC requested that the Department evaluate the impact of APRs within the 5-county Core CWD Area on prevalence and spread of CWD, increasing antlerless harvest, and decreasing deer populations beginning with the 2019 season. The data collected will be able to provide estimates on deer abundance and sex/age ratio changes, factors that are likely to contribute to overall CWD spread. Additionally, deer harvest, hunter numbers, and hunter perceptions of APRs will be assessed. However, due to the relatively low CWD prevalence rates currently observed and the historic slow spread of the disease on the landscape, the proposed study cannot provide estimates on prevalence and spread of CWD.

Other States

The Department polled natural resources professionals in other states to determine whether other states have mandatory APRs in CWD areas. The results were the following:

- Arkansas has removed APRs in the CWD management zone.
- Minnesota has removed APRs in the CWD management zone.
- Pennsylvania has maintained APRs in the CWD management zone.
- Missouri has removed APRs in the CWD management zone but will propose introduction of APRs in areas where CWD has not been identified and in areas that previously had APRs with 3-years of surveillance without detecting CWD.

Biological

The Department has many concerns about the impact of APRs and implementing APRs in a CWD area. Antler point restrictions are a tool used to protect most yearling bucks from harvest in order to graduate them to the next age class by only allowing hunters to harvest bucks with a certain number of antler points. Implementing a 4-point APR will increase the age class of bucks on the landscape. These older bucks have the highest rates of CWD amongst all deer. Yearling bucks are also more likely to disperse from their natural range than female deer, and APRs will protect these yearling males for an extended time, potentially exacerbating the expansion of the disease. Potential impacts of increased antlerless harvest may benefit CWD management, but this increased harvest must be sustained over time, which has not been proven in other APR areas. It's also possible that despite low CWD prevalence in the herd, transmission

of the disease can be sustained from the environment. This means that any management action is likely to be challenged in managing CWD.

Social

The Department conducted a survey to measure public support for antler point restrictions within the 5-county study area. Final results will be presented at the June 13, 2019 NRC meeting.

Economic

If APRs are not implemented, then some staff time and funding will be lost.

Administrative Changes

Deer Rehabilitation

The Department recommends administrative changes to the deer rehabilitation language to clarify the rules and regulations regarding the rehabilitation and movement of wild deer. Specifically, the Department recommends clarifying the language regarding the possession and release of wild fawns in a county with a confirmed case of CWD. Only a licensed rehabilitator located within a county with a confirmed case of CWD can possess a wild fawn from inside that same county if the capture point of the wild fawn is within a 10-mile radius of the rehabilitator's facility. The licensed rehabilitator shall release that same fawn within a 10-mile radius of their facility.

Intrastate Transportation of Clean Skulls

The Department recommends adding skulls cleaned of all brain and muscle tissue to the allowable carcass parts to be transported outside of the Core CWD Area and the CWD Management Zone to better enforce the transportation regulations and to allow European type of mounts to be transported. Current regulations prohibit transportation of the entire skull. The only part of the skull that may be transported is the skull cap cleaned of all brain and muscle tissue. The transmission of CWD results from the risk of environmental contamination from prions in tissues such as the brain, spinal cord, lymph nodes, and spleen. The Department does not expect a biological impact from the transportation of skulls cleaned of all brain and muscle tissues.

Hunting Licenses Valid for the Early/Late Antlerless Firearm Season

The Department recommends an administrative change to clarify what hunting licenses can be used during the early and late antlerless firearm season on private land in the Core CWD Area, CWD Management Zone, DMU 452 and DMU 487. The current language states that any valid deer license may be used to take an antlerless deer during this season on private land in the Core CWD Area, CWD Management Zone, DMU 452 and DMU 487. This does not include antlerless deer licenses valid for a DMU. Antlerless deer licenses are only valid in their specified deer management unit when the unit has an open season for the taking of deer. Therefore, a hunter may only use an antlerless deer license that is valid for the Core CWD Area,

CWD Management Zone, DMU 452 or DMU 487. The Department recommends clarifying this language in the Wildlife Conservation Order.

Carcass Transportation

The Department recommends an administrative change to the carcass transportation language in the Wildlife Conservation Order. The language regarding the possession and transportation of a deer taken within the Core CWD Area can be interpreted as more restrictive than originally intended. It states that a deer taken within the Core CWD Area shall not be possessed or transported outside of the Core CWD Area. The Department recommends that the language be updated to reflect the intent of the carcass transportation language, which is to allow a hunter to transport a deer taken in the Core CWD Area only if:

- It is deboned meat, quarters or other parts of a deer that do not have any part of the spinal column or head attached, antlers, antlers attached to a skull or skull cap cleaned of all brain and muscle tissue, hides, upper canine teeth, or a finished taxidermist mount, OR
- The hunter has presented the head at a designated drop off location within 24 hours after killing the deer.

Name and Address, Michigan Driver's License Number, Or DNR Sportcard on Constructed Ground Blinds

The Department recommends an administrative change to the Wildlife Conservation Order language that requires a person placing a constructed ground blind on public lands to permanently attach, engrave, or paint their name and address, Michigan driver's license number or DNR sportcard on the constructed ground blind. The current language requires this for bear or elk hunters placing constructed ground blinds on public lands as follows:

- The name and address, Michigan driver's license number, or DNR sportcard number of the licensed elk hunter in the elk management unit where licensed, or, outside of the elk season, the person placing the ground blind, is permanently attached, etched, engraved, or painted on the ground blind.
- The name and address, Michigan driver's license number, or DNR sportcard number of the licensed bear hunter in the bear management unit where licensed, or, outside of the bear season, the person placing the ground blind, is permanently attached, etched, engraved, or painted on the ground blind.

In order to provide clarity, the Department recommends adding that any person placing a constructed ground blind on public lands shall permanently attach, etch, engrave, or paint their name and address, Michigan driver's license number or DNR sportcard on the constructed ground blind.

Other Discussions

Antler Point Restrictions in Huron, Lapeer, St. Clair, Sanilac, and Tuscola Counties

In October 2017, the Thumb Area Deer Hunters submitted a formal request to the Department pursuant to the guidelines for initiation, evaluation, and review of mandatory APRs. The Department delayed the proposal to implement CWD response measures. At the August 2019 NRC Meeting, the NRC passed a resolution that directed the Department to expediate the process to evaluate public opinion for APRs in Huron, Lapeer, St. Clair, Sanilac, and Tuscola Counties. The NRC resolution requested the Department to bring the results of this evaluation to the NRC so that the NRC can make a decision whether or not to implement an APR for the 2019 deer hunting seasons. The results of the survey indicated that 55% support the proposed APR regulations, falling short of the 66% threshold identified in the Departments APR Guidelines. Therefore, the Department is not bringing forward a recommendation to implement APRs in Huron, Lapeer, St. Clair, Sanilac, and Tuscola Counties.

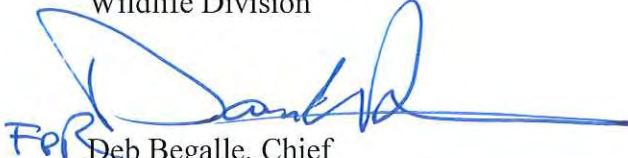
Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information and consideration. This item appeared on the Department's April calendar and may be eligible for approval on July 11, 2019.



Russ Mason, Ph.D., Chief
Wildlife Division



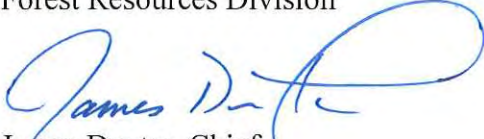
Gary Hagler, Chief
Law Enforcement Division



Deb Begalle, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



James Dexter, Chief
Fisheries Division



William O'Neill
Natural Resources Deputy

WILDLIFE CONSERVATION ORDER

Amendment No. 7 of 2019

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective July 12, 2019, the following section(s) of the Wildlife Conservation Order shall read as follows:

1.2 Definitions.

Sec. 1.2 (1) Definitions in part 3 of 1994 PA 451, as amended, MCL 324.301; part 401, wildlife conservation, 1994 PA 451, as amended, MCL 324.40101 to 324.40119; and part 435, hunting and fishing licenses, 1994 PA 451, as amended, MCL 324.43501 to 324.43561, and in this order shall have the same meanings in this order. Additional definitions for terms used in this order are as defined in this section.

(2) "Advanced illness" means a medical or surgical condition with significant functional impairment that is not reversible by curative therapies and that is anticipated to progress toward death despite attempts at curative therapies or modulation, the time course of which may or may not be determinable through medical prognostication.

(3) "Antlered deer" means a deer having at least 1 antler that extends 3 inches or more above the skull. For the purposes of determining if an antler extends 3 or more inches above the skull, the measurement shall be taken on the longest antler beginning at the line where the antler and pedicel join, along the back of the antler, following the curve, if any, to the tip of the longest antler point. For the purposes of this section, "pedicel" means the bone of the skull to which the antler is attached.

