



**RIGHT TO FARM PROGRAM
FISCAL YEAR REPORT 2015**

Environmental Stewardship Division

Right to Farm

FY 2015 Report

The Michigan Right to Farm (RTF) Act is administered by the Michigan Department of Agriculture and Rural Development (MDARD) in the Environmental Stewardship Division. The RTF Program is comprised of two parts, environmental complaint response, and site selection and odor control for new and expanding livestock facilities.

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

- 1) 1988 Manure Management and Utilization
- 2) 1991 Pesticide Utilization and Pest Control
- 3) 1993 Nutrient Utilization
- 4) 1995 Care of Farm Animals
- 5) 1996 Cranberry Production
- 6) 2000 Site Selection & Odor Control for New/Expanding Livestock Facilities
- 7) 2003 Irrigation Water Use
- 8) 2010 Farm Markets

All eight sets of GAAMPs and other information about the Right to Farm Program are available on MDARD's web site at: <http://www.michigan.gov/righttofarm>.

While complaint response activities determine verified environmental problems, they are also a very effective mechanism for farmers to implement the necessary corrective management practices to fix those problems, bring their farm operations into conformance with GAAMPs, and subsequently earn nuisance protection under the RTF law. Coordination with other agencies and RTF follow up inspections track the progress of farmers and document completion of projects. The site selection portion of the program helps producers carefully plan, site, build, and manage their new or expanding

livestock facilities in a manner that protects natural resources, controls odors, and enhances neighbor relations.

MDARD works with farmers to develop and implement a farm-specific Manure Management System Plan (MMSP), verify a farm's conformance with GAAMPs for Site Selection and Odor Control, and distributes thousands of sets of GAAMPs to farmers all across the state. These are all important ways the RTF Program works with agricultural producers and contributes to Michigan's overall pollution prevention strategy.

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

This report includes a table of accomplishments that describes the typical corrective farm management practices that farmers implement to address verified problems on their farms. In addition, MMSPs are an effective way for livestock producers to maintain those practices, sustain their farm operations, and prevent pollution. Throughout this report, the tables and figures provide numbers and percentages based on the total number of new RTF cases received in fiscal year 2015.

Over the past decade, MDARD has received numerous requests from farmers for proactive inspections of their farm operations to make GAAMPs determinations, with the highest numbers (19) received in both FY 2010 and FY 2011. In FY 2012 there were 13 proactive requests for a RTF determination, and 16 in FY 2013 and FY 2014. While these types of requests fell from 16 to 7 between FY 2014 and FY 2015, there was a significant increase (from 3 to 16) in requests for MDARD to make a Category Determination on a proposed site for a livestock facility. A Category Determination under the Site Selection GAAMPs relates to the suitability of a particular site for the placement and keeping of farm animals.

Right to Farm Program Environmental Complaint Response

In Fiscal Year (FY) 2015 the Michigan Department of Agriculture and Rural Development (MDARD) Right to Farm (RTF) Environmental Complaint Response Program conducted inspections primarily in response to 131 new complaints for investigation and associated follow up inspections. Inspections were also conducted in response to 7 requests from farmers for pro-active GAAMPs determinations, and 16 livestock facility category determinations regarding the suitability of a site to keep farm animals. Complaints are received from the general public, the Michigan Department of Environmental Quality (MDEQ) and other agencies. RTF follow up inspections were conducted at farms where changes were needed in order for that farm operation to conform to the GAAMPs.

Table 1. Total inspections per fiscal year

Fiscal Year	New Investigations	Follow Up Inspections
FY 2015	154	159
FY 2014	133	119
FY 2013	153	117
FY 2012	167	198
FY 2011	131	125
FY 2010	151	99
FY 2009	152	109
FY 2008	143	105
FY 2007	164	145
FY 2006	174	140

During FY 2015, the Right to Farm Program responded to complaints and pro-active requests in 51 counties throughout Michigan. Kalamazoo topped the list at 10 new cases, followed by Tuscola with 7, and Montcalm, Oakland, Sanilac and St. Clair counties each had 6 complaints / pro-active requests. The map on page 4, Figure 1 shows a detailed distribution of all the new cases investigated, by county. These

Enterprise Type

As shown in Table 2, in FY 2015 the highest percentage of complaints concerned dairy, crop, equine (horse) and beef cattle farms. The percentage of complaints involving dairy farms decreased from 33% to 21% of the total, while those about equine facilities decreased by 4% in FY 2015, as compared to FY 2014, while and complaints about crop production practices and beef cattle operations each increased by 6%. While the percentage of complaints concerning poultry and swine farms increased 1% and 2% respectively, the proportion of the total remained relatively small.

