

MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

Constitution Hall
Atrium Level, Con-Con Conference Room
525 West Allegan Street
Lansing, Michigan 48933

MEETING MINUTES JANUARY 24, 2018

PRESENT:

Dru Montri, Chair, Michigan Commission of Agriculture and Rural Development
Bob Kennedy, Vice Chair, Michigan Commission of Agriculture and Rural Development
Brian Pridgeon, Secretary, Michigan Commission of Agriculture and Rural Development
Trevor Meachum, Past 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

CALL TO ORDER AND ROLL CALL

Chairperson Montri called the meeting of the Commission of Agriculture and Rural Development to order at 11:05 a.m. on January 24, 2018. Commissioner Pridgeon called the roll with Commissioners Hanson, Kennedy, Meachum, Montri, and Pridgeon, and Director Jamie Clover Adams present.

APPROVAL OF AGENDA

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE MEETING AGENDA FOR JANUARY 24, 2018. SECONDED BY COMMISSIONER MEACHUM. MOTION CARRIED.

APPROVAL OF NOVEMBER 8 2017, MEETING MINUTES

MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE NOVEMBER 8, 2017, MEETING MINUTES. SECONDED BY COMMISSIONER HANSON. MOTION CARRIED.

NEXT SCHEDULED MEETING

The next scheduled meeting is March 21, 2018. The meeting location will be posted as soon as secured.

COMMISSIONER COMMENTS AND TRAVEL

Commissioner Hanson advised dairy prices are very low and farmers are concerned. Also, in the Upper Peninsula, a great deal of milk is shipped to cooperatives in Wisconsin and the related incentives have been cut, adding to concerns of UP dairy producers.

Commissioner Kennedy reported he attended the Michigan Agribusiness Association Winter Conference, with very informative meetings and record attendance. The overall theme resonated that things remain very challenging economically for the farm sector, and current outlooks indicate that will continue for at least the near term. Something to monitor

is yesterday's major announcement by CSX Transportation relative to the sale of rail lines across the U.S., with some Michigan lines being targeted.

Commissioner Meachum advised he attended the Great Lakes EXPO in December. He also joined several Michigan State University (MSU) Extension meetings, including advisory meetings for Trevor Nichols Research Center in Fennville and the Southwest Station in Benton Harbor, where discussions centered on issues growers are facing and what Extension Service needs to consider. Two weeks ago, he participated in a Michigan Vegetable Workgroup at MSU, where local extension agents and guests from across the state conducted a roundtable discussion with MSU staff focusing on research needs in specific areas of the state. This gave MSU a great opportunity to evaluate research efforts and determine whether changes are needed. This year's MSU Agriculture Innovation Day will be held on June 28 at the Southwest Michigan Research and Extension Center in Benton Harbor and will focus on fruit and vegetable technologies. He encouraged anyone with an opportunity to attend this hands-on demonstration and innovation day, and potentially, a Commission meeting could be schedule around the event. Next month, he will be traveling to New Zealand for the International Tree Fruit Association meeting. It will include visiting farms in that country, who largely export their fruit crops. Affecting the apple industry in Southwest Michigan are refrigerated freight rates, which are at an all-time high. A semi-truck from California to New York, if you can find one, costs \$10,000. That is partially being driven by new requirements for electronic logging and there are fewer capable semi-trucks available. Rail transportation is also tight. There has been a voluntary recall of apples from a packing house in Grand Rapids for possible *Listeria* contamination that has affected the entire industry in Michigan. The industry is working on how to prevent this in the future and identify what they can do better. In response to question from the Director, Commissioner Meachum advised apples are now a global commodity and imports are directly affecting U.S. market share, creating slimmer margins for U.S. growers.

Commissioner Pridgeon reported he attended the Michigan Farm Bureau Annual Conference in December, as well as the Michigan Agribusiness Association breakfast meeting. The same themes were expressed, that it will be a tight year economically for Michigan farmers. Clemens Food Group provided an update on their Coldwater operation. It was encouraging to hear the way in which they are increasing production and beginning to source more hogs locally.

Commissioner Montri advised she attended the Michigan Farm Bureau Annual Banquet, the Great Lakes EXPO banquet, and the Michigan Agribusiness Association breakfast. On their farm, they are enjoying the slower pace of winter, but have continued with weekly harvests and selling produce through direct marketing. For 2018, because they are seeing more demand from multi-farm CSAs (Community Supported Agriculture) and some regional food hubs, they are exploring opportunities for expansion and growth.

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

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

COMMISSIONER ISSUES

Commissioner Montri reviewed a retirement resolution before the Commission recognizing Linda Gobler, who is retiring as President of the Michigan Grocers Association, and is here today. Commissioner Montri shared content of the resolution:

WHEREAS, Linda Gobler has retired as President of the Michigan Grocers Association; and

WHEREAS, Linda has spent more than three decades advocating tirelessly on behalf of the needs and interests of the grocery industry; and

WHEREAS, Linda has been a passionate voice of the grocery industry, not only with the Michigan Legislature, but also in countless workgroups and advisory committees, including the Food Safety Alliance and the Food and Agriculture Protection and Defense Working Group; and

WHEREAS, Linda's experience, advocacy, and support were critical in the development of what became the Food Law of 2000, the largest and most comprehensive overhaul of Michigan's food regulatory system in history, as well as subsequent workgroups that have met to keep the Food Law current and meeting the needs of industry, regulators, and consumers; and

WHEREAS, Linda has also been a key stakeholder and participant in legislative changes to the Michigan Weights and Measures Act, the Shopping Reform and Modernization Act, Pesticide Control Act, the Liquor Control Code, and other laws, as well as numerous regulations of interest to both the Michigan Department of Agriculture and Rural Development and the grocery industry; and

WHEREAS, Linda's support for food safety, nutrition, and recycling initiatives have positively influenced public policy and have helped to improve the quality of life of the Great Lakes State.