(4) "Antlerless deer" means a deer without antlers or a deer with antlers where the longest antler extends less than 3 inches above the skull.

(5) "CWD management zone" means an area defined in chapter XII of this order subject to Michigan's surveillance and response plan for chronic wasting disease.

(6) "Core CWD area" means an area defined in chapter XII for the control and surveillance of chronic wasting disease.

(7) "Deer and elk feeding" shall have the same meaning as defined by section 40102 of 1994 PA 451, MCL 324.40102.

(8) "Feed" shall have the same meaning as defined by section 40102 of 1994 PA 451, MCL 324.40102.

(9) "Game" means any animal designated as game under the authority of section 40110 of 1994 PA 451, as amended, MCL 324.40110, and any of the following animals: badger, bear, beaver, bobcat, brant, coot, coyote, crow, deer, duck, elk, fisher, Florida gallinule, fox, geese, hare, Hungarian partridge, marten, mink, moose, muskrat, opossum, otter, pheasant, quail, rabbit, raccoon, ruffed grouse, sharptailed grouse, skunk, snipe, sora rail, squirrel, Virginia rail, weasel, wild turkey, wolf, woodchuck, and woodcock. "Game" does not include privately owned cervidae species located on a cervidae livestock facility registered under 2000 PA 190, MCL 287.951 to 287.969.

(10) "Migratory game bird" means a bird as defined by 50 C.F.R. §20.11 (1988).

(11) "Modified bow" means a bow, other than a crossbow, that has been physically altered so that the bow may be held, aimed, and shot with one arm.

(12) "New world camelids" means animals belonging to the genus llama and vicuna of the family camelidae of the order artiodactyla including, but not limited to, the llama, alpaca, vicuna, and guanaco.

(13) "Physical therapist" means the same as defined in article 15 of the public health code, 1978 PA 368, MCL 333.17801.

(14) "Physician" the same as defined in article 15 of the public health code, 1978 PA 368, MCL 333.17001.

(15) "Raptor" means any bird species of the orders strigiformes, accipitriformes, and falconiformes.

(16) "Residence" shall have the same meaning as defined by section 40103 of 1994 PA 451, MCL 324.40103.

(17) "Limited firearms deer zone" means that area south of a line beginning at a point on the Wisconsin-Michigan boundary directly west of the west end of highway M-46; then east to M-46 and east along M-46 to its junction with freeway US-131; then south along freeway US-131 to M-57; then east along M-57 to its intersection with Montcalm road on the Kent-Montcalm county line; then south along that county line and the Ionia-Kent county line to its intersection with M-44; then east along M-44 to its intersection with M-66; then north along M-66 to its intersection with M-57; then east along M-57 to its intersection with M-52; then north along M-52 to its intersection with M-46; then east along M-46 to its intersection with M-47; then north along M-47 to its junction with US-10; then east along US-10 to its junction with I-75; then north along I-75 and US-23 to its junction with beaver road, Kawkawlin township, Bay county; then east along beaver road to Saginaw bay; then north 500 east to the international boundary with Canada.

(18) "Waterfowl hunting north zone" or "north zone" means all of the Upper Peninsula.

(19) "Waterfowl hunting middle zone" or "middle zone" means that area of the Lower Peninsula north of a line beginning at the Michigan-Wisconsin boundary line in Lake Michigan, due west of the mouth of Stoney creek in section 31, T14N R18W, Oceana county, then easterly and southerly along the south shore of Stoney creek to Scenic drive, easterly and southerly on Scenic drive to Stoney lake road in section 5, T13N R18W, Oceana county, easterly on Stoney lake and Garfield roads to highway M-20 (Hayes road) in section 33, T14N R17W, Oceana county, easterly on highway M-20 through Oceana, Newaygo, Mecosta, Isabella, and Midland counties to highway US-10 business route in the city of Midland, easterly on highway US-10 business route to highway US-10 at the Bay county line, easterly on highway US-10 to highway I-75/US-23, northerly on highway I-75/US-23 to the highway US-23 exit at Standish, easterly on highway US-23 to the center line of the Au Gres river, southerly along the center line of the Au Gres river to Saginaw bay of Lake Huron, and from that point on a line directly east 10 miles into Saginaw bay, and from that point on a line directly northeast to the international boundary with Canada in Lake Huron.

(20) "Waterfowl hunting south zone" or "south zone" means all of that area of the Lower Peninsula south of the line described in middle zone.

(21) "Zone 1" means all of the Upper Peninsula.

(22) "Zone 2" means all of that part of the Lower Peninsula north of a line beginning at the Michigan-Wisconsin boundary line due west of the Lake Michigan shoreline which is north of Muskegon lake and due west of the western terminus of memorial drive at Scenic drive in Muskegon county, then easterly to said western terminus of memorial drive at Scenic drive, easterly on memorial drive to Ruddiman drive, northeasterly on Ruddiman drive to lake avenue, northeasterly on lake avenue to highway M-120 (also known as Holton road) in North Muskegon, northeasterly and then northerly on highway M-120 to highway M-20, easterly on highway M-20 to highway business route US-10 in the city of Midland, easterly on combined highway M-20 and highway business route US-10 to highway US-10 at the Midland-Bay county line, easterly on highway US-10 to Garfield road in Bay county, northerly on Garfield road to Pinconning road, easterly on Pinconning road to seven mile road, northerly on seven mile road to the Bay-Arenac county line (where seven mile road changes name to Lincoln school road), northerly on Lincoln school road (also known as county road 25) in Arenac county to highway M-61, easterly on highway M-61 to highway US-23, northeasterly then easterly on highway US-23 to the center line of the Au Gres river, southerly along the center line of the Au Gres river to Saginaw bay of Lake Huron, easterly 90° east for 7 miles into Saginaw bay, then northerly 78° east (dividing Arenac county islands from Huron county islands) to the international boundary line between the United States and the dominion of Canada.

(23) "Zone 3" means all that part of the Lower Peninsula south of the line described in zone 2.

(24) "Skull cap" means any part of the skull that includes the pedicel and the antlers originating from the frontal bones, that has been removed from the rest of the skull of the animal.

(25) "Core CWD surveillance area" means an area defined in chapter XII for the surveillance of chronic wasting disease.

3.100 Take of deer; prohibited firearms, legal weapons, "bait" and "baiting" defined, conditions for baiting established in certain area(s); unlawful acts.

Sec. 3.100 (1) "Take" means the same as defined in section 40104, 1994 PA 451, MCL 324.40104.

(2) An individual must possess while hunting deer the unused kill tag issued with the deer license, pursuant to section 3.103, and provide it to a conservation officer, a law enforcement officer, or a tribal conservation officer upon request.

(3) Unless otherwise specified in this order, an individual shall not do any of the following:

(a) Take a deer without possessing a valid license with kill tag.

(b) Take a deer other than during the open seasons established in this order.

(c) Take a deer outside of lawful hunting hours.

(d) Take a deer by any method other than by firearm, bow and arrow, or crossbow.

(e) Take a deer with a rimfire firearm .22 caliber or smaller.

(f) Take a deer during any firearm deer season in the "limited firearms deer zone," with a firearm other than a shotgun with a smooth or rifled barrel, a .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges, a .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches, a .35 caliber or larger air rifle or pistol charged only from an external high-compression power source, or a muzzleloading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(g) Take a deer, or have in possession while hunting deer, a semiautomatic shotgun or rifle, capable of holding more than six shells in the magazine and barrel combined, or use a cartridge containing a tracer or explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(h) Take a deer using an arrow, bolt, or quarrel with a broadhead hunting type of point less than 7/8 of an inch wide and/or a length less than 14 inches.

(i) Take a deer with a crossbow or a modified bow in zone 1 from December 1 to March 31 unless issued a disability crossbow permit by the department.

(j) Take a deer while the deer is swimming in a pond, lake, stream, or other body of water.

(k) Make use of a dog in hunting a deer, except as noted in section 2.1a of this order.

(l) Use aircraft to aid in the taking of a deer.

(m) Set afire or assist in setting afire any land for the purpose of driving out a deer, or take or attempt to take a deer so driven out of any land.

(n) Purchase a deer license unless the individual holds a current base license.

(o) Possess or use natural cervid urine-based lures or attractants not marked with the official archery trade association seal of participation stamp in an area frequented by deer.

(4) For the purposes of this section and sections 3.100a, and 3.205, "bait" means a substance **intended for consumption by deer** composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, which may lure, entice or attract deer. "Bait" does not include scents – whether

composed of natural or synthetic materials – made inaccessible for consumption by deer, the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to deer through normal agricultural practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices. For the purposes of this section, “baiting” means to place, deposit, tend, distribute, or scatter bait to aid in the taking of a deer.

(a) “Single bite bait” shall mean shelled corn, nuts, beet pulp, deer feed or pellets, or wheat or other grain.