Table 2. RTF complaints by enterprise type for fiscal years 2011 through 2015

Comparison of Complaints between Enterprise Types (Percent)					
	2015	2014	2013	2012	2011
Beef	18	12	19	19	15
By-Products ¹	2	3	0	1	0
Crops ²	20	14	11	15	19
Dairy	21	33	27	30	34
Equine	19	23	18	19	11
Poultry	4	3	7	4	4
Swine	8	6	9	5	13
Combination ³	2	1	0	1	2
Exotic ⁴	5	2	9	6	2

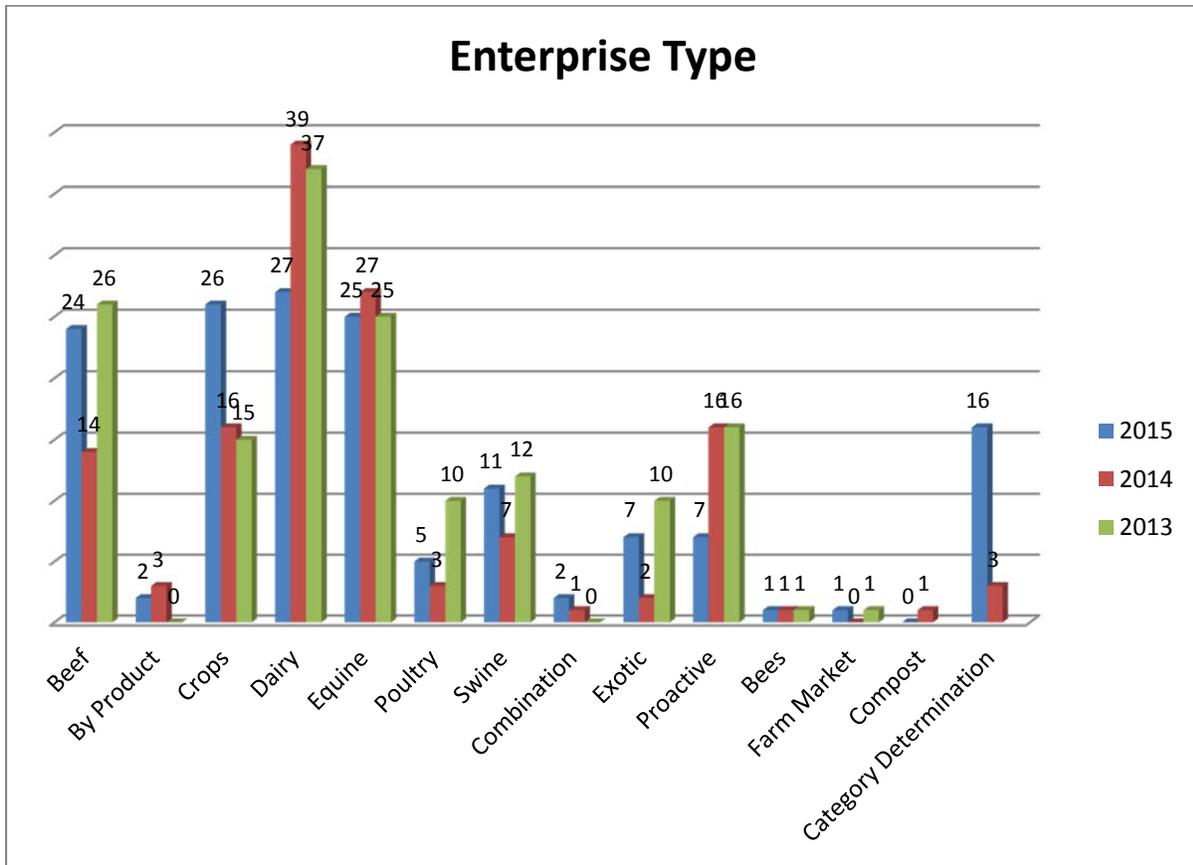
¹ By-products from fruit and vegetable food processing

² Crops refer to complaints concerning fertilizer, soil erosion, and crop production practices

³ Two or more species included in complaint. (Since 2008, enterprise type has been classified based on the primary enterprise at the farm)

⁴ Includes alpacas, bees, buffalo, deer, goats, llamas, rabbits, and sheep

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



The 23 proactive requests for a GAAMPs or category determination made during FY 2015 were all at small-scale farm facilities, and typically involved a few farm animals on small acreage. These include facilities with laying hens, dairy goats, horses, bee colonies, crop production and other small scale farm enterprises. MDARD determined that most of these farms were conforming to applicable GAAMPs.

A category determination under the Site Selection GAAMPs assesses the land-use zoning, surrounding land uses, proximity of nearby non-farm residences, number of farm animals, etc. These factors are analyzed in relation to the proposed site for a livestock facility to determine the suitability of the site to place or keep farm animals.

Resource Concerns

Over the past 20 years, MDARD has collected and analyzed data regarding the types of environmental complaints received and associated resource concerns. Table 3 shows the complaint types by resource concerns as a percentage of the total and indicates that surface water and air quality have always been the top two complaint types. In FY 2012, there were the same number of air quality and surface water complaints each making up 42 percent of the total. In FY 2013, 45% were about air quality and 40% concerned surface water quality, while in FY 2014, 49% of the complaints were about surface water and 42% concerned air quality. This shift continued in FY 2015 with surface water complaints rising to 52 percent of the total and air quality complaints declining slightly to 40 percent.