THEREFORE, be it resolved, the Michigan Commission of Agriculture and Rural Development thanks Linda Gobler for her years of dedicated service to the food and agriculture sector and wishes her all the best in her future endeavors.

Commissioner Montri added she has personally had the privilege of working with Linda on various workgroups and advisory committees for the last 10 years and feels Linda's work has been an incredible inspiration. Her passion and ways to balance and navigate systems as an industry leader are admirable. We have been honored to have her as part of the agriculture industry and her work will always be appreciated.

MOTION: COMMISSIONER MEACHUM MOVED THE RESOLUTION FOR LINDA GOBLER BE ADOPTED WITH BEST WISHES FOR HER LONG AND HEALTHY RETIREMENT. COMMISSIONER KENNEDY SECONDED. MOTION CARRIED.

Commissioner Montri reviewed retirement resolutions for Jean Meiner and Faye Burns, who have retired from the Michigan Department of Agriculture and Rural Development (MDARD), and for Melvin Poplar, Sr., who retires from MDARD at the end of the month.

MOTION: COMMISSIONER MEACHUM MOVED THE RESOLUTIONS FOR JEAN MEINER, FAYE BURNS, AND MELVIN POPLAR, SR., BE ADOPTED WITH BEST WISHES FOR THEIR LONG AND HEALTHY RETIREMENT. COMMISSIONER KENNEDY SECONDED. MOTION CARRIED.

Commissioner Montri noted the Commission is looking to fill its positions of Secretary, Vice Chair, and Chair for 2018.

MOTION: COMMISSIONER HANSON MOVED TO NOMINATE COMMISSIONER KENNEDY AS CHAIR AND COMMISSIONER MEACHUM AS VICE CHAIR OF THE COMMISSION FOR 2018. COMMISSIONER PRIDGEON SECONDED. MOTION CARRIED.

MOTION: COMMISSIONER MEACHUM MOVED TO NOMINATE COMMISSIONER PRIDGEON AS SECRETARY OF THE COMMISSION FOR 2018. COMMISSIONER HANSON SECONDED. MOTION CARRIED.

Commissioner Montri passed the gavel to Commissioner Kennedy for chairing the remainder of today's meeting.

Commissioner Kennedy recognized Commissioner Montri for the excellent job she has done as Chair of the Commission, especially her attention to detail and accuracy in framing the issues, which have been a huge advantage to the Commission.

DIRECTOR'S REPORT

Director Clover Adams advised the top ten 2017 accomplishments for the department were published and are posted on MDARD's website and social media platforms. She is extremely proud of staff and all that has been accomplished. The document does not include what is routinely accomplished as part of our responsibilities, but highlights where staff have gone above and beyond to make a difference for the citizens of Michigan and the industry. Number one for her on the list is work dairy staff completed on a national scale that allowed Yoplait to produce a product that otherwise would not have been allowed under the current Pasteurized Milk Ordinance (PMO). Staff were also involved in the ZFS Ithaca new soybean processing facility, which is well underway. And our Laboratory Division greatly improved their processing of feed samples, from a 28-day turnaround to just a 5-day turnaround. She is very proud of staff for all their accomplishments.

During the Governor's State of the State address last evening, he recognized our wine and craft cider industries, mentioning the recent report of their economic value of \$5.4 billion, compared to the 2005 figure of \$300 million. The Governor talked about talent and he will be rolling out a "Marshall Plan" to frame where talent needs to be for Michigan's success. He emphasized we need to remake how we learn, how we teach our children, and how we as adults are life-long learners. For agriculture, this is extremely important.

The Governor's budget presentation will be made in early February. The Governor and Legislature have been very supportive of MDARD, and we anticipate our budget impact to be minimal.

The annual Pure Michigan Agriculture Summit will be held on March 14 at the Novi Showplace. We hope to have even more buyers this year. The trendline has been going up, which indicates a growing interest from both the sellers and buyers.

She encouraged Commissioners to review the U.S. Department of Agriculture Rural Prosperity Initiative that Secretary Perdue issued recently. It is an excellent compilation of what the rural parts of our country need. The Governor and the Secretary are on the same page regarding rural broadband and the department looks forward to working with the Secretary in advancing rural broadband in Michigan.

She previously referenced some of the decisions made by the Farm Service Agency (FSA) in Lenawee County and how they affected the state. FSA has reversed their decision on the eligibility of filter strips along drains, advising they are an accepted practice for CRP (Conservation Reserve Program). We were thankful to have been able to demonstrate to FSA that everyone else in the country considered them eligible, and the decision will greatly benefit the state. The practice is what brought total phosphorus down 36 percent since 2008 in the Western Lake Erie Basin. Some issues still need to be addressed with FSA relative to other decisions in Lenawee County and she, Chief Deputy Director Gordon Wenk, and Environmental Stewardship Division Director Jim Johnson are traveling to Washington, D.C., on February 6 to meet with the Acting Under Secretary to discuss how to rebuild trust with Michigan farmers.

