

MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

Lansing Center, Meeting Room 201
333 E. Michigan Avenue
Lansing, MI 48933

MEETING MINUTES

Generally Accepted Agricultural and Management Practices
Site Suitability Determination Appeal
Little Bend Piggery

September 7, 2017

PRESENT:

Dru Montri, Chair, Michigan Commission of Agriculture and Rural Development
Bob Kennedy, Vice Chair, Michigan Commission of Agriculture and Rural Development
Diane Hanson, Past Chair, Michigan Commission of Agriculture and Rural Development
Jamie Clover Adams, Director, Michigan Department of Agriculture and Rural Development

EXCUSED:

Brian Pridgeon, Secretary, Michigan Commission of Agriculture and Rural Development
Trevor Meachum, Past Chair, Michigan Commission of Agriculture and Rural Development

CALL TO ORDER AND ROLL CALL

Chairperson Montri called the meeting of the Commission of Agriculture and Rural Development to order at 11:00 a.m. on September 7, 2017. Commissioner Kennedy called the roll with Commissioners Hanson, Kennedy, and Montri, and Director Jamie Clover Adams present. Commissioners Meachum and Pridgeon were excused.

APPROVAL OF AGENDA

MOTION: COMMISSIONER HANSON MOVED TO APPROVE THE MEETING AGENDA FOR SEPTEMBER 7, 2017. SECONDED BY COMMISSIONER KENNEDY. MOTION CARRIED.

APPROVAL OF JULY 19, 2017, MEETING MINUTES

MOTION: COMMISSIONER KENNEDY MOVED TO APPROVE THE JULY 19, 2017, MEETING MINUTES. SECONDED BY COMMISSIONER HANSON. MOTION CARRIED.

COMMISSIONER TRAVEL

Commissioners Hanson, Kennedy, and Montri traveled to attend today's meeting. There was no other travel submitted for approval.

MOTION: COMMISSIONER KENNEDY MOVED TO APPROVE THE COMMISSIONERS' TRAVEL. SECONDED BY COMMISSIONER HANSON. MOTION CARRIED.

**GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES SITE
SUITABILITY DETERMINATION FOR LITTLE BEND PIGGERY – APPEAL PROCESS
REVIEW AND SUMMARY OF DEPARTMENTAL ACTIVITIES: Jim Johnson, Division
Director, and Ron Cummings, Right to Farm Program Manager, Environmental
Stewardship Division**

Mr. Johnson expressed his appreciation for the Commission's flexibility in holding this special meeting today to help expedite the appeal process. Prior to discussion about Little Bend Piggery in Concord Township, Jackson County, he and Mr. Cummings would like to provide an historical perspective, describe siting, the appeal process, and establishment of the review panel asked to review specifics of the department's decision relative to Little Bend Piggery.

The purpose today is to receive comments from the general public, hear from the Professional Review Committee, and consider that committee's recommendation. The Commission will then make a recommendation to the Director to either affirm or to reevaluate the site suitability determination. Ultimately, the decision rests with the Director.

In the years from 1960 and into the 1980s, there were many people moving from urbanized areas into agriculturally zoned areas of the state. Once there, they discovered they did not enjoy the noise, dust, and smells of agricultural production and began suing farmers as nuisances and winning those cases. The Michigan Legislature enacted the Right to Farm (RTF) law in 1981, basically providing an affirmative defense against nuisance lawsuits for farmers that were in conformance with Generally Accepted Agricultural and Management Practices (GAAMPs). The response by citizens in these areas was to convince local units of government to impose conditions and penalties that would all but eliminate the possibility of livestock agriculture in agriculturally zoned areas in Michigan. This culminated in 1999 with the Legislature enacting RTF language that preempted local units of government from putting in place language that "purports to extend or revise in any manner the provisions of this Act or GAAMPs developed under this Act." This amendment also called for the creation of a GAAMP for the site selection and odor control at new and expanding livestock facilities. This is the only GAAMP of the eight GAAMPs named within the law itself. The first GAAMP for siting was proposed to and approved by the Commission in June 2000, and has since been reviewed, improved, and approved on an annual basis.