Table 3. Resource concerns for fiscal years 2011 through 2015

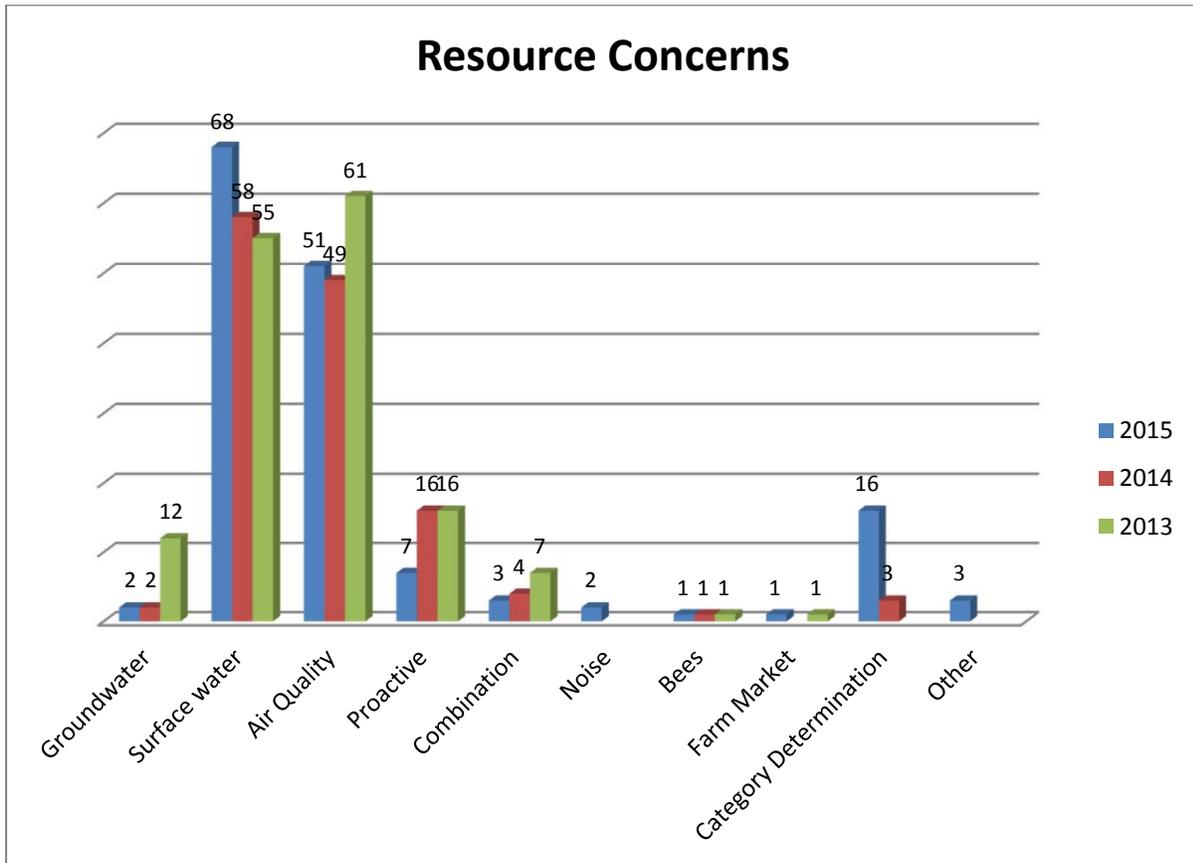
Comparison of Complaints Types (Percent)					
	2015	2014	2013	2012	2011
Air Quality	40	42	45	42	54
Groundwater	2	2	9	3	0
Surface Water	52	49	40	42	45
Combination ⁵	2	3	5	9	0
Bees	1	1	1	1	0
Noise	2	0	0	3	1
Farm Market	1	0	1	0	0

⁵ Two or more resource concerns cited in complaint

Surface water complaints often include concerns about stream bank erosion and manure runoff from livestock with uncontrolled access to streams, barnyard manure runoff to roadside ditches, and potential manure runoff from crop fields to drainage ditches or into field tiles. Air quality complaints usually involve excessive manure odors and sometimes include concerns about flies and dust. Historically, groundwater has been a single resource concern in only a small percentage of the complaints. Combination complaints typically involve both surface water and air

quality concerns. Most of the complaints classified as combination were about manure odors and the potential for manure runoff to surface waters.

Figure 3. Number of investigations by resource type per fiscal year ⁶



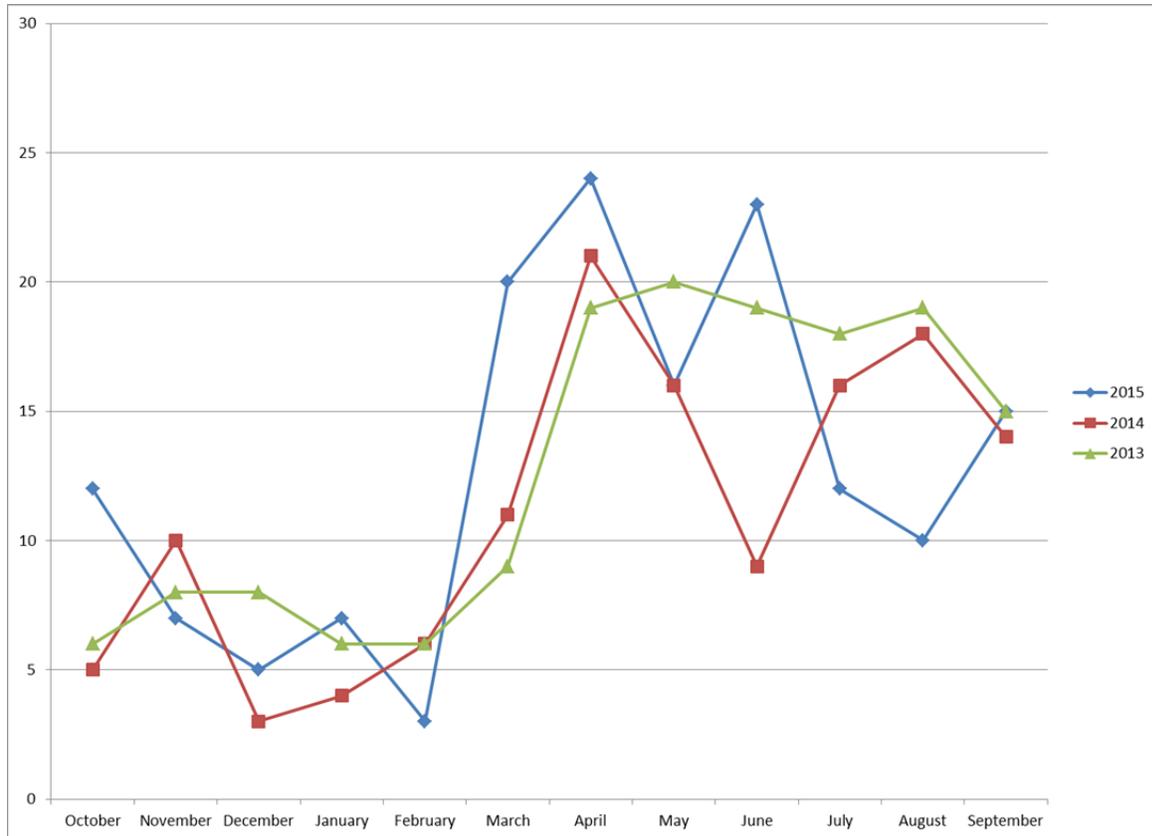
⁶ Investigations for proactive and category determinations were conducted in response to the landowner's request