Commissioner Meachum asked if there is a need for a unified Michigan voice relative to NAFTA (North American Free Trade Agreement) and how potential changes would affect agriculture. The Director advised all correspondence on the issue is beneficial. The Governor is working with other Governors to cite the importance of NAFTA. For Michigan, it is not only agriculture, but the automobile industry as well. Anything individuals do additionally would be helpful.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Tom Zimnicki, Michigan Environmental Council, thanked the Commission and everyone else in the room for their work for agriculture and best management practices. He is Agriculture Policy Director for the Michigan Environmental Council. The Council is an organization of more than 70 member groups across the state, and today they urge the Commission to delay its vote to modify the public appeals process for site suitability determinations under the Site Selection Generally Accepted Agricultural and Management Practices (GAAMP). They feel the development and adoption, if approved by this Commission, of the new policy will have been conducted completely outside of any public notification or comment period. The intent of the appeal process within the GAAMP is to allow the public an opportunity to raise formal concerns about livestock siting decisions within their region. They understand the desire to improve efficiency of the process; however, the lack of transparency and public input surrounding formation of the proposed policy change is counter intuitive to the spirit of the process within the GAAMP. They believe it is inappropriate to hastily move this revision to a vote without first obtaining public input or recommendations from the GAAMP Task Force Committee.

Commissioner Meachum asked if the Council is opposed to the proposed changes to the appeals process, or just the fact it was not publicly notified. Mr. Zimnicki advised they understand instances where appeal requests received fall out of the purview of MDARD and there should be a clearer distinction of what is an appealable issue. And to make those revisions without notifying the public seems backward.

Commissioner Montri asked if the Council wants the GAAMP Task Force Committee to review the process changes, or they want to see public comment. Mr. Zimnicki advised either or perhaps both would be ideal.

The Director asked if the Council feels the current process within the GAAMP is clear relative to what is accepted and if they were familiar with any of the other Commission policies, which are operational policy for the Commission. Mr. Zimnicki advised the Council feels there is a need to improve the appeals process and is aware of the other Commission policies; but, believes this one is unique, because it has direct interface with the public, and a small delay makes sense.

SITE SELECTION GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMP) ODOR MODEL UPDATE: Dr. Dale Rozeboom, Professor, Michigan State University (MSU) Department of Animal Science, Professional Committee Chair, and Chair, Site Selection GAAMP Task Force; Dr. Mike Kiefer, Assistant Professor, MSU Department of Geography, Environment, and Spatial Sciences; and Dr. Jeff Andresen, Professor of Geography and State Climatologist, MSU Department of Geography, Environment, and Spatial Sciences

Dr. Rozeboom noted later in the agenda, changes to the Site Selection GAAMP will be considered. He thanked the Commission for the opportunity to explain the revision proposed in the MI OFFSET (Odor from Feedlots Setback Estimation Tool) odor footprint tool that is utilized in determining site suitability of livestock facilities. The Site Selection GAAMP Task Force recommends changing from MI OFFSET 2000 to MI OFFSET 2018 because the revised model provides improved accuracy in the shape and size of the odor footprint. Dr. Mike Kiefer led work on the tool under the guidance of Dr. Andresen. Both work with climatology in the MSU Department of Geography and were instrumental in development of this revised model.

Dr. Kiefer explained there are limitations with the existing MI OFFSET 2000. MI OFFSET 2000 is based on data from only eight weather stations and large differences in wind and stability climatologies are known to exist across the state. In addition, MI OFFSET 2000 was developed using only nine years of observations. A considerably longer period (at least 30 years) is ideal to ensure that a single anomalous year does not skew the climatology. Overlaying the odor footprint generated by MI OFFSET 2000 onto maps of neighbors, roads, etc., is a cumbersome and potentially error-prone procedure.

MI OFFSET 2018 provides a new source of wind and stability climatology and is based the North American Regional Reanalysis (NARR). It is a National Weather Service product which is a combination of weather model forecasts and observations. Grid spacing is 32 kilometers, or about 20 miles, temporal frequency is three hourly, and the period of record is from 1979 to the present. MI OFFSET 2018 utilizes data from 1979 through 2008.

A dataset comparison of MI OFFSET 2000 versus 2018 demonstrates there are seven Michigan reporting stations in OFFSET 2000 compared to the 142 grid points utilized in OFFSET 2018. The period of record for OFFSET 2000 is nine years, as compared to the 30-year period of record for OFFSET 2018.

The spatial variability of odor footprints in Michigan indicates a one-size-fits-all approach is not appropriate in Michigan, although that has been the standard.

A seasonal variability in the five percent odor footprints also exists, with two peaks, one in winter, and one in summer. MI OFFSET 2018 considers the full calendar year, as opposed to the April-October timespan for MI OFFSET 2000 and grid points that see an increase in footprint size outnumber those with a decrease (54 percent versus 44 percent). However, at most grid points, 61 percent of the changes are very small, being less than 10 percent increase or decrease. The increase in footprint area is the direct result of including the winter footprint area maximum.

With the improvement in accuracy provided by MI OFFSET 2018, the shape and size of the footprint will be different for some locales from the footprint that would have resulted from using MI OFFSET 2000. In general, footprints will be larger using the full-year dataset rather than the warm-season-only dataset. The revised tool provides a greater degree of confidence that the sites used for new and expanding livestock production will have minimal impact on the nearby residences.