(5) Except as otherwise provided in this subsection, it shall be unlawful for a person to make use of bait to aid in the taking of a deer within ~~Alcona, Alpena, Calhoun, Clinton, Eaton, Gratiot, Hillsdale, Ingham, Ionia, Isabella, Jackson, Kent, Mecosta, Montcalm, Montmorency, Muskegon, Newaygo, Oscoda, Ottawa, and Shiawassee~~ counties. ~~Except as otherwise provided in this subsection, effective January 31, 2019, it shall be unlawful for a person to make use of bait to aid in the taking of a deer within zone 2, and zone 3, and the core CWD surveillance area.~~

(a) Eligible individuals participating in the Liberty Hunt described in section 3.101e, may make use of bait to aid in the taking of a deer if the baiting occurs only from the first day of the season to the last day of the season and the provisions of subsection (6b), (6c), and (6d) are met except in the **core CWD surveillance area**, CWD management zone, core CWD area and Alcona, Alpena, Montmorency, and Oscoda counties where only single bite bait shall be used. All bait shall be removed prior to any additional hunting during this season. This does not apply to youth hunters participating in the Liberty Hunt who only meet the eligibility requirements of section 3.101e (2a).

(b) Eligible individuals participating in the Independence Hunt as described in section 3.101g, may make use of bait to aid in the taking of a deer if the baiting occurs only from the first day of the season to the last day of the season and the provisions of subsection (6b), (6c), and (6d) are met except in the **core CWD surveillance area**, CWD management zone, core CWD area and Alcona, Alpena, Montmorency, and Oscoda counties where only single bite bait shall be used. All bait shall be removed prior to any additional hunting during this season.

(6) In remaining portions of Michigan not described in subsection (5), a person may engage in baiting only if all of the following conditions apply:

(a) The baiting occurs only from September 15 to January 1.

(b) The bait material may be of any food type.

(c) The bait is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection. “Scattered” means that the bait is dispersed or thrown over a minimum of a 10-foot by 10-foot or equivalent area so that individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

(d) The volume of bait used at any 1 point in time shall not exceed 2 gallons at any 1 hunting site.

(e) Subsection (6) is subject to Section 3.100a (2) of this order.

(7) Except as otherwise provided by subsection 5, It shall be unlawful for a person to make use of bait to aid in the taking of a deer if the bait and baiting does not meet all of the conditions specified in subsection (6) unless specifically authorized.

2.9 “Ground blind” defined; requirements to use, occupy, place, build, construct, or maintain a ground blind on publicly owned lands; use or placement of blind does not convey exclusive hunting right.

Sec. 2.9 (1) For the purposes of this section, “ground blind” means a structure, enclosure, or any material, natural or manufactured, placed on the ground to elevate or otherwise assist in concealing or disguising the user or occupant for the purpose of taking an animal except for commercially manufactured ladder stands which lean up against and require the support of a tree to maintain their upright position.

(2) A person may use, occupy, place, build, construct, or maintain a ground blind on publicly owned lands only if one of the following applies:

(a) The ground blind is constructed exclusively of dead and natural materials found on the ground in the area where the blind is constructed, except that cloth, netting, plastic or other materials may be used by the occupant of a ground blind if the cloth, netting, plastic or other materials are not fastened to the blind and are carried out by the user at the end of each day's hunt. For the purposes of this section, "fastened" means stapled, nailed, glued, or other means of permanent attachment other than tying.

(b) The ground blind is clearly a portable blind and is removed at the end of each day's hunt. Fasteners, if used to attach or anchor a portable blind, shall be removed at the end of each day's hunt and shall not consist of any item that penetrates the cambium of a tree.

(c) The ground blind is a temporary ground blind constructed of materials other than dead and down materials found on the ground in the area where the blind is constructed and which meets all of the following conditions:

(i) The blind for deer hunting purposes is not located upon publicly owned lands from the day following the last day of the open deer season to September 1 unless allowed by the public agency administering the land on which the blind is located. A ground blind located on publicly owned lands anytime during the period defined in this subsection shall be considered an abandoned ground blind.

(ii) The blind for bear hunting purposes is not located upon publicly owned lands from five days after bear season closes to August 10 in the Amasa, Baraga, Bergland, Carney, Gwinn, and Newberry bear management units; to August 17 in the Red Oak, Baldwin, and Gladwin bear management units; except successful bear hunters must remove their ground blind within 5 days of harvesting a bear. A ground blind located on publicly owned lands anytime during the period defined in this subsection shall be considered an abandoned ground blind.

(iii) The name and address, Michigan driver's license number, or DNR sportcard number of the licensed bear hunter in the bear management unit where licensed, or, outside of the bear season, the person placing the ground blind, is permanently attached, etched, engraved, or painted on the ground blind.

(iv) Fasteners, if used to attach or anchor a temporary ground blind, shall be removed with the blind and shall not consist of any item that penetrates the cambium of a tree.

(v) The blind for elk hunting purposes is not located upon publicly owned lands from five days after elk season closes to August 15; except successful elk hunters must remove their ground blind within 5 days of harvesting an elk. A ground blind located on publicly owned lands anytime during this period defined in this subsection shall be considered an abandoned ground blind.

(vi) The name and address, Michigan driver's license number, or DNR sportcard number of the licensed elk hunter in the elk management unit where licensed, or, outside of the elk season, the person placing the ground blind, is permanently attached, etched, engraved, or painted on the ground blind.

(vii) The name and address, Michigan driver's license number, or DNR sportcard of the person placing the ground blind shall be permanently attached, etched, engraved, or painted on the ground blind.

(3) This section shall not apply to blinds constructed and used for taking waterfowl as described in section 3.401 or structures constructed by a public agency upon lands administered by that public agency.

(4) The placement or use of a ground blind on publicly owned lands shall in no way convey exclusive hunting rights to the area surrounding that blind.

(5) A ground blind that does not meet the requirements of subsection (2) shall be an illegal ground blind. A person shall not use an illegal ground blind.

(6) Only ground blinds which meet the requirements of subsections (2)(a) or (2)(b) may be used in state game areas, state recreation areas and state parks that are located in zone 3.

3.100a Deer and elk feeding; prohibitions and conditions; words and phrases.

Sec 3.100a (1) A person shall not engage in deer and elk feeding, as defined by section 40102 of 1994 PA 451, MCL 324.40102, within zone 2, zone 3, and the core CWD surveillance area. DMU 487 or within Calhoun, Clinton, Eaton, Gratiot, Hillsdale, Ingham, Ionia, Isabella, Jackson, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Ottawa, and Shiawassee counties.

(a) Effective January 31, 2019, it shall be unlawful for a person to engage in deer and elk feeding within zone 2 and zone 3.

(2) Deer and elk feeding prohibited except for recreational viewing and supplemental feeding, conditions for baiting and feeding in certain areas. In remaining portions of Michigan not described in subsection (1), a person shall not engage in deer and elk feeding except for recreational viewing and supplemental feeding conducted as prescribed in this section. In the event chronic wasting disease (CWD) is documented within Michigan, outside of the areas described in subsection (1), within 10 miles of Michigan's border with another state or Canadian province, or as determined by the director, the director shall issue an interim order banning the use of bait and banning the feeding of deer and elk, at a minimum, within the relevant CWD management zone.

(3) Recreational viewing in areas not closed to feeding, conditions. In remaining portions of Michigan not described in subsection (1) or identified by provisions of subsection (2), a person may engage in deer and elk feeding for recreational viewing only if all of the following conditions are met:

(a) The feed is placed not more than 100 yards from a residence of the person and upon land owned or possessed by that person.

(b) The feed is placed, scattered, or dispersed at least 100 yards from any area accessible to cattle, goats, sheep, new world camelids, bison, swine, horses, or captive cervidae and no more than 100 yards from a residence.

(c) The feed is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection.

(d) The volume of feed placed, scattered, or distributed does not exceed 2 gallons per residence at any 1 point in time.

(e) The feed placed, scattered, or distributed may be of any food type.

(4) Deer or elk feeding on property under a person's ownership or lease, prohibited conduct, "person" defined. A person shall not allow deer or elk feeding on property under their ownership or control in violation of this section. For the purposes of this subsection, "person" means an individual, partnership, corporation, association, or other nongovernmental legal entity except if the property is leased it shall mean the individual, partnership, corporation, association, or other non-governmental legal entity with control or authority over the property except it shall not include the owner of lands enrolled under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(5) Supplemental feeding of deer, counties listed, conditions. A person may engage in the supplemental feeding of deer in Ontonagon, Houghton, Keweenaw, Baraga, Alger, Luce, Gogebic, and those portions of Marquette and Chippewa counties north of the T43N-T44N boundary line if all of the following conditions are met:

(a) The placement of feed shall not extend beyond May 15 unless otherwise specified in the supplemental deer feeding permit.

(b) All conditions in section 3.100a (8) of this order are met.

(6) A person may engage in the supplemental feeding of deer in Iron, Dickinson, Delta, Menominee, and that portion of Marquette county south of T43N-44N boundary line if all the following apply:

(a) The placement of feed shall not extend beyond May 15 unless otherwise specified in the supplemental deer feeding permit.