History has shown that many would like RTF to be more than was intended, and this is also true about application of the Siting GAAMP. Although it does take a great deal into account, there are some areas it does not govern. Its main focus is the placing of new or reviewing expansion of livestock facilities in a way that allows us to best limit the potential for nuisance conditions.

Mr. Cummings advised the appeal is related to the Siting GAAMP specifically. Through the siting process, there needs to be conformance to all applicable GAAMPs; however, most of the department's decision is centered on the Site Selection and Odor Control GAAMP itself. The Siting GAAMP is intended to help producers determine the site suitability of a new or expanding livestock facility. It outlines a process for a producer to

submit a Site Verification Request to the department and receive a determination of whether it conforms with the Siting GAAMP. The GAAMP outlines specific criteria the verification needs to consider and meet, and the department must review each component to ensure it is in conformance with the GAAMP. It includes consideration of the number of residences in the area, proximity to wetlands, floodplains, or drinking water sources, property setbacks, and proximity to residentially zoned and high public use areas. The GAAMP also outlines specific technical aspects that need to be included in the verification request. The primary components are the site plan; manure management system plan that outlines storage, handling, and any land application specifics; odor management plan that includes outputs of the Michigan Offset Model, demonstrating where the odor extent is and where odor could be experienced; and construction information for reviewing site feasibility for both manure and housing facilities.

A very detailed document outlining each piece of information that needs to be included in a Site Verification Request is available on the department's website. The department conducts a thorough review of each of those specific elements, conducts a site visit to identify any concerns so appropriate changes can be made, and ultimately makes a suitability determination. Notification of suitability is then made to the owner and the local units of government, the township and the county. This is the point at which an appeal of the suitability determination can be made to the Commission to review the determination.

The next step in the process is construction. The producer will submit plans and drawings stamped by a professional engineer, which are reviewed by department engineering staff. As needed, staff inspect construction in progress for quality assurance purposes. Once construction has been completed, a final verification inspection is conducted to ensure structures were built in conformance with the plans and according to the verification request. Following approval of actual construction, a final verification notification letter is sent to the owner and the local units of government, completing the process.

In the Litle Bend Piggery verification process, the department was able to make a site suitability determination and approve their construction drawings in a simultaneous process.

The Site Selection GAAMP includes an appeal process where a facility owner, neighbor within one mile of the proposed facility, or local unit of government can request a review of the Michigan Department of Agriculture and Rural Development's (MDARD) site suitability determination. Appeal requests must be submitted, in writing, within 45 days of MDARD's determination and include supporting documentation. The Site Selection GAAMP further outlines the appeal process, including the appeal is reviewed by MDARD and a Professional Review Committee is formed consisting of at least three technical experts in the area of odor and livestock management systems and site selection in general. To avoid any conflict of interest, the department relied on the Chair of the Site Selection GAAMP Task Force to assemble those committee members. The committee reviews the determination and reports recommendations to the Commission within 45 days. The Commission must review the appeal and make a recommendation to the

Director whether to affirm or reevaluate the site suitability determination. Ultimately, the Director makes a final decision for the department.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Commissioner Montri reminded attendees if they would like to make public comments, to please complete a Public Comment Card and submit it to Commission Assistant Cheri Ayers. The Commission wants to be fair to all members of the public wishing to speak today to ensure they have the opportunity to hear everyone wanting to share comments. The limit for each individual is three minutes. To help facilitate that, Commissioner Kennedy will identify when you have one minute remaining, as well as signaling when three minutes have expired. She asked that everyone please be respectful to others in the room and keep to that time limit.

Although it might seem like a formal setting, she reminded the audience we Commissioners are people, parents, and neighbors, and it is very important for us to hear your comments. To make the process easier, please clearly state your name and where you are from, especially in proximity to the facility we are discussing, state your concerns, and please be conscious of time so we can hear the actions and solutions you think are best for the Commission. She will indicate who is invited to speak, as well as who will be up next so speakers can take a deep breath and feel prepared. We want to ensure you have the best opportunity to state your case.

