

MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

Meeting Held via Remote Technology

MEETING MINUTES JUNE 9, 2020

PRESENT:

Brian Pridgeon, Chair, Michigan Commission of Agriculture and Rural Development
Dru Montri, Vice Chair, Michigan Commission of Agriculture and Rural Development
Charlie Meintz, Secretary, Michigan Commission of Agriculture and Rural Development
Patricia Bergdahl, Michigan Commission of Agriculture and Rural Development
Tim Boring, Michigan Commission of Agriculture and Rural Development
Gary McDowell, Director, Michigan Department of Agriculture and Rural Development

CALL TO ORDER AND ROLL CALL

Chairperson Pridgeon advised the purpose of today's meeting is to address three of the Right to Farm Generally Accepted Agricultural and Management Practices.

On behalf of the Commission, he expressed appreciation to the department and its employees in the midst of the COVID-19 crisis for maintaining a safe food supply, including farms being able to conduct their essential business. This could not have been accomplished without the employees of the department, who went above and beyond during these uncertain times.

Today's meeting is being conducted via remote technology to protect the health of Commission members, the state, and the public due to the Coronavirus by limiting the number of people at public gatherings. He announced that all decisions today will be made by roll call vote and shared details on how the public comment period would be conducted.

Chairperson Pridgeon called the meeting of the Commission of Agriculture and Rural Development to order at 9:01 a.m. on June 9, 2020, and called the roll with Commissioners Bergdahl, Boring, Meintz, Montri, and Pridgeon, and Director McDowell present.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MONTRI MOVED TO APPROVE THE MEETING AGENDA FOR JUNE 9, 2020, WITH THE ADDITION OF ONE ACTION ITEM OF A RESOLUTION REGARDING THE SITE SELECTION AND ODOR CONTROL GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES (GAAMP) JUST PRIOR TO AGENDA ITEM NUMBER EIGHT. SECONDED BY COMMISSIONER BORING. MOTION CARRIED BY ROLL CALL VOTE.

APPROVAL OF JANUARY 22, 2020, MEETING MINUTES

MOTION: COMMISSIONER MEINTZ MOVED TO APPROVE THE JANUARY 22, 2020, MEETING MINUTES. SECONDED BY COMMISSIONER BORING. MOTION CARRIED BY ROLL CALL VOTE.

NEXT SCHEDULED MEETING

The next scheduled meeting is July 15, 2020, location to be determined.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Crystal Brummans, Hidden Creek Farms, LLC gave a summary of the ongoing lawsuit relative to her farm. The township is no longer involved, but their neighbor continues to pursue. The entire case now is based on definition of the word "site" within the Site Selection GAAMP, with the judge ruling against the farm, stating the definition is not clear. If her farm does not appeal, they will have to stop their farming practices.

Michelle Halley, Attorney for Hidden Creek Farms, explained the position of the case and how it had reached its current point. The judge reviewed several of the definitions in the Site Selection GAAMP and determined that when animals are kept on a pasture, the measurement should be made from the lot line, as opposed to from the facility as has been the Michigan Department of Agriculture and Rural Development's (MDARD) standard process for making siting determinations. They are asking that definitions be clarified to reflect how MDARD already conducts site selection determinations.

Pesticide Utilization and Pest Control 2020 Proposed Generally Accepted Agricultural Management Practices (GAAMP): Jim Johnson, Division Director, and Ben Tirrell, Right to Farm Program Manager, Environmental Stewardship Division; and Dr. John Wise, Professor-MSU Trevor Nichols Research Center, and Pesticide Use GAAMP Task Force Chair

Mr. Johnson confirmed the RTF Act defines GAAMPs as those practices defined by the Commission of Agriculture and Rural Development, stating they shall be reviewed annually by the Commission and revised as considered necessary. During the January meeting, the Draft 2020 Pesticide Utilization and Farm Markets GAAMPs were tabled and will be considered today. In addition, revisions to the approved 2020 Site Selection GAAMP will be discussed. He and Mr. Tirrell expressed appreciation to the chairs of the three Task Force Committees for their considerable effort in reviewing and revising these GAAMPs.

Dr. Wise reviewed the recommended changes to the Pesticide Utilization and Pest Control GAAMP for 2020 and answered questions from the Commissioners. In response to question from Commissioner Meintz relative to recordkeeping, Dr. Wise advised three years is required and five years is recommended. Commissioner Montri advised use of the acronym for the Department of Environment, Great Lakes, and Energy should be EGLE and needs to be corrected in several places throughout the GAAMP.

MOTION: COMMISSIONER MEINTZ MOVED TO APPROVE THE 2020 GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR PESTICIDE UTILIZATION AND PEST CONTROL WITH CHANGES AS PRESENTED AND CORRECTIONS AS DISCUSSED.

COMMISSIONER BERGDAHL SECONDED. MOTION CARRIED BY ROLL CALL VOTE.

Farm Markets 2020 Proposed Generally Accepted Agricultural Management Practices (GAAMP): Jim Johnson, Division Director, and Ben Tirrell, Right to Farm Program Manager, Environmental Stewardship Division; and Dr. Ron Goldy, Senior Extension Educator-MSU Extension and Farm Markets GAAMP Task Force Chair

Dr. Goldy reviewed recommended changes to the Farm Markets GAAMP for 2020 and answered questions from the Commissioners, noting it is a full revision to provide a more precise document. Members he added to the Task Force Committee included farmers who had successfully worked through issues with their local government entities.