(b) All conditions in section 3.100a (8) of this order are met.

(7) A person may engage in the supplemental feeding of deer in Schoolcraft, Mackinac and that portion of Chippewa county south of T43N-44N boundary line if all the following apply:

(a) The placement of feed shall not extend beyond May 15 unless otherwise specified in the supplemental deer feeding permit.

(b) All conditions in section 3.100a (8) of this order are met.

(8) The following conditions must be met to engage in the supplemental feeding of deer in areas noted in section 3.100a (5) to (7) of this order:

(a) Prior to placing any feed, the person first acquires permission of the respective public land administrator and private property owner and a supplemental deer feeding permit issued by a department wildlife biologist. A person engaged in supplemental deer feeding shall possess a copy of the supplemental deer feeding permit and shall produce the permit upon the request of a conservation officer or a law enforcement officer.

(b) The supplemental deer feeding is conducted in compliance with all of the following criteria:

(i) All feed shall be placed $\frac{1}{4}$ mile or more from the nearest paved public highway unless otherwise specified in the supplemental deer feeding permit.

(ii) All feed shall be placed at least 1 mile from cattle, goats, sheep, new world camelids, bison, swine, horses, or captive cervidae unless otherwise specified in the supplemental deer feeding permit.

(iii) All feed shall be placed at least 1 mile from wheat fields, potato fields, commercial fruit orchards, commercial plantings of nursery stock or Christmas trees, unless otherwise specified in the supplemental deer feeding permit.

(iv) The feed shall consist solely of grains, second cut alfalfa and clover, and pelletized food materials containing no animal protein which is scattered or dispersed directly upon the ground to a depth which shall not exceed 3 inches.

(v) The feed shall not be placed or used as bait to take deer.

(c) A person issued a supplemental deer feeding permit shall agree to assist the department in the collection of deer tissue samples for disease surveillance.

(d) A person issued a supplemental deer feeding permit shall report by May 30 the quantity and type of feed used, dates and duration of feeding, and other information as may be specified in the supplemental feeding permit. The department shall report to the commission the number of permits issued, quantity of feed used, and other relevant supplemental deer feeding information.

(e) Failure to comply with all provisions of a supplemental deer feeding permit shall make the permittee ineligible for any future supplemental deer feeding permits.

(f) A person shall not hunt or attempt to hunt over feed placed for deer under a supplemental deer feeding permit.

(g) A permittee or landowner shall not allow an individual to hunt or attempt to hunt over feed placed for deer under a supplemental deer feeding permit.

3.100b Prohibition on possession of free-ranging deer carcasses or parts thereof; reporting and checking requirements; movement of deer carcasses or parts thereof.

Sec. 3.100b (1) A person killing a deer within a core CWD area shall not do any of the following:

(a) Possess or transport the carcass or parts thereof, of the deer outside of the core CWD area except for deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers,

antlers attached to a **skull** or skull cap cleaned of all brain and muscle tissue, hides, upper canine teeth, or a finished taxidermist mount.

(i) This does not apply to a hunter who has presented the head at a designated drop off location within 24 hours after killing the deer.

(2) A person killing a deer within the CWD management zone shall not do any of the following:

(a) Possess or transport the carcass or parts thereof, of the deer outside of the CWD management zone except for deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, upper canine teeth, or a finished taxidermist mount.

(i) This does not apply to a hunter who has presented the head at a designated drop off location within 24 hours after killing the deer.

(b) A deer taken within the core CWD area shall not be possessed or transported outside of the core CWD area, ~~as provided in subsection (1)~~ **except as provided in subsection (1)(a) or (1)(b).**

(3) Materials requested by the department shall be surrendered to the department for CWD testing and must be affixed with a department-issued CWD survey tag. The hunter retains at least a portion of the department-issued CWD survey tag.

3.101 Deer hunting open seasons; type of deer that may be taken; carrying of firearms, season limit.

Sec. 3.101. (1) The open firearm deer season shall be from November 15 to November 30.

(2) The open muzzle-loading and black-powder firearms deer season in zone 1 and zone 2 shall be a total of 10 days from the first Friday in December to nine days thereafter. The open muzzle-loading and black-powder firearms deer season in zone 3 shall be a total of 17 days from the first Friday in December to 16 days thereafter.

(3) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, except as provided in subsection (5), an individual hunting deer with a muzzleloading firearm during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a muzzle-loading rifle, muzzle-loading shotgun, or black-powder pistol, loaded with black-powder or a commercially manufactured black-powder substitute, or a crossbow.

(a) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, except as provided in subsection (5), an individual hunting deer within the CWD management zone or the core CWD area during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a weapon that is legal to possess or carry afield, or to take a deer with during the open firearm deer season for that respective zone.

(4) The open bow and arrow season shall be from October 1 through November 14 and from December 1 through January 1.

(a) Subject to all other provisions of this order, in the urban deer management zone, as defined in chapter XII of this order, the open bow and arrow season shall be from October 1 through November 14 and from December 1 through January 31.

(b) Subsection (4)(a) shall be rescinded June 12, 2020.

(5) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, during the open bow and arrow season, as described in subsection (4), an individual hunting deer with a bow and arrow or a crossbow shall not possess or carry afield a pistol, revolver, or any other firearm unless:

(a) The individual is properly licensed to hunt deer with a firearm and is hunting in an area open to firearm deer hunting.

(b) The individual is properly licensed to hunt deer with a firearm and is hunting in an area open to the muzzleloading and black-powder firearms deer season in zone 2 and zone 3.

(c) An individual taking a deer under the terms and conditions of a disease control permit authorized under section 5.77 of this order may possess or carry a bow and arrow or crossbow, and a firearm, if applicable.

(6) An early antlerless firearm deer season shall be a 2-day hunt starting the Saturday following September 15 upon privately owned lands within Alcona, Alpena, Antrim, Arenac, Bay, Benzie, Calhoun, Clare, Clinton, Eaton, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kent, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Osceola, Oscoda, Ottawa, Presque Isle, St. Clair, Saginaw, Sanilac, Shiawassee, Tuscola, Washtenaw, and Wayne counties and upon privately owned lands within that portion of Charlevoix county within deer management unit 015. Only an individual possessing a valid private land antlerless deer license issued for the deer management unit in which they are hunting or a mentored youth hunting license may take a deer during this season, except an individual possessing ~~any valid deer license or deer combination license deer hunting license~~ may take an antlerless deer during this season on private land in the core CWD area, CWD management zone, DMU 452, and DMU 487.

(7) A late antlerless firearm deer season shall be from the first Monday following the third Saturday in December through January 1 upon privately owned lands within Alcona, Allegan, Antrim, Alpena, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Clare, Clinton, Eaton, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Osceola, Oscoda, Ottawa, Presque Isle, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, and Wayne counties, and upon privately-owned lands within that portion of Charlevoix county within deer management unit 015. Only an individual possessing a valid antlerless deer license issued for the deer management unit in which they are hunting may take a deer during this season, except an individual possessing ~~any valid deer license or deer combination license deer hunting license~~ may take an antlerless deer during this season on private land in the core CWD Area, CWD management zone, DMU 452, and DMU 487.

(8) The deer management assistance firearm hunt period shall be from the first Monday following the third Saturday in December through January 1 upon lands owned by federal, state, county, or local units of government, non-profit organizations, and other urban or suburban properties in zone 3. Only those areas with a wildlife division approved deer population management plan will be considered for issuance of these special deer management assistance permits. Only an individual possessing a valid deer management assistance permit issued for this hunt period may take a deer with a firearm or a crossbow during this season.

(9) The season limit shall be 1 deer per deer license.

(10) Except as provided by sections 3.101a, 3.101c, and 3.101i and 3.101j, the kind of deer which may be taken during the respective open seasons for each combination of season and deer license, except antlerless deer license, shall be as shown in table 2:

TABLE 2

License, Season, Deer to be Taken

Type of license	Season in which used	Kind of deer that may be taken
Deer license, deer combination regular license	Bow and arrow only seasons (zone 1)	Antlered deer. Antler point restrictions apply. Antlerless deer in deer management units open to antlerless deer licenses.
Deer license, deer combination regular license	Bow and arrow only seasons (zones 2 and 3)	Antlerless or an antlered deer. Antler point restrictions apply.

Deer license, deer combination regular license	Firearm deer season, muzzleloading and black-powder firearms only season	Antlered deer. Antler point restrictions apply. Antlerless deer in the core CWD area and deer management unit 487. Antlered deer or antlerless deer in the core CWD area and deer management unit 487. Antler point restrictions apply.
	Liberty hunt and independence hunt	Antlerless or antlered deer.
Deer combination restricted license	Bow and arrow only (zone 1)	A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length. Antlerless deer in deer management units open to antlerless deer licenses.
Deer combination restricted license	Bow and arrow only (zones 2 and 3)	Antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length. Antler point restrictions do not apply in the CWD management zone or core CWD area, except as provided in 3.101(j).
Deer combination restricted license	Firearm deer season or muzzleloading and black-powder firearms only season	Antlerless deer in the core CWD area and DMU 487. A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length. Antler point restrictions do not apply in the CWD management zone or core CWD area, except as provided in section 3.101(j).
	Liberty hunt and independence hunt	Antlerless or antlered deer.
Mentored youth deer license	Bow and arrow only seasons, firearm deer season, muzzleloading and black-powder firearms only season, or liberty hunt	Antlerless or antlered deer. Antler point restrictions do not apply.