In response to questions from Commissioner Montri, Dr. Kiefer advised the OFFSET 2018 model was developed based on an available 1979 to 2008 NARR dataset, which could be updated in the future. However, they are not aware of any temporal trends that exist in that dataset and feel it is representative. The international standard for updating climatological normal data is each decade.

In response to question from the Director, Dr. Rozeboom advised funds to develop the OFFSET 2018 tool were provided from a Michigan Animal Agriculture Alliance grant and Dr. Andresen advised cost of the project was about \$45,000.

Commissioner Meachum asked what causes the winter spike. Dr. Kiefer advised winter data deals with different wind direction and high vertical atmospheric stability, which provides data not seen before. The summer peak is the result of lighter winds.

Commissioner Pridgeon asked for a summary of discussion that occurred within the Task Force Committee that led to the seven to six vote on the revised tool. Dr. Rozeboom advised Dr. Kiefer reviewed the scientific information with the committee on two different occasions and the committee discussed it at length. It was a close vote because there is no science, other than the science that suggests this now most accurately represents the maximal impact of a livestock facility on its neighbors. The MI OFFSET 2018 would potentially reduce the number of odor complaints; but, conversely, it will potentially reduce the number of possible sites deemed suitable for construction of livestock facilities. After considerable deliberation, the Site Selection GAAMP Task Force Committee voted to recommend the use of MI OFFSET 2018.

Commissioner Montri asked about the training sessions mentioned in the documents provided. Dr. Rozeboom advised the first training was held in December and 12 professionals who utilize the tool participated. A second training is scheduled on February 24 and will again be made available to those same professionals. The training

demonstrates the ease of using the tool through software developed to apply the tool, including interface with GIS (Geographic Information System) and Google maps.

In response to inquiry from Commissioner Montri, Dr. Rozeboom advised the example print is based on factors entered into the model and specifics on the proposed farm will now be used to predict a footprint for a given location. It is his understanding that non-residences that fall within one-half mile or within the odor footprint in the new shapes that are location specific must be notified by the applicant.

Commissioner Montri asked about consideration when livestock sites are close together. Dr. Rozeboom advised there are two different modeling approaches when considering impact of odors. One is a receptor-based approach and one is a point source approach. The receptor-based modeling approach considers possible influence of multiple or cumulative sites and the MI OFFSET tool is a point source, which is considered in the current GAAMP. This is a very complex discussion, including the various legalities, that the Site Selection Task Force will be undertaking again during their 2018 review. The Director pointed out Michigan could reach a point where no new sites would be allowed.

Dr. Rozeboom thanked Drs. Kiefer and Andresen, as well the previous Site Selection GAAMP Task Force Chair, Dr. Wendy Powers, and Gerald May at MSU Extension for encouraging adoption of this OFFSET revision to create a more accurate tool for everyone in the State of Michigan.

**GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS)
FOR THE CARE OF FARM ANIMALS, FOR MANURE MANAGEMENT AND UTILIZATION,
FOR CRANBERRY PRODUCTION, FOR FARM MARKETS, FOR IRRIGATION WATER USE,
FOR NUTRIENT UTILIZATION, AND FOR PESTICIDE UTILIZATION AND PEST CONTROL:
Jim Johnson, Division Director, Laura Doud, Environmental Engineering Specialist, and Ben
Tirrell, Right to Farm Program Manager, Environmental Stewardship Division**

Mr. Johnson advised he appreciates the opportunity to complete the review and approval process for the 2018 GAAMPs. He reminded the Commission the Right to Farm (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 today Commissioners have the opportunity to ask questions and ultimately make a decision about each of the eight GAAMPs as presented. Each GAAMP can be approved individually, or they can be approved as a group. The Site Selection GAAMP will be considered separately in the next agenda item.

Staff contacted each of the eight respective GAAMP committee chairs in April and there were several meetings among those committees. He emphasized how much he appreciates the hard work of each of the GAAMP Task Force Committees and chairs. The thoughtfulness with which the Site Selection Committee worked their way through the odor model is a great example of the type of work going on every year in each of the GAAMP's processes. This is a significant effort that is added to their already busy workloads.

A Public Input meeting was held November 29, 2017, and one person presented a letter of comment. There were several other written comments received via email and all were considered by the GAAMPs Committees and posted on MDARD's website.

Mr. Tirrell advised, outside of the Site Selection GAAMP, the GAAMP with the most proposed changes is the Care of Farm Animals GAAMP. Many of the changes proposed are similar in each of the species sections, including correcting technical writing errors, updating instruction on the transportation of unfit animals (except aquaculture and bees), and adding organic production statements in the healthcare sections (except aquaculture and bees). The dairy cattle chapter includes updated production numbers from the U.S. Department of Agriculture (USDA). Language was inserted into the section on rabbits regarding handling and transporting. And lastly, members on the Task Force were updated.

Commissioner Montri suggested with the addition regarding conventional and organic production, during the next conversation of the Care of Farm Animals Task Force this be further discussed, because often producers view that as a continuum and language could be added to ensure it pertains to producers not identifying in one of those categories. Mr. Johnson advised this would be communicated to the Task Force Chair Dr. Swanson.

Commissioner Montri referred to page 61 of the Care of Farm Animals GAAMP, where "licensed veterinarian" is added, noting other references may say "practicing veterinarian." Her assumption is the GAAMP refers only to licensed veterinarians and suggested the language be clarified to create consistency throughout the document. Mr. Johnson advised this would be communicated to the Task Force Chair Dr. Swanson.