Many of the complaints received in the Right to Farm Program in recent years seem to be related to an increase in the general public's interest in agriculture and environmental awareness. A memorandum of understanding (MOU) between the Michigan Department of Environmental Quality (MDEQ) and MDARD directs non-point source pollution and nuisance complaints about farm operations to the RTF program. This program is also recognized by other state and local agencies as a very effective way to respond to and resolve many of the environmental complaints concerning farm operations across Michigan.

Distribution of Investigations

The seasonal distribution of investigations, both complaints and pro-active requests, for the last three fiscal years is illustrated in Figure 4 below.

Figure 4. Number of investigations by month per fiscal year



Some of these monthly variations can be attributed to seasonal or annual weather conditions. Another factor is the increased manure storage capacity of a growing number of large livestock production facilities, coupled with their Comprehensive Nutrient Management Plans (CNMPs) which minimize manure applications to frozen or snow covered soils. The net result is more manure applied to cropland during spring and fall months, and the subsequent complaints about the potential for manure runoff and odors associated with manure applications to crop land prior to planting crops and/or after crop harvest.

Verified vs. Not Verified Complaints

Figure 5 illustrates changes in the number of verified complaints over the past three fiscal years. Right to Farm inspections are comprehensive reviews of all GAAMPs that apply to the farm and, as such, utilize a whole farm approach. This approach contributes to Michigan's pollution prevention strategy and will help farmers avoid complaints in the future.

In some cases, where the complaint was not verified but the farm operation was not following a written Manure Management System Plan (MMSP), the producer was asked to develop and implement an MMSP. RTF staff determines if the MMSP is consistent with GAAMPs and the producer was following their plan. Proactive inspections, as well as Category Determinations, are also shown here. In each of the past three years, a majority of the complaints have been verified.