(11) The director may authorize a disease management hunt lasting no longer than nine days between January 2 and March 31 where additional harvest is deemed necessary to meet disease management objectives.

3.101e Liberty hunt, season established, limits defined, adult requirements, hunting hours.

Sec. 3.101e (1) The liberty hunt shall be a 2-day hunt starting the ~~second Saturday in September. Saturday following September 15.~~ **second Saturday in September.**

(2) Individuals wishing to participate in the liberty hunt shall be eligible if one of the following applies:

(a) A youth 16 years of age or less may participate in the liberty hunt. Hunters under the age of 10 must be licensed through the mentored youth hunting program and accompanied by a qualified mentor. Youth less than 14 years of age may hunt with archery and crossbow on public or private land or with a firearm on private land only.

(b) A veteran with 100 percent disability as defined by the United States department of veterans affairs may participate in the liberty hunt. Documentation from the United States department of veterans affairs indicating 100 percent disability shall be in the possession of a veteran participating in this hunt.

(c) A resident rated by the United States department of veterans affairs as individually unemployable may participate in the liberty hunt. Documentation from the United States department of veterans affairs indicating this rating shall be in the possession of a veteran participating in this hunt.

(d) An individual is in possession of a permit issued by the department to hunt from a standing vehicle.

(e) An individual is in possession of a permit issued by the department to hunt using a laser sighting device.

(f) An individual is blind as defined by section 1 of 260 PA 1978, MCL 393.351.

(3) The following rules shall apply to an individual taking deer on the liberty hunt:

(a) A parent or legal guardian shall not allow a youth hunter to go afield to hunt deer unless the youth hunter is accompanied by an adult subject to section 43517 of 1994 PA 451, as amended, MCL 324.43517. Subject to section 43510(2) and (3) of 1994 PA 451, as amended, MCL 324.43510 and section 43517 of 1994 PA 451, as amended, MCL 324.43517, an adult accompanying a youth firearm deer hunter shall not possess or carry a firearm, crossbow, or bow and arrow, except as a qualified mentored youth hunting program mentor or a veteran with 100 percent disability may possess a firearm, crossbow, or bow and arrow if hunting under the authority of section 3.101e(2b).

(b) The hunting hours shall be one-half hour before sunrise to one-half hour after sunset, local time.

(c) Except as otherwise specifically provided in this section, all regulations of state law and this order regarding the taking, possession, transportation, and storage of deer during a firearm deer season shall apply to an individual participating in the liberty hunt.

(4) During the liberty hunt a hunter may take one deer provided they possess a deer license, deer combination license, an antlerless deer license valid for the unit in which they are hunting, or a deer license issued under the mentored youth license. Notwithstanding any other provisions of this order, licenses are valid for either an antlered or an antlerless deer during the liberty hunt, except that an antlerless deer license is valid only for an antlerless deer.

3.101j Deer hunting in deer management units 034, 054, and 059, antler restriction, sunset.

Sec. 3.101j (1) Notwithstanding any other provisions of this order, except sections 3.101e and 3.101g, in deer management units 034, 054, and 059, an individual shall not take an antlered deer unless the deer has at least 1 antler with 4 or more antler points each 1 or more inches in length. This subsection shall be rescinded on March 1, 2022.

4.1 Possession of animals; duty to retrieve game animals; exceptions.

Sec. 4.1 A person may possess any animal or parts of any animal, from this state, or from outside of this state, whether living or dead, only as provided by this section:

(1) Game lawfully taken, acquired, and transported may be possessed by any person.

(2) Live game taken from the wild shall not be possessed. Wounded game, reduced to possession, shall be immediately killed and included in the daily limit. A person shall not kill or wound any game animal without making a reasonable attempt to retrieve the animal and include it in their daily limit.

(3) Dead game lawfully taken in another state, territory, or country, and lawfully imported into this state, may be possessed by any person.

(4) Game lawfully taken may be possessed afield, or in or upon a motorized vehicle, if the identification of species and sex is readily identifiable as provided by section 40109 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40109. Waterfowl may be transported or possessed only in accordance with sections 3.403 to 3.406 of this order. For the purposes of identification under section 40109, the species and sex of a

butchered or processed deer, bear, or elk shall be considered readily identifiable if the carcass or parts thereof are accompanied by the head of the animal with the validated tag or seal as required for the species by this order.

(5) Animals, dead or alive, and parts thereof may be possessed by educational institutions, public agencies, and public zoological gardens. A qualified person may obtain a permit from the department to possess a live animal for expressed purpose of ultimately returning the sick or injured animal to the wild.

(6) Except as otherwise provided in this subsection, live game or protected species, and any other animals which closely resemble game or protected species, and can reasonably be confused with game or protected species as determined by the department, which have been lawfully acquired from within this state, or lawfully imported, may be possessed if the person first applies for and has been issued 1 or more of the following licenses or permits specifically authorizing the species to be possessed by that person:

(a) A shooting preserve license.

(b) A permit to hold game in captivity.

(c) A federally recognized falconry permit.

(d) A federal raptor propagation permit, except that the possession of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451. A person shall not possess any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose education permit or state scientific collector's permit.

(7) Nothing in this section shall be construed to prohibit the possession of a hawk, owl, or eagle, or parts thereof, by an American Indian for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

(8) A licensed taxidermist may possess lawfully acquired dead game and protected animals only under the following conditions:

(a) Game and protected animals must be tagged with a taxidermist specimen identification tag supplied by the department and the information requested on the tag must be completely and legibly recorded.

(b) A copy of the taxidermist specimen identification tag shall be maintained by the taxidermist on the premises for inspection by a conservation officer or a law enforcement officer for 1 year following disposal of any specimen.

(c) Receipt of any cervid carcass or parts thereof, other than deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers, antlers attached to a **skull or skull cap** cleaned of all brain and muscle tissue, hides, and upper canine teeth originating from another state or province must be reported to the department, within the business hours of the next 72 hours of receipt unless at least one of the following conditions is met:

(i) The carcass or parts thereof is affixed with a department-issued CWD survey tag.

(ii) The hunter presents a portion of the department-issued CWD survey tag for that animal.

(d) A licensed taxidermist located outside of the core CWD area that receives a carcass or parts thereof, other than deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers attached to a **skull or skull cap** cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, which originated within the core CWD area, must be reported to the department, within 24 hours of receipt unless at least one of the following conditions is met:

(i) The carcass or parts thereof is affixed with a department-issued CWD survey tag.

(ii) The hunter presents a portion of the department-issued CWD survey tag for that animal.

(e) A licensed taxidermist located outside of the CWD management zone that receives a carcass or parts thereof, other than deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers attached to a **skull or** skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, which originated within the CWD management zone, must be reported to the department, within 24 hours of receipt unless at least one of the following conditions is met:

(i) The carcass or parts thereof is affixed with a department-issued CWD survey tag.

(ii) The hunter presents a portion of the department-issued CWD survey tag for that animal.

(iii) A licensed taxidermist located outside of the core CWD area but inside the CWD management zone shall not possess a carcass from the core CWD area, as provided in subsection (8)(d).

(9) A person shall not possess the carcass or parts thereof, of a cervid originating from another state or province except for the following:

(a) Deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth.

(b) A finished taxidermist mount.

(c) Tissues imported for use by a diagnostic or research laboratory.

(10) A person may possess antlers that have been shed by a cervid. "Shed" means to cast off as part of a natural process.

(11) An individual is exempt from obtaining a permit or license under this section for captive sourced:

(a) Pheasants (*phasianus colchicus*) if there are 12 or fewer in number.

(b) Quail if there are 12 or fewer in number.

(c) Hungarian partridge if there are 12 or fewer in number.

4.4 Commercial processing and storage; records required; maintenance and inspection; exceptions.

Sec. 4.4 (1) The owner, operator, or agent of any commercial processing operation, refrigeration plant, or frozen food locker plant, shall obtain a free permit from the department and maintain records of all wild animals accepted for processing or storage for 90 days following receipt of the animal. Such records shall include the name and address of the owner of the animal, the date accepted, and the number of the license or permit authorizing possession. These records shall be maintained on the premises and be available for inspection by a conservation officer or a law enforcement officer at any reasonable time.

(2) A commercial processing operation that receives a carcass or parts thereof, other than deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers, antlers attached to a **skull or** skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a cervid which originated from another state or a province shall report such acquisition to the Michigan department of natural resources, wildlife disease laboratory, within 72 hours.