Ms. Doud advised there are eight GAAMPs and five had no proposed changes, those being the Farm Market, Irrigation Water Use, Cranberry Production, Nutrient Utilization, and Pesticide Use and Pest Control GAAMPs. The Manure Management and Utilization GAAMP had minor changes with the updating of the Task Force members.

Commissioner Montri pointed out public comment was received regarding the appropriate use of the manure application risk management index tool and she feels the Manure Management and Utilization GAAMP Task Force Committee should consider if that tool is outdated. Mr. Johnson advised he feels the GAAMP is clear about where manure can be applied in winter, but will communicate this to the Task Force Chair Dr. Safferman for the Committee's review in 2018.

Following discussion, the Commission determined suggestions made above would be recommendations for consideration by the GAAMPs Task Force Committees during their 2018 review meetings.

MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE 2018 CARE OF FARM ANIMALS AND MANURE MANAGEMENT AND UTILIZATION GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH RECOMMENDED CHANGES AS PRESENTED; AND THE CRANBERRY PRODUCTION, FARM MARKETS, IRRIGATION WATER USE, NUTRIENT UTILIZATION, AND PESTICIDE UTILIZATION AND PEST CONTROL

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH NO CHANGES AS PRESENTED. COMMISSIONER HANSON SECONDED. MOTION CARRIED.

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS) FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK FACILITIES: Jim Johnson, Division Director, Laura Doud, Environmental Engineering Specialist, and Ben Tirrell, Right to Farm Program Manager, Environmental Stewardship Division; and Dr. Dale Rozeboom, Professor, Michigan State University (MSU) Department of Animal Science, Professional Committee Chair, and Chair, Site Selection GAAMP Task Force

Mr. Johnson advised the revised OFFSET model is a significant proposed change to the Site Selection GAAMP. Dr. Rozeboom advised the revised OFFSET model is the only substantive change proposed in the Site Selection GAAMP. The issue of warm season versus whole season odor model was discussed at length by the Task Force Committee and although there is debate on the topic, the Committee felt the whole season model provides a higher degree of accuracy and provides assurance of the minimal impact.

Commissioner Meachum asked if Minnesota, who uses the whole season model, has seen any reason to abandon that practice. Dr. Rozeboom advised Minnesota has continued to use the whole season data set in their odor model tool.

Commissioner Montri asked if the Site Selection GAAMP Task Force Committee has discussed the proposed appeal process change. Dr. Rozeboom advised they met yesterday to discuss that proposal, but did not draw any conclusions. Mr. Johnson advised he spoke with Dr. Wendy Powers, the prior Site Selection GAAMP Task Force Chair, relative to having what is essentially a technical policy decision within a GAAMP, and followed that with discussion with new Chair Dr. Rozeboom. They both agreed the process is more appropriate as a Commission policy. As discussed at the November Commission meeting, the department advised recommendations would be presented in that regard.

Mr. Johnson advised the Site Selection GAAMP could be approved as is with the appeals process remaining, and later discuss the policy itself and potentially amend the GAAMP with the removal of the appeals language. For the first 10 years of the Site Selection GAAMP, the appeals process was never used. In 2010, it was exercised once. There were no other appeals until the two submitted last summer, and now the one that was considered today. The department has learned considerably about what needs to be in the process, and what is currently only a paragraph in the Site Selection GAAMP is now proposed to be a two-page appeals policy process that attempts to create additional clarity around the process itself. That policy will be addressed in the next agenda item.

Commissioner Montri agreed the intent around the appeals policy is to create a more effective process and a Commission policy approach allows the Commission to be more responsive.

COMMISSION POLICY: APPEALS FROM MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT SITE SUITABILITY DETERMINATIONS: Brad Deacon, Director, Legal Affairs and Emergency Management, and Jim Johnson,

Director, Environmental Stewardship Division

Relative to the proposed change to the Site Selection GAAMP specific to the appeal of a Site Suitability Approval Determination, Mr. Deacon advised the appeals language in the GAAMP was theoretical in nature for most of the life of the GAAMP. More experience with the process has been gained in the last six months than in the previous many years combined. This was the impetus behind the internal review. In consultation with the Attorney General's Office, the recommended changes no longer ask a scientific panel to weigh in on administrative law and a policy process. Similar to all other Commission policies that give direction and guidance to the department, this would join the one that already exists on Right to Farm and that philosophical approach to the entire program. This represents a much clearer administrative legal process and is a step in the right direction to assist the neighbors, the community, and the farmers themselves.

In response to inquiry from the Director, Mr. Deacon confirmed the Commission could adopt the policy today and revise it at any time in the future. The policy was posted in terms of an agenda item to ensure the public was aware of the consideration and have ability to comment during a Commission meeting.

In response to question from Commissioner Montri regarding identification of local units of government in the Site Selection GAAMP, Dr. Rozeboom advised broadening that definition is something the Task Force Committee will discuss during its 2018 review.

The Director asked the Task Force Committee to also consider why agriculture should be treated differently than any other business that opens. When she served on the county commission, a potential business applied to the planning commission, they did not notify the road commission or other entities. She wants to ensure we are not holding agriculture to a higher standard than other businesses.

Commissioner Kennedy asked the Commission to now consider the Site Selection GAAMP as presented. Commissioner Pridgeon advised it is hard to refute the logic behind the revised OFFSET model proposed and the improved data it provides. If we are sensitive and continue to have dialog about what constitutes nuisance, we can continue to concentrate on the responsibility to protect agriculture and its neighbors at the same time.