Bruce Lowstuter, Concord, advised he lives about three miles from Mr. Dobbins' proposed facility, and his main concern is the drain running along that property. He was fine with the piggery until he realized the drain goes under Litle Road and directly into a tributary of the Kalamazoo River. The drainage ditch is a relatively wide area through which quite a volume of water passes. He understands the buildings are designed to be self-contained; however, being a retired engineer, he realizes every plan instituted has something go wrong. At some time, there will be a discharge. He would like to see E. coli monitoring at the bridge over Litle Road to help indicate if there are any discharges from that facility. The river is used recreationally, with canoes, kayaks, rafting, and fishing, and he is concerned about contamination of that water.

Ken Frey, Concord, advised he lives about two miles from the piggery site. He is concerned because of his health. He would like to see the experts identify who has health problems and would be affected by the discharge, either gaseous or liquid. He would also like to see the spill plan, the sewage and waste treatment plan, inspection and monitoring of the gases, fluids, and solids. Who will do that? What about emergency response, clean-up, and remediation plans, equipment maintenance and monitoring plans, and education of employees, management, and township responders? How will over-application to the soils be monitored and when? According to Jackson County Drain Commissioner Geoffrey Snyder, a water quality baseline needs to be established to prove or disapprove the existence of pollution, yet there is no requirement for the farmer to perform or provide such testing. He proposes the Concord Township Board of Trustees enter into a mutually agreed upon contract with Litle Bend Piggery to provide monies set aside by the piggery, under stewardship of the township, for needed inspections and monitoring by an independent, certified, licensed entity. Also for maintenance and repair of the roads above the cost for the past three years, because

the road will breakdown from the heavy truck traffic; and clean-up and remediation of any explosions, spills, or over-application of wastes.

Pegg Clevenger, Spring Arbor Township, advised her granddaughter attends Parma Elementary School, which is close to this CAFO site. She is a business owner and is pro-farmer and pro-pork. The incorporated Village of Parma sits close to the CAFO, at one point six miles away, and 350 elementary school children attend that school in Parma, with parents traveling there daily. Little Road, which is a narrow, shoulderless country road, and nearby King and Parma Roads are dotted with over 50 homes of families who have lived there from 15 to over 100 years, as well as a long-time resident who plans to live out his life in his little piece of paradise. The site for this CAFO is not a rural site with expanses of farmland or woods surrounding. It is placed where people make their homes. The Siting GAAMP states Category I sites are those that have been traditionally used for agricultural purposes and are in an area with relatively low housing density. This site is actually labeled pre-settlement forested wetland and has not been traditionally used for agriculture. It is a small forest with a wetland. Downhill from the site is a lush area that provides a favorite hunting area. The site's drain connects with the drain that becomes the head waters of the Kalamazoo River, which is Concord's area for camping, recreation, fishing, and family swims. Not only is the CAFO uphill from the drain, the fields for manure injection follow this water course. How can that be acceptable? This is not a Category I site for a CAFO. Availability of Class A roads is another condition listed in the Siting GAAMP, of which there are none to feed the proposed site. The main objection she has is not having been able to review the manure storage facility plan, the odor management plan, or the site map development – those materials were not made available to residents, making it difficult to comment specifically. The Manure Management GAAMP should cover runoff, but we have also heard about friends from Lenawee County that accidents do happen. We do not want to risk this bucolic space where people enjoy their homes, but rather protect it from a finishing operation with 3,500 hogs.

Elaine Wolf-Baker, Jackson, advised she lives in Jackson, about 14 miles from the Concord site. She and her son are very interested in organic gardening and were looking for property near the site. After hearing about the piggery, they began investigating whether it was feasible to purchase property there. Both sides of her family are farmers and she has no general objection to CAFOs; but, she discovered there is absolutely no processing of raw sewage, yet livestock produce two and one-half to five times the amount of waste that humans do. In any village of 3,000-5,000 people, a waste control facility would be required. She understands there are about 272 CAFO operations in Michigan and none have any kind of treatment facility, it is simply spread over the landscape and rain events or other situations producing runoff send into the water table, neighboring wells, drains, any nearby waterways. The RTF Act to them appears to be an unjust law, and completely different rules should apply to CAFOs and to small farms. The other concern is this site has apparently been approved by MDARD, even though they were told by the Michigan Department of Environmental Quality (MDEQ) it is partially situated in forested wetlands. She thought Part 303 protected the wetlands and does not know how it could have been sited.