(3) A commercial processing operation located outside the core CWD area that receives a carcass or parts thereof, other than deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers, antlers attached to a **skull or** skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, which originated within a core CWD area shall report such acquisition to the department within the 24 hours, unless at least one of the following conditions is met:

(a) The carcass or parts thereof is affixed with a department-issued CWD survey tag.

(b) The hunter presents a portion of the department-issued CWD survey tag for that deer.

(c) A not detected test result for CWD is reported by the department for that deer.

(3) A commercial processing operation located outside the CWD management zone that receives a carcass or parts thereof, other than deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers, antlers attached to a skull or skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, which originated within a core CWD area shall report such acquisition to the department within the 24 hours, unless at least one of the following conditions is met:

(a) The carcass or parts thereof is affixed with a department-issued CWD survey tag.

(b) The hunter presents a portion of the department-issued CWD survey tag for that deer.

(c) A not detected test result for CWD is reported by the department for that deer.

(d) A commercial processing operation located outside of the core CWD area but inside the CWD management zone shall not possess a carcass outside of the core CWD area, as provided in subsection (3).

5.74a Animals of special concern, possession, transportation and disposal.

Sec. 5.74a Animals of special concern are as follows: (1) Deer of special concern, all wild free-ranging deer. Live wild deer shall not be possessed without a permit from the department, subject to the following:

(a) All wild deer, positively confirmed to be from Alcona, Alpena, Iosco, Montmorency, Oscoda, Otsego, and Presque Isle counties shall not be possessed unless:

(i) euthanized and sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer.

(ii) obtained by a permittee located inside Alcona, Alpena, Iosco, Montmorency, Oscoda, Otsego, and Presque Isle counties who humanely euthanizes the animal within 24 hours of receipt.

(b) All wild deer, except fawns, positively confirmed to be from inside a county with a confirmed case of CWD shall not be possessed unless:

(i) euthanized and sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer.

(ii) obtained by a permittee located in a county with a confirmed case of CWD who humanely euthanizes the animal within 24 hours of receipt.

~~(c) All wild fawns positively confirmed to be from inside a county with a confirmed case of CWD shall be possessed and released only if the capture and release point of the wild fawn is within a 10-mile radius of a licensed permittee. A licensed permittee located within a county with a confirmed case of CWD shall only possess a wild fawn from inside that same county if the capture point of the wild fawn is within a 10-mile radius of the licensed permittee's facility. The licensed permittee shall release that same fawn within a 10-mile radius of their facility.~~

(d) All wild deer, except fawns, positively confirmed to be from outside of a county with a confirmed case of CWD shall not be possessed unless:

(i) euthanized and sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer.

(ii) obtained by a permittee located outside of a county with a confirmed case of CWD who humanely euthanizes the animal within 24 hours of receipt.

(e) All wild fawns positively confirmed to be from outside of a county with a confirmed case of CWD shall:

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- (i) not be moved to a county with a confirmed case of CWD.
- (ii) be released only in the county of origin. Each cage shall be tagged by the permittee with the county of origin and date of capture for each deer.

(f) If the capture point of a wild deer cannot be positively confirmed to be from a particular county, the deer shall be isolated in a manner to prevent physical contact with other deer and humanely euthanized within 24 hours of receipt. If a deer has come into physical contact with a deer originating from another or unknown county of origin, both deer shall be isolated in a manner to prevent physical contact with other deer and humanely euthanized within 24 hours of receipt.

(g) The permittee shall permanently mark all deer in possession with a clearly visible unique identification mark as required by the department.

(h) All wild deer shall be released by October 1 annually unless otherwise determined by the department.

(2) Skunks and bats of special concern, all wild skunks and bats. Live skunks and bats shall not be possessed.

(3) Raccoons of special concern, all wild raccoons. Live raccoons may be possessed and released only as follows:

(a) Raccoons shall be released only in the same county where captured and shall be isolated in a manner to prevent physical contact with animals not originating from the same county. Each cage shall be tagged by the permittee with the county of origin and date of capture.

(b) Cages and areas used to hold raccoons for release shall be constructed of materials that can be effectively disinfected.

(c) If the capture point of a raccoon cannot be positively confirmed to be from a particular county, the raccoon shall be isolated from physical contact with other raccoons and humanely euthanized within 24 hours of receipt. If a raccoon has come into physical contact with a raccoon originating from another or unknown county of origin, both raccoons shall be isolated from physical contact with other raccoons and humanely euthanized within 24 hours of exposure.

(4) Elk of special concern, all wild free-ranging elk. Live wild elk shall not be possessed.

(5) Moose of special concern, all wild free-ranging moose. Live wild moose shall not be possessed.

(6) Mute swans of special concern, all wild mute swans. Live wild mute swans shall not be possessed.

(7) Subject to the provisions of this order, in the event a wild deer is humanely euthanized or dies as the result of disease symptoms consistent with chronic wasting disease, the carcass shall be sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer or a law enforcement officer.

12.901 "CWD management zone" defined.

Sec. 12.901 "CWD management zone" means all of Barry, Calhoun, Clinton, Eaton, Gratiot, Hillsdale, Ingham, Ionia, Isabella, Jackson, Kent, Lenawee, Mecosta, Midland, Montcalm, Muskegon, Newaygo, Ottawa, and Shiawassee counties.

12.902 "Core CWD Surveillance Area" defined.

Sec. 12.902 "Core CWD Surveillance Area" means that area of Delta, Dickinson, and Menominee counties bounded by a line beginning in Dickinson county at the junction of the centerline of highway US-141 and highway US-2 (shared road segment) with the centerline of the Menominee river (a coincident line with the county boundary and the state boundary with Wisconsin) located northwest of the city of Iron Mountain, then westerly (about 1 mile) along the centerline on US-141/US-2 to the intersection with state highway M-95, northerly on M-95 to highway M-69 near the town of Randville, southeasterly on M-69 into Delta county to highway US-41 and highway US-2 (shared road segment) located west of the town of Bark River, southwesterly and westerly on US-41/US-2 into Menominee county where US-41 and US-2 diverge (US-41

heads southerly and US-2 heads westerly) near the town of Powers, continue on US-41 southerly into the town of Carney to county road G-18, westerly on G-18 to the junction of G-18 with the centerline of the Menominee river and the county/state boundary, northerly and northwesterly upstream along the Menominee river and county/state boundary, into Dickinson county along that river-centerline/county/state boundary to the point of beginning.

Issued on this 11th day of July, 2019.

Approved as to matters over which the Natural Resources Commission has authority.

Vicki J. Pontz, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY McDOWELL
DIRECTOR

DATE: May 15, 2019

TO: Michigan Commission of Agriculture and Rural Development

FROM: Peter Anastor
Director, Agriculture Development Division

SUBJECT: Northern Hardwoods Lumber, LLC a wholly owned subsidiary of J.M. Longyear, LLC – Food and Agriculture Investment Fund

Background

Northern Hardwoods Lumber, LLC, a wholly owned subsidiary of J.M. Longyear, LLC, is a 26 million board feet sawmill and kiln-drying lumber facility located in Atlantic Mine, Michigan, that offers premium grade hardwood lumber of exceptional grain and quality in a variety of species suitable for a vast array of uses. The company is a 145-year asset manager with various operations, including forest products for which it has a legacy of environmentally responsible asset management. Through its subsidiaries, it sustainably manages over 75,000 acres of company-owned Michigan forestlands and 30,000 acres in Sault Ste. Marie, Canada, that ensures its roundwood and lumber customers a consistent and reliable source of quality forest products. Much of the lumber produced at Northern Hardwoods, and all its Michigan forestlands, are Forest Stewardship Council certified. Michigan forest product customers include cabinet, furniture, flooring, paper, OSB, and siding manufacturers. The company currently employs 144 people, including 127 people in Michigan.

Project Description

This project includes an asset purchase, start-up, and expansion of a kiln drying and planing facility located in Newberry, Michigan. The project will require an investment of \$3.1 million and lead to the creation of 15 jobs. The current facility assets are capable of a maximum annual production of seven million board feet; however, in the year prior to closure and sale, annual production was less than five million board feet and the facility employed 11 people.

After the facility asset purchase, expansion investments will include purchase and installation of an in-bound green tally system, improved kiln controls to increase kiln through-put and efficiency, and additional rolling stock right-sized for the expanded facility production. These investments will boost annual production 20 percent over the previous facility maximum production capability to 8.5 million board feet within a year. This also represents a 70 percent increase in annual production as compared to the year before facility closure and sale.

The expanded facility will provide the only value-added kiln drying facility for the Eastern Upper Peninsula hardwood green lumber mills. Alternatives for these mills are three-six hours away. The facility will also serve as a value-added outlet for mills in the Northern Lower Peninsula. The expanded capacity will provide an outlet for additional green lumber, support incremental

logging and lumber processing, and have a positive impact on the opportunity for landowners to harvest with a larger value-added market for higher grade timber. In addition, Northern Hardwoods, LLC, with its experience in production and sales, can increase its market reach of Michigan kiln-dried lumber both domestically and internationally.