Commissioner Montri asked that, in addition to considering language around local units of government, the Site Selection GAAMP Task Force Committee consider the definition of high-use areas. Commissioner Meachum also asked the Committee to begin considering cumulative odor sources, especially relative to what constitutes a separate site. Dr. Rozeboom confirmed those issues will continue to be discussed by the Committee. Commissioner Pridgeon added clarity around the way in which multiple governmental agencies are interpreting what constitutes a single site versus a multi-site and a new or an expanding site should be considered to create a commonality to prevent confusion between MDARD and the other agencies also engaged. Dr. Rozeboom pointed out that MDEQ is at the table during MAEAP livestock system discussions and the GAAMPs Task Force Committee meetings, and his committee will continue to do their best to work together in those ways to discuss issues.

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE 2018 SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK PRODUCTION FACILITIES WITH RECOMMENDED CHANGES AS PRESENTED. COMMISSIONER MONTRI SECONDED. MOTION CARRIED.

Commissioner Montri pointed out there is a current appeals process within the Site Selection GAAMP that was just approved, and suggested improvements be made to the proposed Commission Appeals Policy before the Commission considers its approval. Mr. Deacon noted Commission policies are not sent out for public comment; however, they are available on the department's website, and historically, almost no comments are received on them. Public comment relative to Commission policies can be received during any Commission meeting. Commissioner Montri advised she feels action should be deferred to provide clarity and transparency around the new policy.

Following further discussion relative to the proposed Commission Appeals Policy, and request from the Director for clarification on what the Commission would like to see in the revisions, the Commission requested it be revised to create improved transparency, including 1) identify specifically the various local units of government and be broader in that definition; 2) revise Section B to provide clarity that notifications to local units of government are being made on the same timeline; 3) page two, after the first sentence, add something like "MDARD RTF will seek approval from the Director or designee, Site Selection GAAMP Task Force Chair or designee, and the Commission Chair or designee prior to issuing any denial, and all Commission members will be notified of that decision;" and 4) be very clear that all documentation the Appeals Professional Review Committee will be considering needs to be submitted with the appeal.

MOTION: COMMISSIONER MONTRI MOVED TO TABLE THE PROPOSED COMMISSION POLICY NUMBER 12, TITLED APPEALS FROM MDARD'S SITE SUITABILITY DETERMINATIONS, TO THE MARCH MEETING TO INCORPORATE CHANGES AS SUGGESTED. COMMISSIONER HANSON SECONDED. MOTION CARRIED.

RECESS AND RECONVENE

Chairperson Kennedy recessed the meeting at 1:05 p.m. for a brief break. He reconvened the meeting at 1:17 p.m.

BOVINE TUBERCULOSIS ZONING ORDER: Rick Smith, Assistant State Veterinarian, and Dr. Jarold Goodrich, Assistant State Veterinarian, Animal Industry Division

Dr. Smith advised since 2012, it has been apparent to MDARD the standard Wildlife Risk Mitigation Standards were not adequate to keep farms in vicinity of Deer Management Unit (DMU) 452 from becoming infected. In 2016, there were five infected herds in the Modified Accredited Zone (MAZ). Our Memorandum of Understanding with USDA allows us to have only three infected herds in 12 months. This has led the department to consider a change in the Bovine Tuberculosis (TB) Zoning Order.

In 2017, an infected animal, genetically linked to TB in the MAZ, was found in a feedlot in Newaygo County. This is the first time we had evidence that TB was outside the MAZ since the current TB program began in 2004, which raised concern.

Over the past 21 years, 21 TB infected deer have been found in Presque Isle County. In 2016, an animal was found in a Huron County feedlot that originated in Presque Isle County and was genetically linked to deer there.

In August 2017, USDA proposed either (1) dropping the entire state of Michigan to MAZ status, or (2) dropping the MAZ to Accredited Preparatory (AP) status. There are five levels in the TB Program: Accredited Free, Modified Accredited Advance, Modified Accredited, Accredited Preparatory, and Non-Accredited. In Michigan, 95 percent of the counties are currently TB Accredited Free. There is no location in the U.S. that is Accredited Preparatory, which would require extensive testing and make it very difficult to raise cattle.

USDA's proposals would not address the underlying problem that led to having five TB affected herds in 2016. Michigan's current Wildlife Risk Mitigation (WRM) Project standards are not sufficient to keep cattle in the core disease area of MAZ from contracting TB from wildlife.

Michigan's counter proposal creates an Enhanced Wildlife Biosecurity (EWB) Area, which is slightly larger than DMU 452. There will be no changes in testing requirements or in movement requirements. Many farms outside of the core disease area of the MAZ will have two WRM inspections each year, rather than just one winter inspection.

The main focus of the proposed zoning order is to improve biosecurity on the approximately 130 cattle farms in the core disease area of the MAZ, which will include assessment by an EWB Team and implementation of a biosecurity plan. It also includes removal of deer living on cattle facilities. Further surveillance testing in Cheboygan and Otsego Counties will be suspended. There will be no change in the testing of all eligible herds in Presque Isle over a three-year period; however, on-farm biosecurity in Presque Isle County will be improved. All farms wishing to sell cattle commercially in Presque Isle County must be Wildlife Risk Mitigated by September 1, 2018, and most farms will be inspected twice a year.