MOTION: COMMISSIONER BERGDAHL MOVED TO APPROVE THE 2020 GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR FARM MARKETS WITH CHANGES AS PRESENTED AND DISCUSSED. COMMISSIONER MONTRI SECONDED. MOTION CARRIED BY ROLL CALL VOTE.

Resolution Relative to the Site Selection and Odor Control for New and Expanding Livestock Facilities 2020 Proposed Generally Accepted Agricultural Management Practices (GAAMP): Commissioner Montri

Commissioner Montri introduced a resolution relative to the Site Selection GAAMP, noting it is important for the Commission to state its opinion relative to this case, as well as the Commission's intent in the Site Selection GAAMP:

RESOLUTION IN SUPPORT OF HIDDEN CREEK FARM AND MICHIGAN'S SMALL-SCALE LIVESTOCK FACILITIES

WHEREAS, on April 6, 2020, the Muskegon Circuit Court issued an opinion in Wentworth v Witte, a case that involves Hidden Creek Farms, LLC's operations. In its opinion, the Court interpreted "livestock facility" in a manner that is inconsistent with the Generally Accepted Agricultural and Management Practices (GAAMP) for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMP) and the Michigan Department of Agriculture and Rural Development's (MDARD) standard protocols for applying the Site Selection GAAMP that have been in place for two decades.

WHEREAS, the Michigan Commission of Agriculture and Rural Development (Commission), the entity with the statutory obligation to issue the Site Selection GAAMP, has consistently defined livestock facilities as those areas where animals are confined and manure is stored. Livestock facilities do not, and never have, included vegetative pasture land. For purposes of calculating the number of non-farm residences or making Site Selection GAAMP determinations, MDARD and the Commission have never intended to use the property line as the measuring point for determining GAAMP conformance.

WHEREAS, the Commission is disappointed in the Court's opinion which is inconsistent with the Site Selection GAAMP and the Commission's intent in issuing the GAAMP.

NOW, THEREFORE BE IT RESOLVED, MDARD and the Commission will review the current Site Selection GAAMP and take necessary steps to ensure the intended

interpretation of the Site Selection GAAMP is clear moving forward and will continue to take necessary actions to support farms of all sizes.

Commissioner Pridgeon advised he signed a letter in April which stated a similar position relative to the GAAMP and this provides a formal resolution in that regard.

MOTION: COMMISSIONER MONTRI MOVED TO ADOPT THE RESOLUTION RELATIVE TO THE 2020 GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK FACILITIES AS PRESENTED AND DISCUSSED. COMMISSIONER MEINTZ SECONDED. MOTION CARRIED BY ROLL CALL VOTE.

Proposed Revisions to the Site Selection and Odor Control for New and Expanding Livestock Facilities 2020 Generally Accepted Agricultural Management Practices (GAAMP): Jim Johnson, Division Director, and Ben Tirrell, Right to Farm Program Manager, Environmental Stewardship Division; and Dr. Dale Rozeboom, Professor, MSU Animal Science Department and Site Selection GAAMP Task Force Chair

Mr. Tirrell reported the Site Selection GAAMP Task Force Committee received a number of public comments relative to the GAAMP, as well as a letter from Representative Greg VanWoerkom asking the committee to address the specific issue being discussed today and make necessary changes that would allow the department to continue the intended interpretation of the GAAMP.

Dr. Rozeboom reviewed additional recommended changes to the Site Selection GAAMP in response to communications received, focusing on the intent and history of site selection determinations for clarification and future use of the GAAMP. Mr. Tirrell clarified questions from Commissioner Meintz relative to the definition of a dry feedlot.

Following discussion, it was determined the following definitions in the GAAMP, as proposed by Commissioner Montri, should be changed to provide additional clarity:

Animal Units – Animal units are defined as listed in Table 1 of these GAAMPs.

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

Livestock Facility – Any place where livestock are kept or manure is stored regardless of the number of animals. This does not include pastureland.

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

other and under common ownership constitute a single livestock production facility.

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

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

MOTION: COMMISSIONER MONTRI MOVED TO APPROVE THE AMENDMENTS TO THE 2020 GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK FACILITIES AS RECOMMENDED BY THE COMMISSION TODAY. COMMISSIONER BORING SECONDED. MOTION CARRIED BY ROLL CALL VOTE.

Commissioner Montri suggested the use of the term “pasture land” or “pastureland” and the general structure of the definitions should be consistent throughout the GAAMP. Dr. Rozeboom advised the Task Force Committee will consider those suggestions during future discussions. In response to question by Commissioner Boring, Dr. Rozeboom advised any additional clarifications, as brought to their attention, would also be discussed by the committee in the future.

MOTION: COMMISSIONER MEINTZ MOVED TO APPROVE THE REVISED 2020 GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK FACILITIES AS PRESENTED. COMMISSIONER MONTRI SECONDED. MOTION CARRIED BY ROLL CALL VOTE.

ADJOURN

MOTION: COMMISSIONER MEINTZ MOVED TO ADJOURN THE MEETING. COMMISSIONER BERGDAHL SECONDED. MOTION CARRIED BY ROLL CALL VOTE.

There being no further business, the meeting adjourned at 10:16 a.m.

Attachments:

- A) *Agenda*
- B) *Agriculture and Rural Development Commission Meeting Minutes January 22, 2020.*
- C) *Pesticide Utilization and Pest Control Draft 2020 Proposed GAAMP.*
- D) *Farm Markets Draft 2020 GAAMP.*
- E) *Resolution regarding Site Selection GAAMP.*
- F) *Proposed revisions to 2020 Site Selection GAAMP.*