MDARD Staff Recommendation

Michigan Department of Agriculture and Rural Development staff recommend the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Program performance-based grant of \$100,000 for Northern Hardwoods Lumber.



**FOOD AND AGRICULTURE INVESTMENT PROGRAM
MICHIGAN DEPARTMENT OF AGRICULTURE AND
RURAL DEVELOPMENT**

TERMS SHEET

PROJECT TITLE

Northern Hardwoods Lumber Asset Purchase and Expansion of Kiln-Dried Lumber Distribution Facility in Newberry

COMPANY INFORMATION

Company Legal Name: Northern Hardwoods Lumber, LLC
Address: 45807 Highway M-26, Atlantic Mills, Michigan 49805
Federal ID Number: 45-4460335

COMPANY PROJECT

Project Location (Address): 6946 County Road 392, Newberry, Michigan
Total Project Investment Amount: \$3,100,000
Total Project Jobs Created: 15

MDARD PROJECT SUPPORT

Type of Project: Performance Based Grant
Grant Amount: \$100,000

Milestones:

1. Purchase of existing building and assets at 6946 County Road 392 in Newberry, Michigan; and
2. Purchase, installation and operation of new machinery and equipment, including in-bound green line tally system and kiln control upgrade at the facility in Newberry; and;
3. Documentation of necessary local building occupancy permits for the facility in Newberry.

All milestones must be completed prior to receiving a disbursement of the performance-based grant.

If the terms of this Letter of Intent for a grant are accepted, the project will be taken to the Agriculture and Rural Development Commission for approval. If approved by the Commission, a grant agreement will be signed between the company and MDARD incorporating the terms included in this term sheet.

ACKNOWLEDGEMENT OF TERMS OF SUPPORT FOR PROJECT:

Company

Date

MDARD

Date


Marc D. Blom, VP & CFO
Print Name and Title

4/25/19


Peter C. Anastor, Director, Agriculture Development

4/26/19



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

DATE: May 15, 2019
TO: Michigan Commission of Agriculture and Rural Development
FROM: Peter Anastor
Director, Agriculture Development Division
SUBJECT: Michigan Turkey Producers, LLC – Food and Agriculture Investment Fund

Background

Michigan Turkey Producers is a grower-owned turkey processor that has operated in the Grand Rapids area since 2000. Since that time, the company has continued to grow and operates 55 farms in West Michigan, as well as operating two processing facilities. The Wyoming, Michigan, processing facility focuses on harvesting, deboning, and packing of raw product and the Grand Rapids processing facility produces fully-cooked products. The company employs over 900 people at their farms and processing plants combined and harvest approximately 20,000 turkeys daily. As the company has grown, they have continually invested in their facilities and equipment to remain competitive in the marketplace. Since November of 2016, investments have totaled more than \$50 million in renovations and upgrades.

Project Description

This project is aimed at improving product yield, reducing labor needs, incorporating additional food safety interventions, and improving the ergonomics of existing jobs at the Wyoming facility to allow Michigan Turkey to be more competitive in the labor market. The installation of equipment will mechanize some of the most challenging processes and will result in a nine percent reduction in standard staffing needs for the deboning area, the most difficult area to keep positions filled. The project will require a \$13.1 million investment, mostly in new equipment to automate the deboning process.

Michigan Turkey represents approximately three percent of the turkey industry in the United States, with a total annual economic impact of more than \$135 million. This project allows the company to resume production of wing portions and trim items that were discontinued due to labor shortages. This will impact profitability and allows the company to meet customer demand, including Meijer, Costco, and others. This project will also allow for larger birds (50 pounds) to be processed at a rate of 50 per minute. Larger birds create efficiencies and allow for higher output. Additionally, because of the design and flexibility of Michigan Turkey Producers' farms, there will be an increase in the available process capacity and increase bird placements by five percent. The capital investment to mechanize is a considerable barrier, as is the battle over labor shortages in an ever-lightening labor pool in the Grand Rapids area.

Michigan Commission of Agriculture and Rural Development

May 15, 2018

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MDARD Staff Recommendation

Michigan Department of Agriculture and Rural Development staff recommend the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$125,000 for Michigan Turkey Producers, LLC.



FOOD AND AGRICULTURE INVESTMENT PROGRAM
MICHIGAN DEPARTMENT OF AGRICULTURE AND
RURAL DEVELOPMENT

TERMS SHEET

PROJECT TITLE

Michigan Turkey Producers Upgrade and Automated Deboning Area Project

COMPANY INFORMATION

Company Legal Name: Michigan Turkey Producers, LLC
Address: 1100 Hall Street, SW, Grand Rapids, Michigan, 49503
Federal ID Number: 38-3508420

COMPANY PROJECT

Project Location (Address): 2140 Chicago Drive, SW, Wyoming, Michigan
Total Project Investment Amount: \$13,130,000
Total Project Jobs Created: 0

MDARD PROJECT SUPPORT

Type of Project: Performance Based Grant
Grant Amount: \$125,000

Milestones:

1. Completion of renovations to the existing building to accommodate automated deboning process and equipment at the facility in Wyoming, Michigan; and
2. Purchase, installation and operation of new machinery and equipment, including deboning equipment, processing equipment, x-ray technology, overhead cutup system, MST processing equipment and inspection equipment at the facility in Wyoming; and
3. Documentation of necessary state food processing permits, and local building occupancy permits for the facility in Wyoming.

All milestones must be completed prior to receiving a disbursement of the performance-based grant.

If the terms of this Letter of Intent for a grant are accepted, the project will be taken to the Agriculture and Rural Development Commission for approval. If approved by the Commission, a grant agreement will be signed between the company and MDARD incorporating the terms included in this term sheet.

ACKNOWLEDGEMENT OF TERMS OF SUPPORT FOR PROJECT:

Company	Date	MDARD	Date
<u>Beth Riffe</u>	<u>3-1-19</u>	<u>Peter C. Anastor</u>	<u>4/29/19</u>
Print Name and Title		Peter C. Anastor, Director, Agriculture Development	



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

DATE: May 15, 2019
TO: Michigan Commission of Agriculture and Rural Development
FROM: Peter Anastor
Director, Agriculture Development Division
SUBJECT: True Blue Processing Inc. – Food and Agriculture Investment Fund

Background

True Blue Processing, Inc. is a subsidiary of True Blue Farms, LLC, a Michigan blueberry grower, processor and marketer. True Blue is a vertically integrated blueberry business that farms approximately 1,218 acres and purchases blueberries from over 55 growers. True Blue operates two fresh packing and processing facilities with the capacity to process 8 million pounds of fresh and 10 million pounds of frozen blueberries per season. They have a significant foot print as a grower/packer/shipper in Michigan, as they represent 10-15 percent of the overall blueberry production in Michigan and are also one of the largest in the United States.

Project Description

This project will create an option to provide traceable mechanically harvested blueberries to the fresh market in Michigan. To accommodate this growth, additional fresh packing equipment is required to handle the production increase. A harvesting machine can pick many more blueberries per hour than hand-harvesting labor, which also requires additional capacity in the processing facility in order to accommodate the larger volume of blueberries arriving at one time. Due to labor shortages, raising labor cost, and import pressures, there is a need to develop an economic approach to help offset these three major issues affecting fresh marketability as an option.

To accommodate this, the company will invest \$226,500 in new equipment that will allow greater efficiencies and reduce the reliance on hand-harvesting labor. This will allow the company to reduce costs, and it also allows for the packing and selling of fresh blueberries of multiple varieties. Since many of these blueberries would normally be destined for the frozen market, providing additional fresh product will help alleviate the oversupply pressures on the global frozen market. This project will also support a robust food safety driven approach to harvesting.

True Blue works with over 55 various sized blueberry growers in Southwest Michigan and this project provides them with increased packing volume of machine-picked fruit for the fresh market, increasing revenue for each farm by an additional \$.50 per pound. This project will help blueberry growers be sustainable in changing economic times and maintain adequate packing infrastructure to allow growers a choice of fresh or frozen markets. The project is expected to create 23 new full-time seasonal jobs.

Michigan Commission of Agriculture and Rural Development
May 15, 2019
Page two

MDARD Staff Recommendation

Michigan Department of Agriculture and Rural Development staff recommend the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$50,000 for True Blue Processing, Inc.



**FOOD AND AGRICULTURE INVESTMENT PROGRAM
MICHIGAN DEPARTMENT OF AGRICULTURE AND
RURAL DEVELOPMENT**

TERMS SHEET

PROJECT TITLE

True Blue Processing Tractable Mechanical Harvesting Approach to Supply Blueberries to the Fresh Market in Michigan

COMPANY INFORMATION

Company Legal Name: True Blue Processing, Inc.
Address: 09548 County Road 215, PO Box 195, Grand Junction, Michigan, 49056
Federal ID Number: 38-3588243

COMPANY PROJECT

Project Location (Address): 09548 County Road 215, Grand Junction, Michigan
Total Project Investment Amount: \$226,500
Total Project Jobs Created: 23

MDARD PROJECT SUPPORT

Type of Project: Performance Based Grant
Grant Amount: **\$50,000**



Milestones:

1. Purchase, installation and operation of new machinery and equipment, including laser/color sorter, elevating conveyor with air blower and ink jet printer at the Grand Junction, Michigan facility, and;
2. Documentation of necessary state food processing permits, and local building occupancy permits for the facility in Grand Junction.