Toward EWB efforts, the Michigan Legislature has provided \$980,000 to help cost-share projects that address high risk concerns. Farms that have had an EWB assessment are eligible to participate. Cost-share is 75:25 and the farmer's cost can be accepted as 'in kind' material or labor (at a rate of \$22 per hour).

The Zoning Order process includes three public meetings in the MAZ January 16-18, 2018; two public meetings in Presque Isle January 23, 2018; the Commission of Agriculture and Rural Development meeting January 24, 2018; publishing a summary of zoning order changes in the MAZ and in Presque Isle newspapers in late January; and the Director signing the Zoning Order in March or early April.

In response to inquiry from Commissioner Hanson, Dr. Smith advised they have heard nothing to date from USDA in response to the counter proposal. The Director advised she has a meeting with Kevin Shea, Administrator of USDA's Animal and Plant Health Inspection Service (APHIS), next week while she is in Washington, D.C., and she is hoping to hear something after that meeting. Dr. Smith confirmed the program is moving forward with the proposal to help improve the situation in Michigan and the Michigan Department of

Natural Resources (MDNR) is cooperating with MDARD by coordinating deer removal on farms that enter into agreement, in particular removing deer that been habituated. MDNR has moved some of that venison into food banks, where it is very appreciated.

Commissioner Pridgeon asked about anticipated compliance on the 130 cattle farms in the core disease area of the MAZ. Dr. Smith advised through the voluntary effort over the last two years, 55 farms requested evaluation, and six have completed everything needed. With the cost-share program now being available, they expect activity in the program to increase considerably. The farms will be given until the end of 2019 to complete their biosecurity practices, which will logistically provide the time required.

MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT STRATEGIC ACTION PLANS and FOOD SAFETY MODERNIZATION ACT UPDATE

MOTION: COMMISSIONER MONTRI MOVED TO DEFER THE STRATEGIC ACTION PLANS AND FOOD SAFETY MODERNIZATION ACT AGENDA ITEMS TO THE MARCH COMMISSION MEETING. COMMISSIONER MEACHUM SECONDED. MOTION CARRIED.

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

Mr. Anastor advised two projects for the Food and Agriculture Investment Fund Program are being presented for Commission consideration today. The first is an aquaponics project in West Michigan. The CEO of that company, Always Local, LLC, is Trip Frey and he is here today. Also here is Rick Chapla, Vice President of Strategic Initiatives for The Right Place, which is the regional economic developer in that area.

Mr. Frey advised they are building a cutting-edge commercial aquaponics farm, which will be a two-acre facility growing leafy greens in a Venlo style glass greenhouse. The nutrients to grow this salad mix will come from aquaculture. Fish are raised in above-ground tanks and their waste is converted by healthy natural bacteria into nutrients for the plants. The driver for the business is the plants, and their team is very excited about the project. They have excellent investors and their goal is to provide healthy, nutritious, fresh leafy greens to fellow citizens in West Michigan, and potentially beyond. Currently, most of the lettuce we eat in our country comes from California and Arizona. This project eliminates all of that transportation, as well as waste in stores because of the longer shelf life of their product. On a high level, they hope to be an example for future methods of farming and how producers can continue to grow food locally.

Mr. Chapla advised this project is located in Gaines Township, an area experiencing considerable urban growth, and this project represents an effort at preserving farmland, and is a unique agri-business and food processing opportunity. It also advances a strategic initiative of The Right Place, which is the growth of agri-business and food processing. The Right Place also believes this project is consistent with the state's priorities and it has been their privilege to work with the Director and staff on cultivation of this project.

In response to questions from Commissioner Kennedy, Mr. Frey advised they have markets already established with various customers. It is evident the demand for locally-grown produce is growing and that strong indication is what drove the project. Tilapia is the

variety of fish to be raised in the beginning, with other species planned to be added in the future. Approximately 10-15 people will be employed initially.

The Director asked, why lettuce was chosen. Mr. Frey advised, in conjunction with the economics, it is a plant than can be turned over relatively quickly – when grown hydroponically, lettuce can be turned over twice as fast as when growing in soil. They do hope to expand to other crops in the future.

Commissioner Meachum proposed a Commission tour when they are up and running. Mr. Frey was very receptive to the idea, especially as an educational opportunity.

In response to question from Commissioner Montri, Mr. Anastor advised the appropriation for this fiscal year was \$4.7 million, which includes funds for performance-based grants, value-added grants, and a small amount for administration and export activity promotion. There is approximately \$3.2 million available for the Food and Agriculture Investment Fund projects that would come to the Commission for approval. Commitments have been made to other projects and he anticipates 10-20 requests being presented to the Commission this year.

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT PROGRAM PERFORMANCE-BASED GRANT OF \$50,000 FOR ALWAYS LOCAL, LLC. COMMISSIONER MONTRI SECONDED. MOTION CARRIED.

Mr. Anastor advised the second project today is for a controlled atmosphere storage (CA) facility for Hartford Farm Supply, LLC, dba Paw Paw River Produce. Jason Meachum will explain the project. Commissioner Meachum excused himself from the meeting for this discussion and vote.