Figure 5. Number of Verified vs. Not Verified complaints

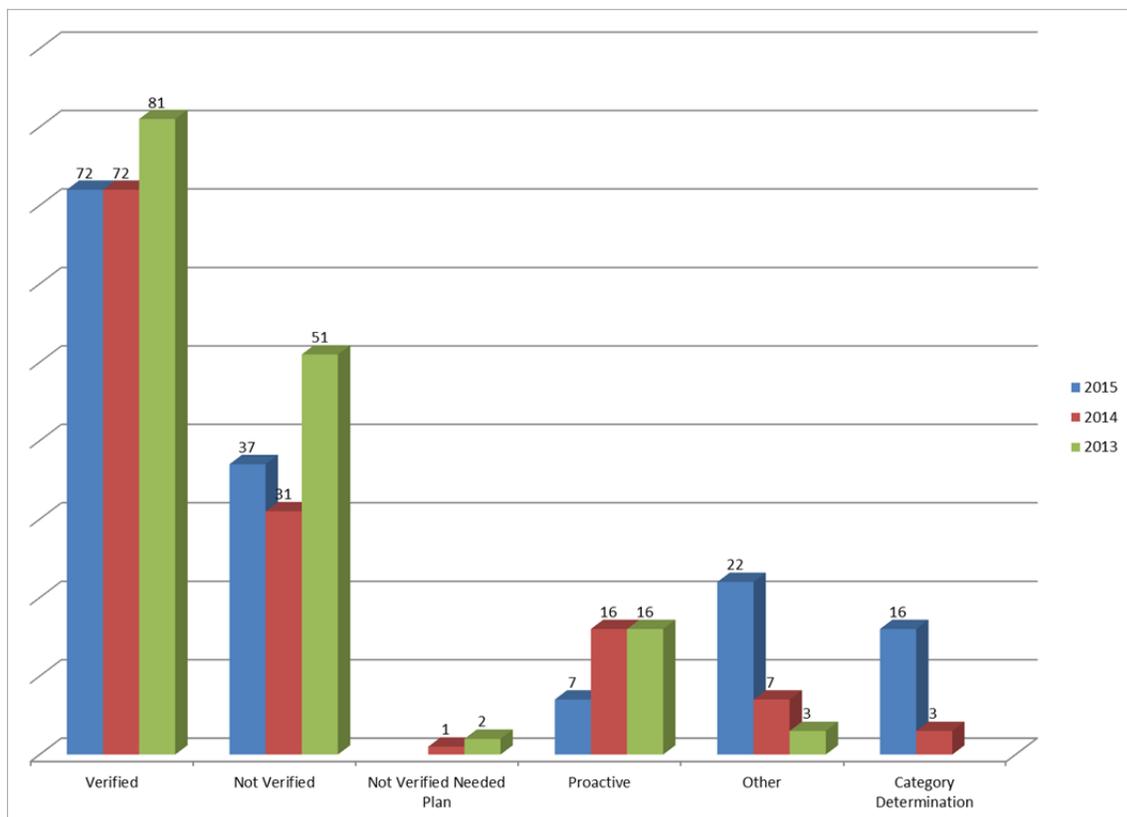


Table 4. Comparison of Verified versus Not Verified complaints / investigations per year (each year up to 2014 does not include Proactive inspections)

Fiscal Year	Verified versus Not Verified (Percent)
FY 2015	47 : 24 (remaining 14% for Other, 5% for Proactive, and 10% for Category Determination)
FY 2014	62 : 27 (remaining 1% for Not Verified Needed Plan, 7% for Other and 3% for Category Determination)
FY 2013	59 : 37 (remaining 4% for Not Verified Needed Plan and Other)
FY 2012	70 : 28 (remaining 2% for Not Verified Needed Plan)
FY 2011	54 : 44 (remaining 2% for Other)
FY 2010	55 : 43 (remaining 2% for Not Verified Needed Plan)
FY 2009	65 : 32 (remaining 1% for Not Verified Needed Plan and 2% for Other)
FY 2008	57 : 37 (remaining 6% for Other)
FY 2007	59 : 37 (remaining 1% for Not Verified Needed Plan and 3% for Other)
FY 2006	51 : 45 (remaining 2% for Not Verified Needed Plan and 2% for Other)

RTF Program files classified as “Not Verified” are cases where the MDARD complaint investigation found that the conditions and activities observed on the farm, and the documentation provided, demonstrated conformance to all GAAMPs that apply. MDARD determined those complaints were not verified; and as such, the files were closed.

When complaints are verified, or further documentation is needed to determine conformance to the applicable GAAMPs, then an MDARD RTF follow-up inspection is scheduled and conducted to review the effectiveness of the changes that have been implemented and the provisions of the farm’s written management plan. Depending on the farm enterprise and level of detail needed to conform to GAAMPs, farms may utilize a MMSPP, CNMP, Nutrient Management Plan (NMP), corrective management plan, manure spreading plan, etc. If the changes implemented have

abated the source of the complaint and/or the required documentation is provided, then these cases are classified as “Abated”, and the file is closed.

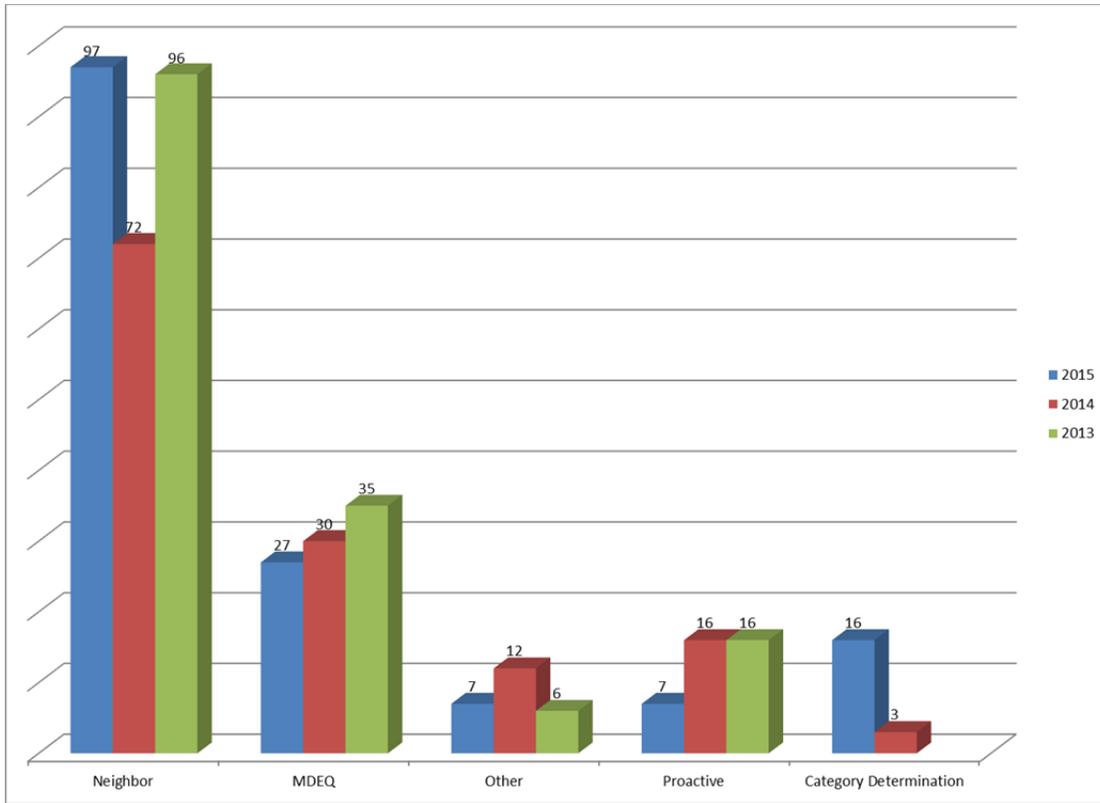
A complaint classified as “Not Verified Needed Plan” is a combination of the above. The details of a specific complaint were not verified at the time of MDARD’s on-farm inspection; however, the farm had not yet developed and implemented a written Manure Management System Plan (MMSP). Therefore, MDARD requested that the farmer develop an MMSP, manure spreading plan, etc. for their farm operation.