All milestones must be completed prior to receiving a disbursement of the performance-based grant.

If the terms of this Letter of Intent for a grant are accepted, the project will be taken to the Agriculture and Rural Development Commission for approval. If approved by the Commission, a grant agreement will be signed between the company and MDARD incorporating the terms included in this term sheet.

ACKNOWLEDGEMENT OF TERMS OF SUPPORT FOR PROJECT:

Company	Date	MDARD	Date
	5/1/19		5/29/19
Shelley H. Anderson, Vice President		Peter C. Anastor, Director, Agriculture Development	

Print Name and Title



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

DATE: May 15, 2019
TO: Michigan Commission of Agriculture and Rural Development
FROM: Peter Anastos
Director, Agriculture Development Division
SUBJECT: Berrybrook Enterprises – Food and Agriculture Investment Fund

Background

Berrybrook Farms was started in 1954 by Joe Sr. and Harriett Hassle. In 1992, the three sons, Joe Jr., John, and Scott Hassle, formed a partnership, Berrybrook Enterprises. Over the years, the company has raised many different commodities and today, raise apples, asparagus, corn, soybeans, and green beans.

Project Description

This project would construct a new controlled atmosphere apple storage facility with a capacity to hold 135,000 bushels of apples. The facility would supply Burnette and potentially other Michigan apple processors to utilize local fruit versus out-of-state apples. The 18,816 square-foot building will include nine storage rooms and store fruit for 5-10 Southwest Michigan growers, allowing them to save on freight and market their fruit at higher prices when supply is lower.

Spring and summer months are times when growers can see a significant uptick in pricing of 5-10 cents per pound. The Spring and Summer prices can be 50-100 percent more than fall prices when supply is high. A lack of local storage forces growers to accept low prices, as most of the storage in the state is two-three hours north of the Southwest growing region. In addition, by adding 135,000 bushels of controlled atmosphere storage, Burnette will have the ability to spread out this supply and continue using local fruit longer. Often in June, July, and August, fruit is shipped to Michigan from Washington State. Michigan is one of the largest apple producers in the country and without these types of investments, the industry will struggle to remain competitive.

The project will require an investment of \$1.63 million and will create two new jobs.

MDARD Staff Recommendation

Michigan Department of Agriculture and Rural Development staff recommend the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$75,000 for Berrybrook Enterprises.



FOOD AND AGRICULTURE INVESTMENT PROGRAM
MICHIGAN DEPARTMENT OF AGRICULTURE AND
RURAL DEVELOPMENT

TERMS SHEET

PROJECT TITLE

Berrybrook Enterprises new Controlled Atmosphere Apple Storage Facility

COMPANY INFORMATION

Company Legal Name: Berrybrook Enterprises
Address: 28230 Elm Street, Dowagiac, Michigan 49047
Federal ID Number: 38-2985100

COMPANY PROJECT

Project Location (Address): 86997 County Road 687, Hartford, Michigan
Total Project Investment Amount: \$1,630,000
Total Project Jobs Created: 2

MDARD PROJECT SUPPORT

Type of Project: Performance Based Grant
Grant Amount: \$75,000

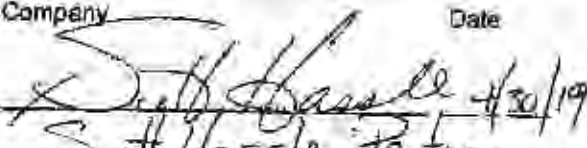

Milestones:

1. Demolition of existing building and construction of new 19,000 square-foot controlled atmosphere storage facility, and office space, at the existing site in Hartford, Michigan; and
2. Purchase, installation and operation of new machinery and equipment, including refrigeration recirculation package, piping and storage control monitoring system at the facility in Hartford; and,
3. Documentation of necessary local building occupancy permits for the facility in Hartford.

All milestones must be completed prior to receiving a disbursement of the performance-based grant

If the terms of this Letter of Intent for a grant are accepted, the project will be taken to the Agriculture and Rural Development Commission for approval. If approved by the Commission, a grant agreement will be signed between the company and MDARD incorporating the terms included in this term sheet.

ACKNOWLEDGEMENT OF TERMS OF SUPPORT FOR PROJECT

Company	Date	MDARD	Date
	4/30/19		4/30/19
Scott Hassle Partner		Peter C. Anastor, Director, Agriculture Development	

Print Name and Title



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

DATE: May 15, 2019
TO: Michigan Commission of Agriculture and Rural Development
FROM: Peter Anastor
Director, Agriculture Development Division
SUBJECT: Dave's Sweet Tooth, LLC – Food and Agriculture Investment Fund

Background

Dave's Sweet Tooth manufactures and distributes a variety of high-quality almond toffee products, based on the recipe of Dave Chmielewski, a retired Detroit firefighter. The product comes in five different varieties and provides an appealing treat to an array of snackers.

Founded in a home kitchen in 2011, Dave's Sweet Tooth is proud to be a Michigan Made product with a focus on using local ingredients. Products are sold mainly in grocery retailers such as Whole Foods, Kroger, Meijer, and other high-end independent stores nationwide. With their recent growth, product has grown into non-grocery markets, such as Bed Bath and Beyond, TJ Maxx, Williams Sonoma, and a variety of airport and hotel gift shops.

The company, located in Harrison Charter Township in Macomb County, has seen sales increase dramatically and has landed the company with appearances on Good Morning America and The Today Show.

Project Description

In order to continue supporting their growth, Dave's Sweet Tooth will invest in new equipment to streamline its production processes and scale and expand their production operations. The current process is manual in nature, and, consequently, can be labor intensive and the additional equipment will help automate the packaging element of the production process. In addition to the added equipment, the company is working to finalize a build-out of its existing production facility in order to accommodate the new equipment.

The new equipment will require an investment of \$230,000 and will lead to the creation of five new jobs as the company continues to expand. With the new equipment, the company will be able to fill roughly 30-50 retail-ready packages per minute, which is easily ten times faster than the existing pouch filling process.

Dave's Sweet Tooth focuses heavily on sourcing its raw materials and ingredients from local growers and producers when it is able. For example, the company purchases sugar from Michigan Sugar Co. in Bay City, cherries from Shoreline Fruit in Traverse City, and coffee beans from Chazzano Coffee Roasters in Ferndale. Dave's Sweet Tooth proudly and actively

supports local growers and producers throughout the year and will continue to do so more in the years to come.

MDARD Staff Recommendation

Michigan Department of Agriculture and Rural Development staff recommend the Michigan Commission of Agriculture and Rural Development approve a Food and Agriculture Investment Fund performance-based grant of \$50,000 for Dave's Sweet Tooth, LLC.



**FOOD AND AGRICULTURE INVESTMENT PROGRAM
MICHIGAN DEPARTMENT OF AGRICULTURE AND
RURAL DEVELOPMENT**

TERMS SHEET

PROJECT TITLE

Dave's Sweet Tooth Manufacturing and Warehouse Project

COMPANY INFORMATION

Company Legal Name: Dave's Sweet Tooth, LLC
Address: 35300 Union Lake Road, Harrison Township, Michigan, 48045
Federal ID Number: 27-4038895

COMPANY PROJECT

Project Location (Address): 35300 Union Lake Road, Harrison Township, Michigan
Total Project Investment Amount: \$230,000
Total Project Jobs Created: 5

MDARD PROJECT SUPPORT

Type of Project: Performance Based Grant
Grant Amount: **\$50,000**

Milestones:

1. Completion of renovations to the existing building to accommodate new investment, including new drop ceiling, kitchen partitions and resurfacing of kitchen floor at the facility in Harrison Township, Michigan; and
2. Purchase, installation and operation of new machinery and equipment, including pre-made pouch bagger, metal detector, and multi-head weigh and fill scale at the facility in Harrison Township; and;
3. Documentation of necessary state food processing permits, and local building occupancy permits for the facility in Harrison Township.

All milestones must be completed prior to receiving a disbursement of the performance-based grant.

If the terms of this Letter of Intent for a grant are accepted, the project will be taken to the Agriculture and Rural Development Commission for approval. If approved by the Commission, a grant agreement will be signed between the company and MDARD incorporating the terms included in this term sheet.

ACKNOWLEDGEMENT OF TERMS OF SUPPORT FOR PROJECT

Company	Date	MDARD	Date
	5/2/19		4/30/19
Andrew Chmielewski Print Name and Title	Founder / CEO	Peter C. Anastor, Director, Agriculture Development	