The Director asked Ms. Wolf-Baker if she had the name of the MDEQ person she referenced and when she received that information. Ms. Wolf-Baker advised it was a conversation with Rachel Burns in early June and that MDEQ had recommended location of the barns be staked out to confirm if they would be in that area or not. The Director confirmed with Ms. Wolf-Baker that the overall site was only a partial wetland and the barns had not yet been staked out.

Jill Benn, Spring Arbor, thanked the Commission and the Director for the opportunity to speak today. She is a fourth-generation Concord Township resident with many friendly farming neighbors. They live about one mile from the piggery site and shared a map indicating that proximity. She does not feel this an appropriate site for this type of facility and referred to an article she sent previously with her comments, "Understanding CAFOs and Their Impact on Communities" published by the National Association of Local Boards of Health. It very clearly references reliable research pointing to several negative and potentially devastating environmental and health effects which could result from this type of operation, especially with it built near a protected wetland and near the Spring Arbor-Concord drain. The Jackson County Drain Commissioner has already sent a letter of concerns and recommendations to both the township and this committee, and she advised she would speak to health issues which could potentially harm nearby neighbors. There are about 50 houses within an approximate one-mile radius and of those within about one-quarter of a mile from the proposed site, there is an elderly gentleman with heart disease who recently suffered from pneumonia and a stroke. There also are a few small children who have needed breathing treatments within the one-half mile range. Within the approximate one-mile range, there are multiple elderly people who have problems such as emphysema, heart disease, COPD, leukemia, or asthma. And in that same area, there several children and adults who suffer from asthma. People in this area should be able to breath clean air and not be exposed to air contaminants that could be detrimental to their health. According to the referenced article, CAFOs tend to produce and worsen already problematic conditions. She publicly asked the proposers of this facility at township board meetings to provide at least one air monitor for neighbors to ensure their air does not contain harmful contaminants from this facility. There has been no official response. If this site is approved, she asks that to protect the health and wellbeing of nearby residents, the facility be required to produce and follow an odor management plan that includes technology, such as an in-facility air scrubber and a screen of pine trees surrounding the facility, to reduce air contaminants. She shared Concord and Parma Township maps from the 2014 Jackson County Plat Map Book which show farm property owned by this family on whose property the site is being proposed. Could there be a different and more appropriate location selected for this operation? Additionally, she included a 2011 existing land use map from the Concord Master Plan of 2014, which shows the large area that is categorized as residential use next to and in surrounding areas of the proposed location. She asked this information be taken into consideration when deciding whether or not to approve this particular proposed location for the piggery.

Susanne Spice, Parma, advised she lives on the boarder of the field that surrounds the proposed CAFO. She understands the need for farmers and appreciates their hard work in putting good food on our tables, and that we all must work together and support each other to live in harmony. She has experienced this particular farming family for 29 years,

since their acreage borders her yard on three sides. She has tried to be understanding when various incidents have occurred and did not create nuisance reports, because she knows they were not intentional; accidents do happen. However, she cannot understand why there is no concern for the health and safety of her family and her neighbors. How does it make sense to put 5,000 hogs and millions of gallons of manure in the middle of a populated area? How is it okay to allow a piece of land to be decimated that is now a peaceful wooded area with a county drain flowing through it as beautiful as any named river? Time and time again we read of accidents, thousands of dollars have been spent to clean up the problems, and many years from now, they will still be in recovery. And yet it is proposed to put nature in the balance of man's good intentions and wait for it to possibly happen again? There is an opportunity here to make a responsible decision, to keep our environment as clean as possible. Having millions of gallons of manure stored in basements and spread over the land surrounding residences is a sad story just waiting to be written. She asked the Commission to change the outcome today by realizing this site doesn't make sense, to keep Michigan pure, and thanked them for their time. She also shared a map indicating where she lives in proximity to the proposed site.