A “Proactive” request is one where a landowner has contacted MDARD to request a Right to Farm GAAMPs determination regarding their farming practices. MDARD will determine whether these producers are following all of the GAAMPs that apply to their farm operations. In these situations, while MDARD has not received a formal complaint for investigation, we do require a written management plan be submitted for review and approval prior to scheduling an on-site inspection. When MDARD determines that their plan and farm records utilize GAAMPs, and our on-site inspection confirms that the plan and all applicable GAAMPs are being followed, then we provide a letter to the landowner describing our findings and determination.

The classification “Other” includes referred, transferred or withdrawn cases. For verified complaints, if after a reasonable period of time, the necessary changes to bring the farm operation into conformance with GAAMPs have not been implemented, then MDARD will consult with the Michigan Department of Environmental Quality (MDEQ) for an evaluation of compliance with Michigan’s environmental code (the Natural Resources and Environmental Protection Act [NREPA]) and may refer the case for enforcement action. If an MDARD inspection reveals a situation where MDEQ is the appropriate regulatory authority, such as a direct discharge of pollutants to surface water, then the case is immediately transferred to the MDEQ Water Resources Division. Farms whose complaint files have been referred or transferred are subject to applicable enforcement actions by the MDEQ. Withdrawn cases are those where the complainant chose to retract their initial complaint for investigation.

Where Complaints Originate

Figure 6. Number of complaints / pro-active requests by fiscal year



Urban encroachment, suburban sprawl, and more residential housing in rural, traditional farming areas, along with increased environmental awareness, all contribute to the trends depicted in Figure 6 above and Table 5 on page 14. The percentage of complaints made by MDEQ in FY 2015 decreased significantly by 13%, while the percentage of complaints made by ‘neighbors’ remained quite constant over the previous six years. Complaints from neighbors have always been the largest percentage of the total each year, and increased slightly from 61% in FY 2014 to 63% in FY 2015.

Table 5. Investigations in percentage by fiscal year (Other includes Proactive and Category Determination requests)

Fiscal Year	Total Investigations (Percent)		
	Neighbor	MDEQ	Other
FY 2015	63	18	19
FY 2014	61	26	13
FY 2013	70	26	4
FY 2012	70	21	9
FY 2011	72	23	5
FY 2010	65	27	8
FY 2009	64	31	5
FY 2008	71	22	7
FY 2007	68	20	12
FY 2006	60	31	9
FY 2005	60	25	15
FY 2004	59	35	6
FY 2003	61	28	11
FY 2002	68	29	3
FY 2001	81	15	4

Accomplishments

The accomplishments outlined in Table 6 on page 15 are the result of the cooperation and work from the farmers whose farm operations were identified in RTF complaints during FY 2015. These farmers followed the RTF GAAMPs to implement sound conservation practices on their farms to utilize manure and other nutrients and control odors. With assistance from local Conservation Districts, Michigan State University Extension, the USDA Natural Resources Conservation Service, and private sector consultants and plan writers, many farmers have developed and implemented Manure Management System Plans (MMSPs) in recent years. The MMSPs on these farms are excellent tools to manage manure and other nutrients, control odors, and prevent pollution.

Table 6. Agricultural management practices implemented in response to RTF complaints for fiscal year 2015.

Typical Corrective Practices	
Surface water quality protection	
Livestock excluded from surface water	150 AU
Stream bank fencing projects installed	5
Controlled watering access sites installed	3
Vegetative buffers and filter strip areas	3400 Feet
Alternative water sources provided for livestock	
Runoff control/groundwater protection and odor management	
Runoff control structures	9
Utilization of stockpiled manure/by-products	6
Manure incorporation into crop fields	7460 Acres
Updated soil test reports	15
Manure nutrient analysis reports	4
Pollution prevention	
Manure Management System Plan (MMSP) or Nutrient Management Plan (NMP) developed and implemented; Animal Units (AU) covered	12 Plans developed; covering 7429 AU
Proactive	
Proactive inspections	7
Category Determinations	16
Other	
Erosion control	5
Storm water diversion	1
Composting plan	
Bee colonies moved	1
Irrigation management plans implemented	2
Total Animal Units Inspected	44,984

The accomplishments summarized in Table 6 provide a good physical description of many of the practices implemented; however, they do not fully account for all of the changes made on farms in conjunction with the Right to Farm Program. At the time of the initial “on-site” inspection, the complainant is visited in person by the inspector or contacted via telephone, at which time the inspection process, the GAAMPs and acceptable farming practices, as well as findings from the on-site inspection are explained. This is an important part of the process to improve the general public’s understanding of normal conditions and activities on farms, especially as more and more people are further removed from the farming environment. Resolving and reducing conflicts with neighbors, as well as educating the public regarding farming, is a large part of the RTF process and long-term accomplishments.