Mr. Jason Meachum advised Southwest Michigan lacks sufficient storage for the apples being produced. In conjunction, there is a direct offshoot of labor issues, because packing of asparagus will begin in the May-June timeframe, that labor force will stay throughout the summer, through fall and early winter packing apples, and then in February-March, they are out of apples, and layoff of workers is required. Those workers need to be replaced, because they will find new jobs. With high-density apples being grown in Southwest Michigan, production is increasing and many of the growers are forced to send apples to other markets for packing. This CA facility is a start toward addressing that storage shortage. It will be a 105,000-bushel facility that will allow them to keep their employees year around, which equates to 30 people. They are excited about that opportunity.

In response to question from Commissioners Montri, Kennedy, and Hanson, Mr. Jason Meachum advised this new storage, although it will help, is not enough to meet the total storage demand for apples. Many apples are being placed in processing or subgrade markets. This additional storage will also increase export capabilities. They hope to capitalize on better markets to gain a better return for the growers, as well as maintain employees. With the new CA storage, apples can be stored up to one year if needed; however, their goal is to be done with apples in May to make room for asparagus and plums.

MOTION: COMMISSIONER MONTRI MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT PROGRAM PERFORMANCE-BASED GRANT OF \$75,000 FOR HARTFORD FARM SUPPLY, LLC. COMMISSIONER HANSON SECONDED. MOTION CARRIED.

LEGISLATIVE UPDATE: Matt Blakely, Director of Policy Development and Legislative Affairs

Mr. Blakely noted this is a key election year for Michigan, as a new Governor will be elected and many Senators will be term-limited. It will be an interesting year. He provided a list of bills he is monitoring and highlighted the significant ones.

Urban Agriculture Senate Bills 108-9 expect to see action soon. He anticipates revisions will be proposed, but positive results are anticipated.

Senate Bills 439-40 are Michigan Grape and Wine Industry Council related. They have moved through the Senate, and discussions around the House package (House Bills 4667-8), indicate there may be changes. As new information comes forward, he will monitor. The Governor did highlight our Grape and Wine Industry in his speech last evening.

One bill that has taken a lot of energy is Senate Bill 660 regarding crate size. As a department, we have expressed concerns regarding language which could affect industries beyond the egg-laying industry with serious unintended consequences. The Senator seems willing to find a compromise and others have been solicited for their thoughts.

House Bill 4025, the Dog Law, should see some new language introduced. An extensive workgroup is involved. Until there is a complete package addressing all concerns, the department would have a difficult time supporting even minor updates to the legislation.

House Bill 4813, dealing with tranquilizers and pentobarbital, passed the Senate Committee and contained a conflict resolution, meaning another bill was passed that may have some language in this section and was not included in this drafting of the bill. Process-wise, it needs to be returned to the House.

House Bill 4940, relative to the Dry Bean Commission, has been presented to the Governor and should be signed soon.

House Bill 5227, the potato seed legislation, has passed the House and is in the Senate. Movement is anticipated soon.

The two bills related to the Food Safety Modernization Act (FSMA) have passed the House and are in the Senate. The department has had good conversations with the Senators and it is simply a matter of scheduling the committee meeting. There will be a third part of the FSMA legislation relative to milk ordinances and we are waiting for the federal government to officially put that into effect before it can be presented to the Governor.

Commissioner Montri asked if the department has been involved in the Pollinator Protection legislative initiative. Mr. Blakely advised he had some early meetings, was presented drafts

last week, and they are being considered. Initially, MDARD agrees with the intentions, but questions whether they need to be in state law, rather than general good policies or housed at MSU. Commissioner Montri requested further conversation if there are departmental concerns, and Mr. Blakely advised he is open to doing so.

Commissioner Meachum asked for clarification on the Service Dog legislation. Mr. Blakely advised it is attempting to tighten the language that allows questions to be raised by a business around service animals. Word on the street is this practice is being abused and non-service animals are gaining access to businesses, with our main concern being restaurants and grocery stores. At this point, it is difficult to ascertain whether an animal is truly trained to be a service animal. The legislation was just recently introduced, and he has not yet received a full briefing; however, the department is investigating.

Commissioner Pridgeon asked about timeline on Senate Bill 660. Mr. Blakely advised it has passed out of Senate Committee and is on the Senate Floor. However, the Senate Majority Leader is the sponsor and will dictate if and when it moves. The department has been working in good faith with them on possible intent and potential language changes.

PUBLIC COMMENT

No public comment on non-agenda items was requested.

ADJOURN

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

There being no further business, the meeting adjourned at 2:09 p.m.

Attachments:

- A) *Agenda*
- B) *Agriculture and Rural Development Commission Meeting Minutes November 8, 2017*
- C) *Retirement Resolutions*
 - *Linda Gobler*
 - *Jean Meiner*
 - *Faye Burns*
 - *Mel Poplar*
- D) *Director Jamie Clover Adams – Issues of Interest Report*
- E) *A Revised MI OFFSET Tool: MI OFFSET 2018 Presentation*
- F) *Site Selection GAAMP Annual Review Process Re: MI OFFSET 2018*
- G) *Draft 2018 GAAMPs*
- H) *Draft Site Selection GAAMP Site Suitability Determination Appeal Language*
- I) *Draft Commission Policy No 12 – Appeals from MDARD's Site Suitability Determinations*
- J) *Update on Upcoming bTB Zoning Changes; Proposed Zoning Order; Animal Industry Act Excerpt*
- K) *Always Local, LLC, Food and Ag Investment Fund Memo*
- L) *Hartford Farm Supply, LLC, Food and Ag Investment Fund Memo*
- M) *Paw Paw River Produce Letter and Attached Illustrations*
- N) *Legislative Status – January 2018*