Bruce Bowser, Parma, advised he lives about one and nine-tenths miles from the proposed site. He very much appreciates the time the speakers have put into researching this situation, which speak volumes about how the community should pull together and act responsibly. Having spent several military tours in North Carolina, most likely the second largest hog producer in the country, he knows the extreme odor problems that can be created, although that area uses open collection ponds as opposed to systems proposed here. Prevailing winds of this site are almost in direct line with Parma Village and just under two miles away from Parma Elementary School. He is concerned about the health impacts on the community. Google Maps shows the tributary feeding the Kalamazoo River and the site is on a hill leading down toward that tributary. Is the manure going to be spread when possibly there still is some frozen ground? Heavy rains will cause that to run into the waterway. The site is a concern to him. The Commission has a large responsibility on its shoulders to ensure that their lives are not adversely impacted. Mr. Dobbins has a right. But, we matter too. We have a right to a clean environment, to pursue our livelihoods, and protect our property. Thank you for your time.

Shane Cappama, Parma, advised he lives about one-half to eight-tenths of a mile east of the proposed facility. He attended several townhall meetings, during which they were told there were five locations proposed to MDARD and MDARD selected the Little Road site. He would like to know if that is true. The Director asked if he could advise who made that statement. Mr. Cappama advised it was Al Cavasin, Supervisor of Concord Township. One of the other situations with this site location is power, he has lost power several times from six hours to multiple days due to high wind storms. As he understands in these CAFOs, once power is lost, the temperature spikes and a mass die-off results, such as the Barton Farm experienced. This area is considered a high recharge area for well water and monsoons can be experienced causing any contamination to go straight to the groundwater table. The hydrology maps indicate this facility is located on a wetland and is in direct contact with the county drain. The area proposed for spreading of manure will follow the wetlands. With this odor print, due to

fans blowing out emissions, some serious flaws exist. He worked in environmental emission modeling software and realized this does not take into consideration wind direction and it also has massive offsets for no apparent reason. The county drain goes well within the boundaries identified in the odor print, which shows there will be contamination of the drain and the groundwater.

George Spice, Parma, advised he is the close neighbor of the proposed site. What concerns him is the RTF Act seems to overpower the right to live and the right to have your own property and not have to put up with something that will hurt you, or offend you. He advised he is not against farming and knows we need farmers. This location is in the farthest corner from Concord, why? Because they don't want it there either. Nobody wants a piggery factory to be around their house, to smell it, to walk out and be disgusted because you can't breathe. The property values will drop, because no one will want to buy a home next to a piggery. It is not fair to have laws that say they get to do this and tough luck to others, this is absolutely wrong. He feels he should be able to live on his property without manure being spread around three sides and have nothing to say. The people not affected do not care. Those of us who are affected really do care about this. Why put pigs in a marsh area with woods, a pond, and river running through it? It makes no sense; doesn't anyone care anymore? Would you do it if it were going in your backyard? There currently are no CAFOs in Concord Township and none in Jackson County. The processor in Coldwater wants 100 of these CAFOs within 100 miles, and once that happens, we will have a contaminated township.

Commissioner Montri asked if his home is one of the non-farm residences within one-half mile of the site. Mr. Spice advised it is straight behind his property, and he will look back to the woods and see the piggery.

PROFESSIONAL COMMITTEE REPORT – APPEAL OF THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMP) SITE SUITABILITY DETERMINATION FOR LITLE BEND PIGGERY: Dr. Dale Rozeboom, Professor, Michigan State University Department of Animal Science, Professional Committee Chair, and Chair, Site Selection GAAMP Task Force

Dr. Rozeboom reported the Professional Committee reviewing the GAAMP Site Suitability Determination for Litle Bend Piggery consisted of Suzanne Reamer, an environmental engineer with the U.S. Department of Agriculture Natural Resources Conservation Service, Catherine Mullhaupt, staff attorney with the Michigan Townships Association, and Nathaniel Hude, environmental quality analyst with MDEQ, Air Quality Division, and himself.

The committee reviewed a substantial amount of information provided by MDARD, including (1) correspondence and supporting documentation from those who submitted the appeal to MDARD, (2) supporting documentation from the producer's application to MDARD for siting verification, (3) MDARD's documentation of the siting process; and (4) Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (Siting GAAMP) dated January 2017. All four of the committee members serve on the Siting GAAMP Task Force which annually reviews the GAAMP, and with that awareness, they considered all aspects of the siting. Following individual review of the documents, the committee met

on three occasions to discuss the determination in depth and consider each item as delineated in the GAAMP. Their resulting report was completed and provided to MDARD and to the Commission on August 25, 2017.