**Right to Farm - Site Selection and Odor Control for
New and Expanding Livestock Facilities
FY 2015**

The Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMPs) were first adopted in June of 2000. The development of Site Selection GAAMPs and the preemption of local ordinances that extend or conflict with GAAMPs were two major changes to the Michigan Right to Farm Act when it was amended in 1999. Since June 2000, the Site Selection GAAMPs have been utilized by over 500 Michigan livestock farmers to select suitable sites to construct a new livestock facility or expand their existing facility. This represents a private sector investment of over 500 million dollars during the past 15 years in production facilities for farm animals in a majority of counties across Michigan.

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

When the verification request is received, MDARD sends a letter to the producer acknowledging receipt of their request, and a copy of this letter is sent to the township and county of the proposed site. After the verification request is thoroughly reviewed, MDARD typically schedules and conducts an inspection of the site to discuss the proposed project with the farmer. Upon completion of this process, if all of the information requirements in the Site Selection GAAMPs application checklist are provided and approved, then MDARD sends a letter to the livestock producer approving their verification request, and a copy of this letter is sent to the township. This determination is known as “Site Suitability Approval.”

MDARD may conduct interim inspections to ensure that approved construction standards are being met. When the project is completed, and for some new operations before the facility is populated with livestock, MDARD will conduct a final inspection to verify the facility was constructed according to the approved verification request. The findings from a final inspection determine when a facility has completed the site verification process, and is then considered in conformance with the Site Selection GAAMPs.

MDARD received a total of 46 new site verification requests in fiscal year 2015. Table 7 summarizes the verification requests received based on the livestock type and whether the request is for a new facility or an expansion of an existing facility.

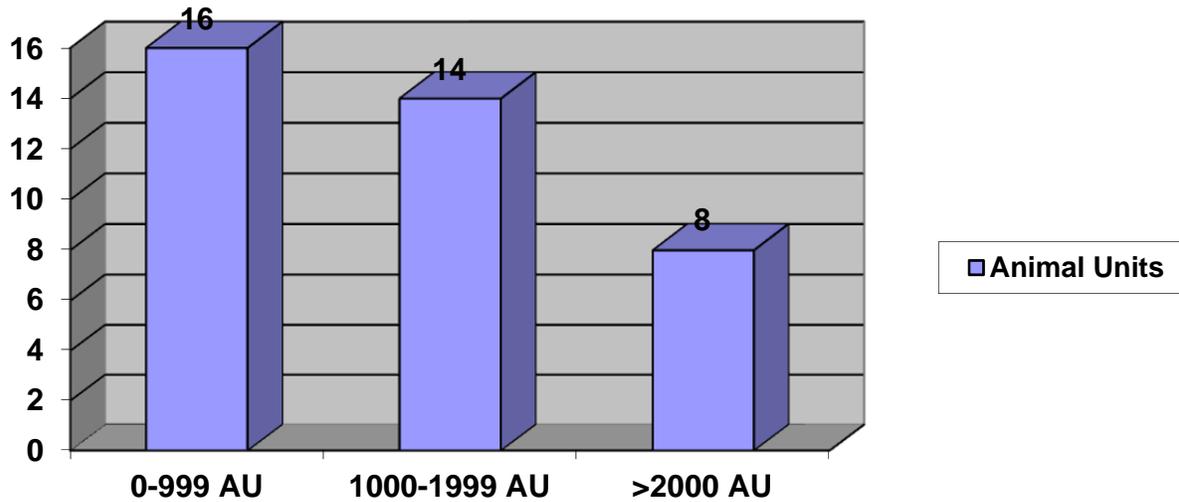
Table 7. Verification requests by livestock species

Dairy		Swine		Poultry		Beef	
Total =19		Total = 8		Total = 16		Total = 3	
Exp.	New	Exp.	New	Exp.	New	Exp.	New
19	0	5	3	7	9	2	1

From the total 46 site selection verification requests, 33 were for expanding facilities and 13 were for new facilities. Of the verifications for dairy farms, all 19 were expanding facilities. For swine operations there were 5 expansions and 3 new facilities. There were also 16 verification requests for poultry operations, 7 for expanding facilities, and 9 new facilities. There were three verification requests for beef cattle operations, 2 expanding and one new.