Criteria in the Siting GAAMP assesses the density and proximity to neighboring non-farm residences within one-half mile of a facility this size. This proposed location is a Category 1 site, meaning there are less than five non-farm residences within one-half mile of the site. Relative to residential structures within one-quarter mile and one-half mile, the professionals noted (1) the assessment appears to use the estimated edges of the future buildings; (2) one residential structure is within one-quarter mile and is not opposed, or did not sign the opposition statement; (3) two residential structures are within one-half mile and are not opposed, or did not sign the opposition statement; and (4) two residences just outside one-half mile have signed the opposition statement. The proposed facility meets the criteria set forth in the Siting GAAMP related to population density and proximity of non-farm residences.

They considered the comments made about potential health issues. The Siting GAAMP review is based on the odor nuisance potential, using the Odor Offset Tool as developed by the University of Minnesota and revised by Michigan State University. It was designed to consider the chance of odor being a nuisance. The footprint as determined by the consultant and presented to the committee was, in their opinion, completed correctly and used appropriately. The committee concurred with the results as presented in the siting proposal.

Concerns expressed by the appellant relative to transport of manure is not within the purview of the Siting GAAMP to directly consider in the decision of whether to issue site suitability. This is addressed within the Manure Management and Utilization GAAMP and would be part of the manure management planning completed by the farm in the future.

Overall, the final recommendation of the recognized professionals relative to Little Farm Piggery was to affirm the siting proposal. It is their opinion that all criteria in the Siting GAAMP were appropriately addressed in the determination of site suitability.

In response to inquiry from Commissioner Montri, Dr. Rozeboom confirmed in their assessment of the resident addresses, it was determined those within one-quarter and one-half mile of the proposed site did not sign the opposition document. According to the criteria set forth in the Siting GAAMP, they would have been then asked to sign a form, but it would not have affected the determination criteria.

Commissioner Kennedy asked relative to the wetland issue and Dr. Rozeboom confirmed the site location as indicated in the siting application is not on wetland. Commissioner Kennedy noted the Manure Management and Utilization GAAMP controls manure application and injection rates. He advised the information provided to the Commission covered any questions he had regarding the subject siting process. He added that the hog facility buildings in Michigan are totally different from those used in the Carolinas, being they are totally self-contained structures.

Dr. Rozeboom advised that, having Chaired the Manure Management and Utilization GAAMP Task Force prior to his current role as Chair of the Siting GAAMP Task Force, his observation is the GAAMP addresses soil types, soil concentration of nutrients, and the required Comprehensive Nutrient Management Plan would provide for application of nutrients at an agronomically balanced rate and not be excessive in their application. The plan would have to be followed according to the MDEQ permit.

Commissioner Montri noted it is her understanding this is only one part of the process, and some of the concerns expressed are, if the farm is sited, they will be able to do whatever they want and contamination will result; however, this is simply not the case. There are multiple GAAMPs that must be followed and if not in conformance, they are not protected under RTF. Dr. Rozeboom concurred, noting in addition to the Siting and Manure GAAMPs, there are GAAMPs covering farmstead requirements for the building site, well protection, and nutrient management of crop production.

With his experience in the industry, Commissioner Montri asked Dr. Rozeboom relative to the power situation at CAFO facilities, as it is her understanding those facilities are required to have emergency management plans, backup generators, and notification to management's cell phones in power outage situations, because it is in their interest to not lose any of their livestock. Dr. Rozeboom advised on farms like this one, there would be a series of three backups to a power outage, including immediate notification by cell phone, immediate notification the backup generator (large enough to sustain all of the electrical demands of the building and the livelihood of the animals, which is tested and fueled on a consisted basis) has started, a mechanism to lower the building's side curtains in the rare instance the backup generator fails, and by then, because of the notifications, farm staff would be there to ensure that happens.

Commissioner Montri noted concerns were heard about the property being a small forest with partial wetland and her understanding is the site under consideration today has been determined suitable and is not part of a wetland. Dr. Rozeboom confirmed the documentation received supported that engineering had taken soil borings and determined the seasonal high-water table where the site is going to be located would not come into contact with the concrete storage beneath the building and was sited appropriately based on those engineering borings.

Commissioner Montri asked about the drain running through the property and how that is or is not considered part of the Siting GAAMP. Dr. Rozeboom advised his understanding of the Siting GAAMP is that drains would come not under the authority of the Siting GAAMP, but under the authority of the local township and county drain commissioners, who would take responsibility in a siting assessment such as this and clearly make known their objections in writing. Commissioner Montri noted they did receive a letter from the drain commissioner expressing some concerns and her understanding is this is not under the purview of the Siting GAAMP. Dr. Rozeboom concurred.

Commissioner Montri advised today, we are discussing specifically the site suitability determination based on the Siting GAAMP. The Commission has two options, one is to affirm the subject site suitability determination meets the Siting GAAMP and the other is

to ask for that site to be reevaluated based on the Siting GAAMP. She asked Dr. Rozeboom if the Professional Review Committee saw any reason there should be a reevaluation. Dr. Rozeboom advised that according to the present Siting GAAMP, they feel the siting suitability process was completed appropriately and the determination should go forth.

On behalf of the Commission and the Department, Commissioner Montri thanked Dr. Rozeboom and his committee for their time and efforts in this matter.

COMMISSION DISCUSSION AND RECOMMENDATION

Commissioner Montri confirmed the Commission's charge in this matter is to listen to public comment, review documentation from the Professional Review Committee, evaluate the site suitability determination, and make recommendation to the Director to either affirm the subject site suitability determination was made according to the Siting GAAMP, or ask for reevaluation of the site.

Commissioner Hanson advised that having heard the Professional Review Committee report and confirmations, she feels Little Bend Piggery has met all requirements for siting under the Siting GAAMP.

Commissioner Kennedy concurred with Commissioner Hanson's comments. The facility has proceeded through the nine-step process specifically provided for in the Siting GAAMP for livestock operations, Dr. Rozeboom's committee reviewed the entire process and confirmed appropriateness of that siting, and it meets the criteria set forth in the Siting GAAMP.

Commissioner Montri advised she feels there were some real concerns expressed today and some do not come under the purview or purpose of this meeting. Through this process, she has become aware of other questions to be considered as they revisit the GAAMPs each year and consider the way in which the GAAMPs are written. She also agrees that following the Professional Review Committee's recommendation, she does not see, that if this siting suitability determination were to be reevaluated according to the current Siting GAAMP, there would be a different determination.

MOTION: COMMISSIONER KENNEDY MOVED TO MAKE RECOMMENDATION TO THE DIRECTOR TO AFFIRM THE SITE SUITABILITY DETERMINATION FOR LITTLE BEND PIGGERY IN CONCORD TOWNSHIP, JACKSON COUNTY. SECONDED BY COMMISSIONER HANSON. MOTION CARRIED.

In terms of next steps, the Commission's recommendation goes to the Director, and the Director will make a final decision for the department.

The Director expressed her appreciation for everyone being here today. She has visited the site and reviewed all siting documentation and written comments received, as well as the Professional Review Committee summary report. She appreciates all the comments made today, both from the public and the Commissioners. She will review all the

information once again and will be issuing an order within the next seven-ten days. She appreciates everyone's work on this case and the documentation provided.

ADJOURN

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

The meeting adjourned at 12:22 p.m.

Attachments:

- A) *Agenda*
- B) *Agriculture and Rural Development Commission Meeting Minutes July 19, 2017*
- C) *Site Suitability Determination Appeals Process*
- D) *Litle Bend Piggery Summary*
- E) *Litle Bend Appeal*
- F) *Litle Bend Piggery Siting Request File*
- G) *Litle Bend Piggery Letter and Committee Report 8.25.17*
- H) *Public Comments Submitted to Commission Relative to Litle Bend Piggery*
- I) *Map submitted by Susanne Spice during Public Comments Period*
- J) *Maps submitted by Jill Benn during Public Comments Period*
- K) *MDEQ Letter to Mr. Richard Dobbins submitted at meeting*
- L) *Concord Township Memo to Ron Cummings with Attachments submitted at meeting*
- M) *Doug Terry Letter to Mr. Mahoney with Attachments submitted at meeting*