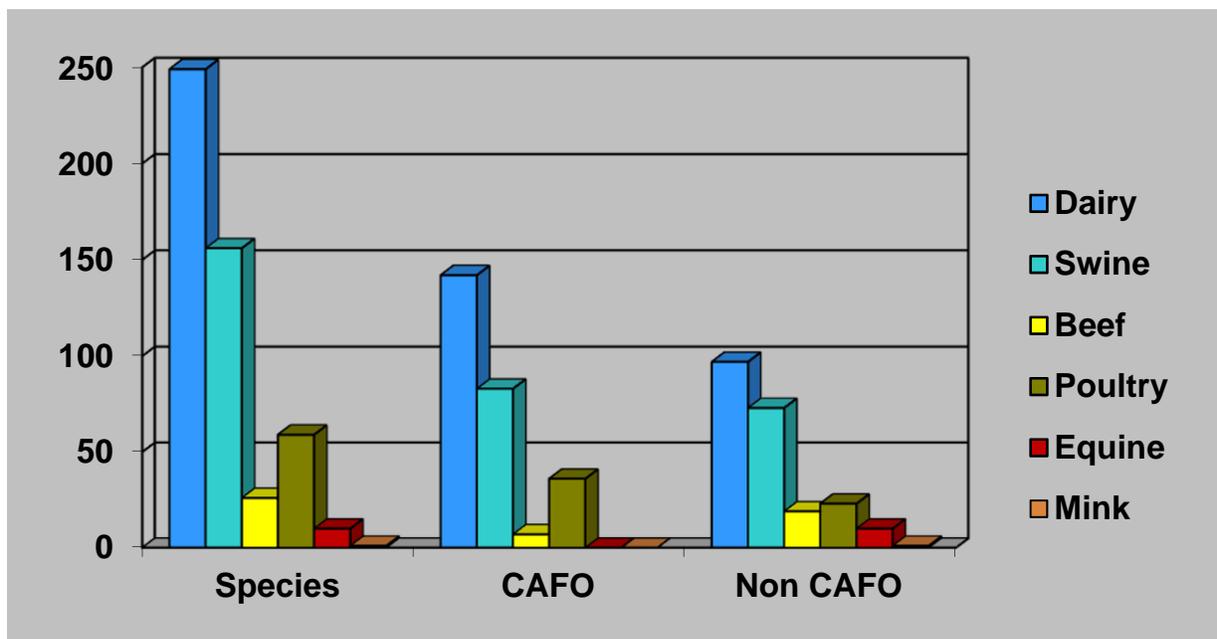
During FY 2015, 38 farms completed the site verification process. The relative sizes of these farms are shown in Figure 8 on page 20. There were 16 requests for facilities designed to house 0-999 Animal Units (AU), 14 for 1000-1999 AU facilities, and 8 for facilities to house over 2000 AU.

Figure 8. Verification process completed in FY 2015 by animal units



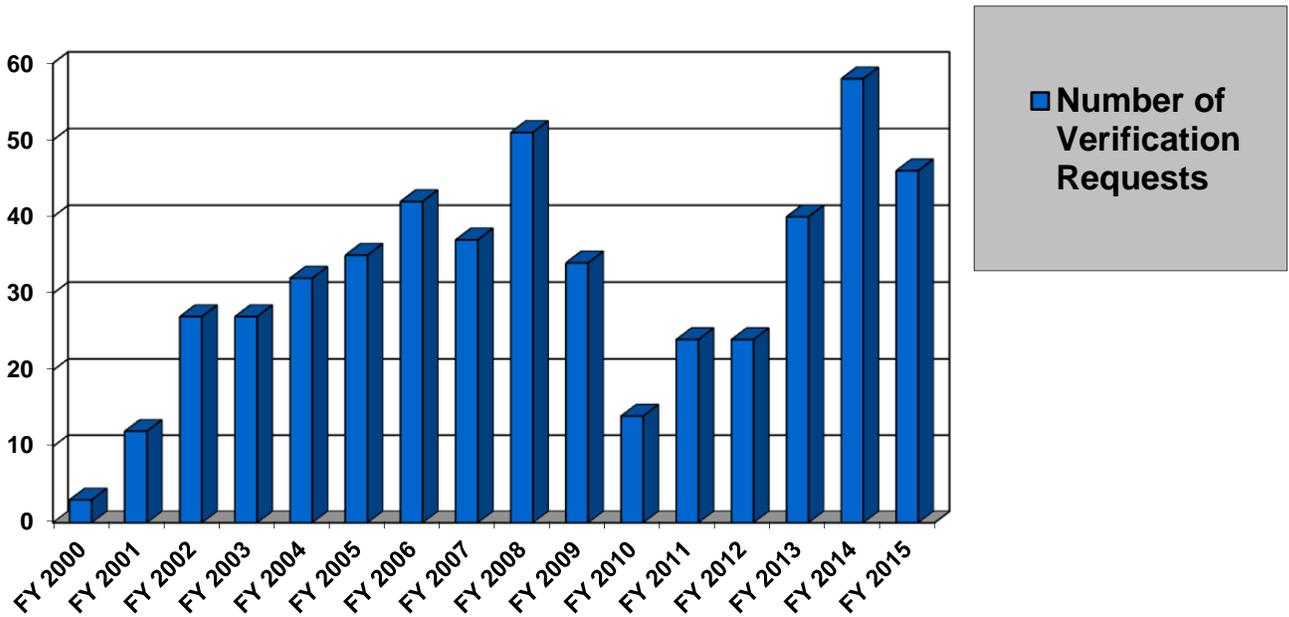
Since June 1, 2000 over 500 farms in 47 Michigan counties have utilized the Site Selection verification process for their new or expanded livestock facilities. The distribution by species and whether the facility is a Concentrated Animal Feeding Operation (CAFO) (i.e. animal housing for 1000 or more animal units) or non-CAFO is displayed in Figure 9.

Figure 9. Verification Requests by Species, CAFO, and Non-CAFO since 2000.



The total numbers of site selection verifications since June of 2000 are shown in Figure 11.

Figure 11. Number of Site Selection verification requests per year



With hundreds of farms expanding and building new barns, and greater environmental awareness by farmers and their non-farm neighbors, site selection for new and expanding livestock facilities has become a very important tool to address the environmental performance of farms and social concerns about animal agriculture in Michigan.

For further information regarding the Michigan Department of Agriculture and Rural Development's Right to Farm Program, please contact:

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